**PROCUREMENT PROTEST POLICY**

The purpose of this policy is to establish a consistent, equitable process for receiving, reviewing, and responding to protests from Bidders and Offerors involved in the procurement process.

This policy applies to all protests concerning any of the following solicitations conducted or facilitated by the (name of entity):

Requests for Proposals (RFP’s)

Requests for Qualifications (RFQ’s)

Requests for Information (RFI’s)

Negotiated Bids or Bids

The remedies provided by this policy apply only to individuals or entities that directly participated in the solicitation process, specifically, Bidder or Offerors.

**DEFINITIONS:**

Award Notification: The official notification from the (name of entity) to the bidder selected by the (city)(district) as a result of the solicitation processes listed above.

Bidder: Any person or entity that responds to an invitation to bid.

Bid: All of the types of solicitations listed above.

Close of Business: Time by which protests must be filed with the (city)(district). Such time is set by the (city)(entity) and it is the responsibility of the protestor to contact the (city)(district) to determine the time.

Offeror: A person or entity that responds to solicitations listed above.

**PROTEST PRIOR TO BID DUE DATE:** After a bid is released, but before the bid due date as defined in the solicitation, a Bidder of Offeror may submit a written letter of protest on the grounds the bid specifications are:

1. Inadequate
2. Unduly restrictive
3. Ambiguous

**PROTEST AFTER AWARD IS RECOMMENDED BUT BEFORE CONTRACT AWARD:** After bids are accepted and an award recommendation is made to the governing body for approval, but before approval of a contract for services, a Bidder or Offeror may submit a written letter of protest. The written letter of protest must set forth one of the following bases for the protest:

1. Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.
2. Contrary to constitutional right, power, privilege, or immunity.
3. In excess of statutory jurisdiction, authority, or limitations, or short of statutory right.
4. Without observance of procedure required by law.
5. Unsupported by substantial evidence that may include, but is not limited to:
   1. A technical or mathematical mistake or error occurred during the evaluation process.
   2. There is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith; or
   3. An Offeror was not accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

**DEADLINES:**

1. Bid specification protests: A letter of protest must be received by the soliciting entity by the close of business ten (10) business days prior to the due date for bid response.
2. Bid Award Recommendation Protests: The letter of protest must be received by the soliciting entity by close of business within five (5) days after the date of award recommendation.

LETTER OF PROTEST REQUIREMENTS:

A protest must:

1. Be specific as to which bid is the subject of protest.
2. Must indicate, with specificity, the grounds for the protest.
3. Must be received within the time limits defined above.
4. Must include a return address and contact information of the Bidder/Offeror; and
5. Must be submitted via email to the soliciting entities email address as defined by the soliciting entity OR delivered in person to the soliciting entity at the official office of the entity within normal business hours.

Letters of protest that do not meet all five (5) of the requirements above will be rejected.

RESPONSE TO PROTESTS:

All protests will be reviewed and acted upon by the governing board of the entity within five (5) business days after the deadline for submitting protests. The decision of the board will be provided to the protestor in writing within two (2) business days following the decision. The decision of the governing board is final.

If a protest is received for a bid award, the award will be delayed until the board has reviewed the protest and made a final decision regarding the protest.