

1.0 PROTESTS AND APPEALS PROCEDURE

Protests of the specifications of any bid must be made in writing to the Buyer prior to the time of the bid opening. The Buyer will consider the item and the bid opening will proceed as scheduled or be rescheduled, as determined by the Buyer. After the bid opening, any actual or prospective bidder, offeror, vendor or contractor (bidder) who is aggrieved in connection with the specifications may appeal the decision of the buyer to the Purchasing Manager. Only those protests made in writing to the Buyer prior to the bid opening may be appealed. The Purchasing Manager will render a decision within five (5) working days.

Once the Purchasing Manager has rendered a decision, a Notice of Intent to Award will be published on the Purchasing Web site. Bidders who wish to protest the award may file a written protest with the Purchasing Manager. This protest must be in writing, must state the grounds for the protest, and be received by the Purchasing Division within five (5) working days of the publication of the Notice of Intent to Award. The Purchasing Manager will consult with the Director of General Services and render a decision within five (5) days of the receipt of the protest.

If an aggrieved party is not satisfied with the Purchasing Manager's decision on either a protest of specifications or of the award (separate from protesting the specifications), an appeal may be made to the County Executive Officer (CEO). The protest shall be submitted in writing to the (CEO) within five (5) working days after the Purchasing Manager's decision.

1.1 The County Executive Officer

The CEO shall issue a written decision within ten (10) working days after receipt of the protest. The County Administrator may schedule an interview with the aggrieved party. In such case, the (CEO) shall issue a written decision within ten (10) working days after the interview. The written decision shall:

- (a) State the reason for the action taken;
- (b) Inform the protestant that a request for further administrative appeal of an adverse decision must be submitted in writing to the Clerk of the Board of Supervisors within seven (7) working days after mailing of the decision by the CEO.

1.2 Board of Supervisors

If so requested as set forth in Section 1.2(b) above, the Clerk of the Board of Supervisors shall schedule the appeal for hearing by the Board of Supervisors within 20 working days from the date of receipt of the appeal. The Appeal will be heard at a regularly scheduled meeting of the Board of Supervisors.

- (a) Once the Clerk of the Board has scheduled the appeal hearing, the Clerk of the Board shall give written notification thereof to the appellant by personal or mail service not less than ten (10) working days prior to the date of the hearing.
- (b) At the hearing, the appellant shall present any factual evidence it desires the Board to consider in ruling on the protest.

- (c) At the conclusion of the hearing, the Board of Supervisors may grant the appeal by majority vote. In all other cases, the appeal shall fail. The Board may direct the preparation of written findings.

1.3 Stay of Purchasing Action During Protest

In the event of a timely appeal before the Board of Supervisors under this Section, the County shall not proceed further with the solicitation or with the award of the contract until the appeal is resolved unless the General Services Director makes a determination that the award of the contract without delay is necessary.

1.4 Remedies

If a protest or appeal is granted, then the solicitation or proposed award, at the County's discretion, shall be either:

- (a) Canceled, or
- (b) Revised to address the issues raised in the protest or appeal.