PROTEST PROCEDURES

The Procurement Lead / Contracting Officer will send an email advising of the recommended vendor / consultant / contractor to all Proposers informing each of the proposal(s) that was/were selected and/or deemed to be a finalist. A proposer whose proposal was not selected or not deemed to be a finalist may file a written protest within five (5) business days of issuance of this email.

A. Filing a Protest

The protest of an award must be in writing. The following must be written on the cover of the protest: “Protest Relating to [SOLICITATION NUMBER].” The written protest and all supporting documentation must be emailed to the designated Procurement Lead / Contracting Officer so that it is received no later than 5 p.m. of the fifth business day after the email notifying proposers of the County’s recommendation to award. Any protests not received by the deadline or sent to any person other than the designated Procurement Lead / Contracting Officer may be rejected or dismissed by the County in the County’s sole discretion. A business day shall be defined as Monday through Friday 8:00 a.m. to 5:00 p.m. except for County holidays.

B. Contents of Protest

The written protest must contain the following information: (1) the name, street address, electronic mail address, and telephone and facsimile number of the protester; (2) signature of the protester or its representative; (3) clearly state the grounds for the protest as set forth below and the evidence and/or credible allegations supporting each ground; (4) copies of any relevant documents; and (5) the form of relief requested. Protests should be concise and logically arranged. The protester may not present any additional grounds or arguments for protest after submission unless requested by the County. All protest documents are considered a public record.

C. Grounds for Protest

Protests may only be based on one or more of the following grounds, and must be supported by evidence and/or credible allegations that the award recommendation is based on arbitrary and/or capricious actions, as follows:

a. The protester believes there was an error made by County officials or evaluation team members. A difference of opinion regarding the scoring or points to be awarded to a proposal in any or all categories does not constitute an error for protest purposes.

b. The protester believes there was misconduct or impropriety by County officials or evaluation team members.

c. The protester believes there was abuse of discretion or process by County officials or evaluation team members.

D. Protest Resolution Process

a. Informal Review and Resolution by Department
   The Director of the issuing Department will review a timely protest and attempt to informally resolve it. The Director or designee may use all available resources and
information, including soliciting information from, and revealing information to, other entities or sources in its attempt to informally resolve the protest.

If this attempt at informal resolution is unsuccessful, this shall be communicated to the protester. The protester may, within two business days, request that the protest be forwarded to an independent review officer (IRO). Upon receiving such a request, the County shall forward the protest to the IRO, notify the protester, and provide the IRO’s contact information to the protestor.

b. **Formal Review by IRO**
   The IRO shall conduct an independent review of the protest to determine whether the grounds for the protest have merit. The IRO may use all available resources and information, including soliciting information from, and revealing information to, other entities in its attempt to resolve the protest. The IRO may also contact the protester or Agency/Department, or conduct a hearing as needed or if required by law.

**E. IRO Decision**

The IRO will issue a written decision to the protester and the Department within **20 business** days of receiving a protest. However, the time for decision may be extended by the IRO. The decision of the IRO may be appealed to the County Executive Officer by either the protester or the county official responsible for the procurement of the goods and/or services within two (2) business days of the issuance of the decision. The County Executive’s decision regarding the protest shall be binding upon the parties unless otherwise provided by state law.

**F. Remedies**

The remedies available pursuant to these procedures may include, but are not limited to, the reevaluation of proposals by the same or a new evaluation committee, or the rejection of a solicitation. However, no remedy may require the County to execute a contract with any entity, which authority is solely reserved for the Board of Supervisors or an official with appropriate delegated authority.