

Section 3.7: Supplier Protests

Section Summary

Suppliers have the right to formally protest a solicitation in the event that they believe the purchase to have been made unfairly or in violation of any rule or requirement outlined in State or City law. Protests can be made pertaining to any aspect of the solicitation, evaluation, or selection process. Action can be initiated by any potential bidder or actual bidder associated with the procurement process.

Policy and Procedure

Policy

Suppliers have the right to protest any aspect of the solicitation, evaluation, or selection process of a City procurement. All supplier protests must be submitted in writing within 5 business days of the bid solicitation, bid due date, and/or award of a City procurement. The Chief Procurement Officer (CPO) or Deputy CPO has the sole authority to respond to and act upon supplier protests.

Procedure:

City staff must take the following steps in order to carry out this policy:

1. Suppliers must proactively raise concerns, which could ultimately lead to a protest, to the Contracting and Procurement Specialist (CPS). The CPS must answer all questions from the supplier and provide them with all relevant information within a reasonable timeframe based on the magnitude of the request.
2. In the event that a supplier seeks to file a formal protest, the supplier submits the following information in writing to the CPS:
 - a. Contact information of the protester (name, business name, address, phone, and email)
 - b. Bid number
 - c. A description of the specific law or guiding provision the City is alleged to have violated
 - d. A statement of relevant facts
 - e. Identification of the proposed action to be taken and rationale
3. The CPS transmits the request to the CPO or Designee.
4. The CPO and the department representative reviews the protest documentation and renders a response to the protestor within 10 business days. The CPO and/or Deputy CPO retains full authority to adjudicate all supplier protests.
 - a. If the CPO finds that an error was made, an OCP representative shall notify bidders and carry out the steps outlined in the protest response, as appropriate.
 - b. If the CPO finds that no error was made, an OCP representative shall notify the protestor individually with the decision.

Supplier Protest

