



# Purchasing and Fleet Services

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Central Mail ★ Fleet Services ★ Purchasing ★ Supply Services

## **Protest Procedures for Solicitations County Purchasing Policy**

The Board of Supervisor's delegated authority to the Purchasing Agent, via County Ordinance 459 (current revision) to purchase, contract, procure supplies and equipment, furnishings, fixtures, rent all materials and contract for all other personal property for use by departments, districts or agencies of Riverside County.

With limited exceptions, solicitations conducted under the statutory authority of the Purchasing Agent are normally best value or price-based with the resultant award being made to the lowest, most responsive/responsible bidder that fully meets and complies with all of the specifications and requirements of the solicitation.

The Purchasing Agent's designee, Compliance Contracts Officer, shall be responsible for the review and disposition of any protest of a bid solicitation conducted under the statutory authority of the County Purchasing Agent. Through the procurement process a vendor does have the right to protest if bypassed an award, however the protest must be a legitimate request.

### **Review of Solicitation Requirements and Specifications**

A vendor may seek a review of the solicitation requirements and/or specifications by written request to the Procurement Contract Specialist/Buyer conducting the solicitation provided that the written request is received prior to the timeline specified in the solicitation deadlines. If a potential bidder finds issues contained in the solicitation that may result in a protest it is incumbent upon the potential bidder to contact the Procurement Contract Specialist/Buyer responsible for the solicitation as soon as possible to express their concerns.

Please note that the Public Records Request does not apply to contracts or bids that may still be in the evaluation process, and no recommendation for award has been determined. The vendor must follow the County's Public Records Request policy that is available online at: [www.Purchasing.co.riverside.ca.us](http://www.Purchasing.co.riverside.ca.us).

## **Bid Protest Procedure**

1. Upon a determination of vendor selection from a bid process, the Purchasing Agent's designee, Procurement Contract Specialist/Buyer will post a "Notice of Intent to Award" on the County's bid website.
2. Non-selected vendors will have five (5) business days from the date the award notice is posted to file a formal bid protest with the Compliance Contracts Officer and the Procurement Contract Specialist/Buyer who conducted the solicitation via email. This appeal shall be delivered by the vendor in writing through e-mail, follow up letterhead, and include the specific facts, circumstances, reasons, and/or basis for the protest. (Please note that the emails of the Compliance Contracts Officer and the Procurement Contract Specialist/Buyers can be found at [www.purchasing.co.riverside.ca.us](http://www.purchasing.co.riverside.ca.us)).
3. Bid protests must be filed prior to the award of contract or purchase order issued. Upon execution of the contract or purchase order to the selected vendor, the Compliance Contracts Officer will not take action on a bid protest if not received during the solicitation period.
4. If a vendor bid protest is appropriately filed (i.e., prior to the award) the Compliance Contracts Officer may delay the award of a contract or purchase order until the matter is resolved. There are, however, situations where the delay of an award may not be in the best interest of the County due to emergency and/or time critical acquisitions such as at the end of the County's fiscal year or grant funding requirements. In these instances, the County has no obligation to delay or otherwise postpone an award of a purchase order or contract based on a vendor protest. In all cases, the County Compliance Contracts Officer reserves the right to make an award when it is determined to be in the best interest of the County of Riverside to do so.
5. The Compliance Contracts Officer may refer a protest of a technical nature to the requisitioning County department for further clarification, and will prepare a response to the protesting vendor, advising them of the pending action(s), and when a formal response can be expected.
6. **Application of this Policy:** This policy shall apply toward those solicitations that were processed through the Purchasing Department and its designees.
7. **Exceptions:** Regarding solicitations that were not processed through the Purchasing Department or its designees, the vendor must make an appeal to the entity that issued the procurement. This may apply to Special Districts, Commissions, Housing Authority, County Service Areas, and other such entities that have the authority to make award decisions. These governing bodies may render an award if it is in the best interest of program delivery.

## **Protest Form and Content**

All protests shall be in writing and state that the bidder is submitting a formal protest, and the protesting vendor is responsible to assure the protest is received within the protest deadlines. If the County does not receive the protest within the specified deadline, the protest will be rejected.

**The mailing address for all protests:**

County of Riverside Purchasing and Fleet Services  
Attention: Compliance Contracts Officer  
2980 Washington Street  
Riverside, CA 92504-4647

Include the following information in the protest letter. Failure to provide the following information could result in rejection of Vendor's protest:

1. Company name, mailing address, phone number, and name of company individual responsible for submission of the protest.
2. Please provide an email address for communication, clarification, and disposition of the pending protest.
3. Specify the County Bid Number, title and close and proposed award date of the solicitation.
4. State the specific action or decision protested.
5. Indicate the basis for the protest.
6. Indicate what relief or corrective action you believe the County should make.
7. Demonstrate that every reasonable effort was made within the schedule provided, for you to resolve the basis of the protest during the process, including asking questions, seeking clarification, requesting addenda, and otherwise alerting the County to any perceived problems.
8. Protest letter must be signed by an authorized agent of the company.

**Grounds for Protest**

A formal protest must contain the following to be considered:

1. A specific identification of the statutory or regulatory provision(s) that the alleged action is in violation.
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s).
3. A precise statement of the relevant facts, and identification of the issue or issues to be resolved.
4. Complaints about events or decisions made before the solicitation deadline.
5. Complaints that the solicitation unduly constrains competition through improper minimum qualifications or specifications.
6. Complaints that the pre-bid conference was not fair or accessible. (Please note that bidders must attend in person all mandatory pre-bid conferences).
7. Complaints those questions were not fully or properly addressed by the Procurement Contract Specialist/Buyer.
8. Complaints that the Request for Proposal/Quote/Qualification did not provide adequate information or contained an improper criterion.
9. Other matters known or that should have been known, to interested bidders by reading the solicitation document.

## **Protest on items known after bid deadline**

After the bid closing deadline, only vendors that submitted a bid are eligible to protest.

## **Inquiry or Intention does not constitute a Protest**

Notice of an intention to protest does not substitute for filing of a protest following the form and content required within the deadlines stated. Further, casual inquiry or complaint that does not specifically identify the purpose as a protest, and does not comply with the form, content and deadlines herein, are also not considered or acted upon as a protest action.

## **Protest Deadlines**

Protests must be received in the County of Riverside Purchasing Office via email with a formal letter no later than 4:00 p.m. Pacific Time five (5) business days after the date the Request for Proposal/Quote/Qualification award notice is posted on the Riverside County Purchasing web page under "Bid Results." Protests received after the time specified are untimely and may be denied on that basis unless the County concludes that the issue/s raised by the protest involve fraud, gross abuse of the procurement process, or indicate substantial prejudice to the integrity of the procurement process.

The County Procurement Contract Specialist/Buyer shall make efforts to distribute the announcement to the affected bidder(s), such as posting on the County's website. However, it is the Bidder's responsibility to seek out and obtain the announcement from the County website. The County is not responsible for assuring the Bidders have learned of the announcement in time to file a protest.

## **Protest Appeal Process**

The Compliance Contract Officer will review the protest. All available facts will be considered and the Compliance Contract Officer shall issue a decision. This decision shall be delivered in writing by e-mail (will be followed up with a hard copy), or mail the notice to the protesting bidder within thirty (30) days of confirmed receipt.

If the Protesting party believes the Compliance Contract Officer has failed to consider a fact and has made an error in the protest decision, the protesting bidder has a right to appeal that decision to the County Purchasing Agent/Director.

The appeal is limited to only those matters brought forward to the County in the original protest. The appeal must clearly state why the Compliance Contract Officer's decision is in error. The protesting bidder shall issue a Protest Appeal Statement by 4:00 PM (Pacific Time) by the fifth (5th) business day following issuance of the Compliance Contract Officer's decision. This appeal shall be delivered by the Protesting vendor, in writing through e-mail (must be followed up with a hard copy) or mailed notice to the County Purchasing Agent/Director.

The Purchasing Agent/Director will evaluate the appeal and issue a written decision within thirty (30) days of confirmed receipt. The Purchasing Agent/Director decision is final. Nothing herein shall diminish the authority of the County of Riverside to enter into a contract, whether a protest action or intention to protest has been issued.