



City of Torrance, Purchasing Division Bid/Request for Proposal Protest Procedures

Subject:

BID/RFP PROTEST PROCEDURES

Sections:

010 - Definitions.

020 - Applicability.

030 - Grounds for protest.

040 - Standing to protest.

050 - Content of bid protest.

060 - Filing bid protest.

070 - Time for bid protest.

080 - Copy of bid protest to low bidder.

090 - Bid protest evaluation.

100 - No hearing on bid protest.

110 - Sustaining of bid protest.

120 - Decision on bid protest.

130 - Time for City decision re bid protest.

140 - Stay of award of contract.

010 - Definitions.

Bid protest means a protest filed against a notice inviting bids or request for proposals.

020 - Applicability.

Any notice inviting bids or request for proposals may be the subject of a bid protest under this procedure.

030 - Grounds for protest.

Grounds for bid protests shall be limited to computation errors, or violations of local, state, or federal law relating to the determination of the lowest responsible bidder.

040 - Standing to protest.

Any person or entity that submitted a bid or proposal may file a bid protest under this procedure. An individual or entity may not file a bid protest on behalf of an individual or entity that the protestor is not directly affiliated with. An interested trade association, or industry group, may file a bid protest under this procedure provided that the trade association or industry group identifies in its bid protest the basis of its interest in the notice inviting bids or request for proposals being protested.

050 - Content of bid protest.

Bid protests must be submitted in writing. Oral, facsimile, and e-mail bid protests will be rejected. Bid protests must be complete at the time of submittal; the bid protest may not be supplemented after submittal. Bid protests must identify the notice inviting bids or request for proposals being protested by name and number. Bid protests must identify the grounds for the protest and must state all factual and legal grounds for the protest; an individual or entity may not submit more than one bid protest for a notice inviting bids or request for proposals. Bid protests must include copies of all documents forming the basis for the protest. Bid protests must be signed by the person submitting the protest.

060 - Filing bid protest.

Bid protests must be filed at the City Clerk's Office.

070 - Time for bid protest.

a) Protests of the notice inviting bids or request for proposals process, specifications, or terms and conditions of the solicitation must be submitted to the City Clerk's Office by 5:00 p.m. at least five calendar days prior to the notice inviting bids or request for proposals submittal deadline. Bid protests received after this time and date will be rejected as untimely. If the fifth calendar day falls on a closed Friday, Saturday, or Sunday, then the bid protest must be filed on Monday by 5:00 p.m. If the fifth calendar day falls on a holiday observed by the City of Torrance, then the bid protest must be filed the next day by 5:00 p.m.

b) Protest of the intended award must be made no later than five calendar days after the notice inviting bids or request for proposals results are posted. Posting of the notice inviting bids or request for proposals results on the City's website constitutes notice of the City's intent to award to the lowest responsive bidder. Bid protests must be filed by 5:00 p.m. of the fifth calendar day after the posting of the bid results. Bid protests

received after this time and date will be rejected as untimely. If the fifth calendar day falls on a closed Friday, Saturday, or Sunday, then the bid protest must be filed on Monday by 5:00 p.m. If the fifth calendar day falls on a holiday observed by the City of Torrance, then the bid protest must be filed the next day by 5:00 p.m.

080 - Copy of bid protest to lowest responsible bidder.

A complete copy of the bid protest shall be provided by the party filing the bid protest to the lowest responsible bidder identified in the posting of the notice inviting bids or request for proposals results being protested; the bid protest copy shall be provided at the same date and time as is required for filing the bid protest.

090 - Bid protest evaluation.

City's evaluation of bid protests will be made by the City Manager or the City Manager's designee, in consultation with the City Attorney's Office.

100 - No hearing on bid protest.

No hearing will be held on bid protests; evaluation of bid protests will be made solely upon the written documentation submitted.

110 - Sustaining of bid protest.

A bid protest will be sustained if the City Manager or the City Manager's designee, determines there has been a computation error or a violation of law that alters the bid results.

120 - Decision on bid protest.

After evaluating the bid protests, the City Manager or the City Manager's designee, shall issue a written decision sustaining or denying the bid protest(s). The written decision on the bid protest(s) shall contain a statement of the reason(s) for sustaining or denying the bid protest. The decision of the City Manager or the City Manager's designee, shall be final.

130 - Time for City decision re bid protest.

City's decision re bid protests shall be in writing and shall be communicated to the protesting bidder(s) via U.S. Mail, by 5:00 p.m. of the fifth business day after the deadline for submittal of bid protests.

140 - Stay of award of contract.

The contract for the notice inviting bids or request for proposals that is the subject of one or more bid protests shall not be awarded until after the City's decision re the bid protest has been communicated to the protesting bidder(s).