

## **Bid Protest Procedure for Supplies or Non-Professional Services**

*Pursuant to City of Sacramento Administrative Policy AP-4001 v1.2 "Procurement of Supplies", Section 11, or AP-4101 v1.2 "Non-Professional Services", Section 9. Adopted by Resolution 2010-084.*

### **CONTRACTS OF MORE THAN \$5,000 AND LESS THAN \$250,000**

- (a) Only a bidder may file a bid protest on a contract.
- (b) A bidder on a contract may file a bid protest for the following reasons:
  - 1. Claiming that one or more bidders on the contract should be disqualified or rejected for any reason;
  - 2. Contesting a City staff recommendation to award the contract to a particular bidder; or
  - 3. Contesting a City staff recommendation to disqualify or reject one or more bidders on the contract.
- (c) The bid protest shall be in writing and shall be filed with the Contracts Manager **not later than five working days** after City staff provides notice of the recommended contract award to the bidders. The bid protest shall:
  - 1. Provide the name, address, telephone/telecopier numbers of the protesting bidder;
  - 2. Identify the contract to which the bid protest pertains, including the contract number and date that bids for such contract were received by the City;
  - 3. Identify the City department or division requesting bids; and
  - 4. Identify and explain the factual and legal grounds for the protest and shall include and attach any written materials that the protesting bidder wishes to have considered in determining the protest.
- (d) At the time a bid protest is filed, the protesting bidder also shall make payment to the Contracts Manager of a bid protest fee which shall be used to pay the City's costs of processing the protest. **The fee amount is established by resolution of the City Council, and is currently \$750.**
- (e) Any bid protest that is received by the Contracts Manager after the time period specified above, or that is not accompanied by the bid protest fee, shall be untimely and invalid, and shall not be considered.
- (f) The protesting bidder and any other bidder(s) potentially affected by the bid protest shall be provided written notice of an informal hearing to be held not less than five working days after receipt of the bid protest. The hearing shall be conducted by the Director of the Department requesting bids or his or her

authorized designee. The protesting bidder and any other bidder on the contract shall promptly provide any information requested by City staff prior to the informal hearing.

- (g) As soon as practicable after the informal hearing, the Department Director or authorized designee shall issue a written response to the bid protest, including an explanation of the reason or reasons for the decision made. The written response shall be provided to the protesting bidder and any other bidder(s) potentially affected by the bid protest.
- (h) Any bid protest, notice or bid protest response provided by or to the City shall be provided by registered or certified mail (return receipt requested), by telecopy, by personal delivery or by any other method that provides reliable evidence of the date of receipt. Written notice provided by telecopy shall be deemed received on the date that it is transmitted, and transmission is confirmed by the transmitting machine. Written notice provided by personal delivery shall be deemed received on the date of delivery.

**CONTRACTS OF \$250,000 OR MORE**

- (i) The bid protest procedures specified in (the section above) also shall apply to contracts of \$250,000 or more, provided nothing specified in this section shall limit or otherwise affect the City Council's discretionary authority to accept, reject or modify the bid protest response issued by the Department Director or authorized designee or take any other action authorized under the City Charter or City Code.
- (j) The above subsection shall not apply in cases where the Invitation for Bids provides that bid protests shall be filed in accordance with the provisions of Article X of Chapter 3.60 of the Sacramento City Code (commencing with City Code Section 3.60.460).