



County of Los Angeles
Countywide Construction Policy Guidelines

BID PROTESTS

P-05-04

Final

August 1, 2001

These guidelines are intended to provide general information only. The rights and obligations of any party contracting with the County will be determined in accordance with the terms of the applicable contract and applicable law.

Originator:	Original Issue: Date:	Revision Date:
Approved by:	Approved by:	

County of Los Angeles All County Departments/Divisions	CONSTRUCTION CONTRACTING POLICY GUIDELINE	Number: P-05-04 Version: Final 8/1/01 Page 2 of 3
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BID PROTESTS

I. Policy Overview

The County of Los Angeles will process bid protests in a timely and consistent manner to assure that all prospective contractors are accorded fair and equal consideration for the award of County contracts.

II. Purpose and Scope

The purpose of this Policy Guideline is to convey the County's general course of action for addressing bid protests asserted by prospective contractors. This guideline will address the administrative guidelines for protests arising from the acquisition of construction and construction-related services under both the Invitation for Bid (IFB) and Request for Proposal (RFP) methods of solicitation.

III. Application and Responsibility

This Policy Guideline applies to all County departments involved in the contractor selection process for construction and construction-related contracts.

IV. Policy Guidelines

- A. Introduction.** Protests received by the County before contract award shall be immediately forwarded to the contract administrator issuing the IFB or RFP. The contract administrator will prepare a written response, reviewed by Counsel if necessary, and approved by the department/agency head or his/her designee.
- B. Timely Filing.** The protest of a likely contract award to the apparent lowest bidder (IFB) or best-qualified firm or consultant (RFP) must be made prior to contract award. Untimely notice will not serve the interests of either party. Protests should be received by the County at the earliest practical time.
- C. Post-Award Protests.** With respect to protests received after contract award, the County will not suspend contract performance or terminate the awarded contract unless so directed by the Board.

County of Los Angeles All County Departments/Divisions	CONSTRUCTION CONTRACTING POLICY GUIDELINE	Number: P-05-04 Version: Final 8/1/01 Page 3 of 3
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D. Protest Format. The protesting party's protest should reference all pertinent County, State, Federal, or local laws or regulations that are relied upon in support of the protest. Any documents relevant to the protest should be submitted. The County, at its discretion, may decide the protest without requesting further submittal(s) from the party submitting the protest. Thus, the initial protest should include all matters that the party wishes the County to consider in deciding the protest outcome. Such matters include, but are not limited to, the following:

- (1) The name and address of the party and its relationship to the procurement
- (2) Identification of the proposed project or contract
- (3) Description of the nature of the protest
- (4) Identification of the provision(s) of the solicitation, regulations, or laws upon which the protest is based (i.e., identification of the technical specifications or item of content in the IFB/solicitation)
- (5) Copies of all (or any) documentation supporting the allegations in the protest
- (6) Statement of the specific relief requested

E. Protest Submittal. The best interests of the parties are served if the protest is (1) filed with the contract administrator, (2) filed in a timely fashion, and (3) filed in the format and detail described in D above. A contractor may also appear in person before the Board. The Board, acting in the best interests of the County, may decide to continue with the award and acquisition subject to resolution of the protest.

F. Protest Remedies. A decision by the responsible official will be made based on the merits of the protest. A written response will be provided by the County and all findings and specified remedies will be considered final. The Board may suspend a contract upon a finding that the protest has merit and is based on solid legal principles.

G. Authority for Administration of Protests. The responsible official may assign contract administrators to conduct the administrative processing of protests filed with the County. Assigned contract administrators shall be responsible for proper distribution of protest submittals and responses, coordination of staff evaluation of the protest, compliance with the time limits stated herein, and maintenance of all documents related to the protest.

The responsible official shall request County Counsel to review and advise the contract administrator concerning any legal issues involved in protests.