



City of Riverside Administrative Manual

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Policy Owner(s): Finance Department

Approved:



(Interim Finance Director) Department
for City Manager

SUBJECT:

Procurement Protest Procedures

PURPOSE:

To establish a procedure governing procurement protest disputes.

POLICY:

Authority to protest any intent to award made by the Purchasing Services Manager, the City Council or the Public Utilities Board is limited to participants with submittals for the same project who submit a timely written protest which complies with the procedure listed below. A contract may be entered into pending a final decision on the protest. Complaints lodged by a participant prior to the bidder's submittal of a formal written protest may be resolved informally.

PROCEDURE:

Responsibility	Action
Purchasing Division or Originating Department	1. Issues a bid or request for proposal (RFP) solicitation which advises potential bidders/proposers of the City's protest procedures.
Protestant	2. Files a written protest with the Purchasing Services Manager no more than five calendar days following the final posting of bid or RFP results on the City's website. The written protest must set forth, in detail, all grounds for the protest, including without limitation all facts, supporting documentation, legal authorities and arguments in support of the grounds for the protest. All factual contentions must be supported by competent, admissible and credible evidence. Any matters not set forth in the written protest shall be deemed waived. Any protest not conforming to this procedure shall be rejected as invalid.
Purchasing Services Manager	3. Reviews the merits and timeliness of the protest and issues a written decision to the Protestant within 7 calendar days of receipt of the protest. The decision of the Purchasing Services Manager may be appealed to the Chief Financial Officer (CFO).

Protestant

4. May appeal the decision of the Purchasing Services Manager to the CFO by filing a letter of appeal within 10 calendar days of the date of the Purchasing Services Manager's decision. The letter of appeal should be addressed to the CFO and shall set forth, in detail, all grounds for the appeal, including without limitation all facts, supporting documentation, legal authorities and arguments in support of the grounds for the appeal. All factual contentions must be supported by competent, admissible and credible evidence. Any matters not set forth in the letter of appeal shall be deemed waived. Any letter of appeal not conforming to this procedure shall be rejected as invalid.

Chief Financial Officer
(CFO)

5. Obtains Concurrence with the City Attorney's Office. Reviews the merits and timeliness of the letter of appeal and issues a written decision to the Protestant within 14 calendar days of receipt of the letter of appeal.

The decision of the CFO is final for all non-federally funded projects. However, this decision is reviewable under California Code of Civil Procedure Section 1094.5 et seq. The time in which judicial review of the decision must be sought shall be governed by California Code of Civil Procedure Section 1094.6 or as such section may be amended from time to time.

Protestant

6. May appeal the decision of the CFO to the appropriate federal agency in accordance with its established appeal procedures when the subject project is federally funded.