

SONOMA COUNTY POLICIES AND PROCEDURES



PROTESTS AND APPEALS FOR GOODS AND PROFESSIONAL SERVICES PROCUREMENTS

I. APPLICABILITY

Bid protests for contracts awarded for purchases of commodities or professional services shall be submitted and responded to in accordance with the following requirements. These protest procedures do not apply to public works (construction) projects.

II. FILING OF PROTEST

Any directly affected party who is aggrieved in connection with the solicitation or award of a contract may file a protest regarding the procurement action.

Such protest must be filed in writing with:

County of Sonoma
Purchasing Agent
2300 County Center Drive, Suite A-208
Santa Rosa, CA 95403

Protests must be filed within seven (7) calendar days from the date notice of intent to award is issued by the procuring department. Failure to timely file a protest shall constitute a waiver of any right to protest. Untimely protests will not be accepted or considered. Any protest shall:

- 1) State in detail each and every ground asserted for the protest, citing to the law, rule, local ordinance, procedure or bid provision on which the protest is based; and
- 2) Identify the remedy sought.

NOTE: Specification related protests must be fully supported by technical data, test results, or other pertinent information that a rejected product or service offered is equal to or better than the specification requirement.

III. PROTEST RESOLUTION PROCESS

Informal resolution

Upon receiving a protest, the Purchasing Agent will convene, at the earliest convenience, discussions between the protesting party and appropriate County staff to seek informal resolution and/or to clarify the issues.

Written response/rebuttal

Within fourteen (14) calendar days following the informal meeting, the Purchasing Agent shall provide a written response to the protesting party. The written response shall be prepared under the signature of the General Services Director. The letter constitutes the department's final decision on the protest and shall be considered the final agency action.

IV. NO STAY OF PROCUREMENT ACTION DURING A PROTEST

Nothing in these Policies and Procedures shall be deemed to prevent the County of Sonoma from proceeding with negotiations or awarding a purchase order or contract while a protest is pending.

V. REMEDIES PRIOR TO AN AWARD

If prior to award it is determined by the Purchasing Agent that a solicitation or proposed award of a contract is in violation of these Policies and Procedures, then, at the sole discretion of the Purchasing Agent, the solicitation or proposed award shall be either:

- 1) Canceled; or
- 2) Revised to comply with these Policies and Procedures.

VI. REMEDIES AFTER AN AWARD

If, after an award, it is determined by the Director of General Services that a solicitation or award of a contract or purchase order is in violation of these Policies and Procedures, then the following criteria will be employed to resolve the dispute.

- 1) If the person or entity awarded the contract or purchase order has not acted fraudulently, or in bad faith:
 - a) The contract or purchase order may be ratified and affirmed, provided it is determined that doing so is in the best interest of the County; or
 - b) The contract/purchase order may be terminated.
- 2) If the person or entity awarded the contract or purchase order has acted fraudulently or in bad faith, the contract or purchase order shall be declared null and void.