

San Joaquin County  
Purchasing and Support Services Division

**Protest Procedures**

- I. Introduction:** The intent of this procedure is to provide bidders with a process to formally object to a contract award. Before deciding on protesting a solicitation award, bidder should first discuss any issues with the Deputy Purchasing Agent/Purchasing Assistant.
- II. Definitions:**
- Solicitation – A request for bid, proposal, or quote
  - Bidder – A vendor, contractor, firm, or company submitting a solicitation.
  - DPA/PA – The Deputy Purchasing Agent or Purchasing Assistant authorized to procure on behalf of the County
  - PA – The Purchasing Agent is responsible for the management of division personnel, policies, and procedures
  - Protest – Formal written document contesting award of a contract.
- III. Bidders Protest Procedures** - Any bidder in the course of a competitive solicitation who is determined non-responsive or who is not being recommended for award of a contract may Protest the solicitation award.
1. A bidder may submit a Protest if they believe that:
    - a) The rating factors and/or evaluation criteria put them at an unjust disadvantage;
    - b) Purchasing erred in its conclusion that the bidder's solicitation was non-responsive or failed to follow procedures set forth in the solicitation document and therefore was unfairly disqualified from the solicitation process;
    - c) Bidder provided the overall best value response, and that Purchasing erred in not recommending them for award of the contract or purchase order; or
    - d) Purchasing failed to follow written policy and/or procedures.
  2. The bidder must submit a formal written Protest to the DPA/PA handling the solicitation within ten (10) business days of the County's date notice of Intent to Award.
  3. The bidder's Protest should provide evidence that Purchasing failed to follow procedures specified in the solicitation or made identifiable mathematical errors or other calculation errors while evaluating the solicitation.

Within a reasonable amount of time, the Protest review shall be completed and a determination shall be provided in writing to the bidder.

Throughout the review process, the County has no obligation to delay or otherwise postpone an award of a contract based on a bidder's protest.

**IV. Bidder Solicitation Request Review Guidelines** - Bidders have an obligation to adhere to review timeframes and to submit appropriate documentation to support their concerns.

Bidder's formal Protest must:

- Cite the legal basis for the review request;
- Reference relevant documentation that will support their case; and
- Reference the solicitation number and the appropriate sections and page numbers.

A review may be granted if the Protest is submitted within ten (10) business days of award notification and the following criterion is met:

1. The firm/person submitting Protest is a bidder;
2. The Protest review request alleges that:
  - a) Bidder submitted a responsive solicitation that was erroneously disqualified; or
  - b) Bidder's solicitation should have been the lowest cost, responsive and responsible, best value bidder or ranked the highest rated bidder and was not selected for contract award;
3. The Protest itemizes in appropriate detail and with factual reasons, the grounds for review as set forth below:
  - a) The Protest must assert that Purchasing made an error in disqualifying the bidder;
  - b) The Protest must assert that Purchasing failed to follow policy and/or procedures;
  - c) The Protest must assert that Purchasing made identifiable mathematical or other errors in the evaluation process; or
  - d) The Protest must assert that Purchasing demonstrated bias in the conduct of the evaluation.

**V. Protest Review and Analysis** - Unless State or Federal statutes or regulations otherwise provide, the review of any determination or action will be conducted by Purchasing and be limited to the following:

- Review of Solicitation Requirements
- Review of Disqualified Proposal
- Review of Proposed Vendor Selection Criteria

In all cases, the first level review of any protest shall be conducted by the DPA/PA handling the solicitation. However, should a bidder disagree with the conclusion of the DPA, the bidder may submit within 3 days of response from DPA a formal written request for further review by the Purchasing Agent. The Purchasing Agent's decision shall be final.