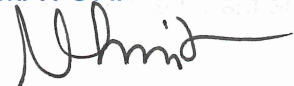






TITLE: Protest Policy		POLICY: PUR-005-2018
EFFECTIVE DATE:	SUPERSEDES: 2003 PROCEDURES	PAGES: 2
MAYOR:  Nicola Smith	DEPARTMENT DIRECTOR:  Sonja Springer	PROCUREMENT MANAGER:  Karen Fitzthum

APPLICABLE TO: All City Departments, employees and elected officials

POLICY STATEMENT: The City of Lynnwood will respond to all written protests of formal, sealed solicitations and small works roster quotes or other contract awards and will ensure prompt response to all interested parties.

PURPOSE: The purpose of this Policy is to establish a clear protest process for all actual or prospective Bidders/Proposers to ensure a fair, open and transparent award process for City contracts. The procedures in this Policy shall apply to the City's Invitation to Bid ("ITB"), Request for Proposal ("RFP") or Quote documents and contract awards. Additional protest procedures may also apply if required by the specific grant funding.

A. Form of Protest. To be considered, a Protest shall be in writing, addressed to the Manager of the Procurement & Contract Division ("Manager") or his/her designee and include:

1. The name, address, email and phone number of the Bidder or Proposer protesting, or their authorized representative;
2. The ITB, RFP or Quote number and title for which the Protest is submitted;
3. A detailed description of the specific grounds for protest and any supporting documentation; and
4. The specific ruling or relief requested.

B. Who May Protest.

1. Protests based on specifications: Any prospective Bidder or Proposer.
2. Protests following submittal. Any Bidder or Proposer submitting a response to an ITB, RFP, or Quote showing a substantial financial interest in the solicitation or award of the contract.

C. **Time to Protest.** Protests based on facts or conditions that are known or reasonably should have been known prior to submission of a bid or proposal, such as the language used in specifications or other terms in the RFP, ITB, or Quote documents, must be received by the City no later than five business days prior to the date established for submittal of offer. Protests based on other circumstances must be received by the City within two full business days after the bid or proposal opening. In no event shall a Protest be considered if all bids are rejected or after award of the contract.

D. **Determination of Protest.** Upon receipt of a timely written Protest, the Manager shall investigate the Protest and shall respond in writing to the Protest prior to the award of contract. Except as provided below, the decision of the Manager shall be final.

E. **Reconsideration of Manager's Decision.** A Proposer or Bidder may request that the Manager's adverse decision be reviewed by the Director of Finance ("Director") on a reconsideration basis only; provided, that the City has not yet awarded the contract. The only justification for reconsideration is the Manager made an error of calculation, fact, law or regulation. The following procedures shall be followed for a reconsideration of the Manager's decision:

1. Form of Request for Reconsideration. To be considered, a Request for Reconsideration must be filed with the Manager in writing and include:
 - i. Name, address, and telephone number of the person protesting or their authorized representative;
 - ii. Justification for a reconsideration by the Director, including all pertinent facts and law on which the Bidder or Proposer is relying.
2. Time for filing Request for Reconsideration. The Bidder or Proposer must file the Request for Reconsideration no later than five business days of the date of the Manager's decision.
3. Review of Manager's Decision. Upon receipt of a Request for Reconsideration, the Director or designee shall review (1) the information submitted to and reviewed by the Manager; (2) the decision of the Manager; and (3) the basis for the Request for Reconsideration. The Director shall then issue a written final determination regarding the Request for Reconsideration prior to the award of the contract.

F. **Failure to Comply.** Failure to comply with the procedures set forth herein shall render a Protest untimely or inadequate and may result in rejection thereof by the City.