

Protest Procedures for Solicitations

A. General Protest Information

1. All Bid/Proposal recommendations will be posted on the City's website.
2. Solicitation Transparency: Commencing on the earlier of the date and time a solicitation is published or discussed at a public meeting (a meeting posted under Open Meeting laws), potential or actual offerors or respondents (including their representatives), shall only discuss matters associated with the solicitation with the Mayor, any members of City Council, the City Manager, any Deputy City Manager, or any department director directly associated with the solicitation, (including in each case their assigned staff), at a public meeting until the resulting contract(s) are awarded or all offers or responses are rejected, and the solicitation is cancelled without any announcement by the Procurement Officer of the City's intent to reissue the same or a similar solicitation.
3. The 7 day Protest period will start once an award recommendation is posted on the City's website.
4. All documents submitted by bidders and proposers shall become the property of the City and become a matter of public record available for review pursuant to Arizona State law. Bidder shall mark any information as part of the bidder's proposal that bidder deems confidential or proprietary and the City will follow policy consistent with the solicitation and the City Code, Section 43-6.
5. At the time the award recommendation is posted, the procurement file will be made available for bidder/proposer review.
6. Resolution of all protests and appeals must be complete prior to City Council action or award.
6. Protests must be submitted within the **7 day protest period**.

B. Content of the Protest

1. Protests must be in writing and submitted to the Procurement Officer for the Solicitation.
2. Protests must include:
 - a. The name, address, email, and telephone number of the protester;
 - b. The signature of the protester or its representative, and whether the protestor is represented by legal counsel;
 - c. Identification of the solicitation number and title;
 - d. A detailed statement of the legal and factual grounds of protest including copies of relevant documents; and,
 - e. The form of relief requested.

C. Resolution of the Protest

1. The Procurement Officer has the authority to resolve the protest.
2. The Procurement Officer will provide a copy of the protest letter to the recommended bidder/proposer.
3. The Procurement Officer will issue a written decision within a reasonable amount of time after the filing of the protest. The decision of the Procurement Officer will include:
 - a. The basis for the decision, and
 - b. A statement that the decision may be appealed with the deadline for appeal.

D. Appeals of Protests

1. The Protester must appeal the Procurement Officer's protest decision in writing to the Procurement Officer within the **seven (7) calendar days** appeal period by providing a copy of the Appeal to the Procurement Officer.
2. Authority to resolve appeals will be assigned to the City Manager or designee. The City Manager, in his sole discretion, may appoint an independent Hearing Officer. An appeal of a protest may be decided exclusively on a review of the written record by the City Manager or Hearing Officer without a hearing. Briefs or Oral argument may be requested by a Hearing Officer.
3. The Appeal must include the following information:
 - a. The information required in Section B.2. of this procedure.
 - b. A copy of the original Protest and the decision letter from the Procurement Officer.
 - c. The factual or legal error in the original decision of the Procurement Officer.
4. The Procurement Officer will provide a copy of the Appeal to the successful bidder/proposer and other interested parties.
5. The Procurement Officer will provide a written report to the City Manager within a reasonable time, after receipt of the Protester's appeal that has been timely filed.
6. If a Hearing, or Oral Arguments are deemed necessary by the Hearing Officer, the City Manager sets the date and notifies all the parties, who then have five (5) days for reconsideration of the date for any reason; after five days, or within five days of the hearing, whichever is shorter, postponements will only be approved for good cause, through written motion to the Hearing Officer.
7. Hearing Officer renders a final written recommendation to City Manager.
8. The City Manager, with or without a Hearing officer recommendation, will make a final Decision and notify the Appellant, the Department Procurement Officer, and all other interested parties, of the final Decision.