

City of Austin – CLMD Solicitation Protest Procedures Outline

August 3, 2010

Process Step	Responsible Party / Timeline if Specified
<p><u>PRIOR TO SOLICITATION DUE DATE:</u> If a prospective Respondent becomes aware of the facts regarding what is believed to be a deficiency in the solicitation process before the Solicitation is due, they must notify the City in writing of the alleged deficiency before that date, giving the City an opportunity to resolve the situation prior to the Solicitation Due Date.</p>	
<p><u>AFTER SOLICITATION DUE DATE:</u> Once the solicitation is closed, if (1) a Respondent is found to be non-responsive, or (2) a Respondent believes there has been a deficiency in the solicitation process or award the following process applies.</p>	
<p>(1) Respondent must file written intent to protest within 4 calendar days of the date the facts are known</p>	RESPONDENT / 4 calendar days
<p>(2) Respondent must file written protest within 14 calendar days of the date the facts are known</p>	RESPONDENT / 14 calendar days (including 4 days above)
<p>(3) City will determine if there are sufficient grounds for the protest. (Internal process of assessing information presented and in consultation with subject matter experts as necessary, i.e., SMBR, Law, etc.). <u>If sufficient grounds exist</u>, a protest hearing is scheduled, usually within 5 working days. <u>If grounds are insufficient</u>, Respondent is notified in writing</p>	CITY / Typically 5 working days for a hearing
<p>(4) If a Protest hearing is scheduled, an independent Hearings Officer is scheduled, utilizing established master agreement through Purchasing Department</p>	CITY
<p>(5) Protest hearing is held. Respondent brings representatives necessary to present facts; appropriate City staff attends to present information accordingly. A decision will usually be made within 15 calendar days after the hearing.</p>	HEARINGS OFFICER / Within 15 calendar days
<p>(6) Hearings Officer City will provide a hearing decision to the City; City provides a copy of the decision to the respondent.</p>	CITY
<p>(7) The City usually will not make an award until a decision on the protest is made; however, an award will not be delayed if:</p> <ul style="list-style-type: none"> a. The City urgently requires the supplies or services to be purchased, or b. Failure to make an award promptly will unduly delay delivery or performance. 	CITY

General Guidelines

Pages 5-9

- Contractor notified of possible Probation, Suspension or Debarment (1.4.1.1)
- Opportunity to Appeal (1.4.2)
- Hearing (1.4.3)
- Purchasing Officer's decision is final (1.4.3.7)
- Placed on Probation, Suspension and Debarred list (1.4.3.11)
- For Suspension and Debarment Vendor's Registration is placed on Hold

**Timeline of presentations to MBE/WBE Advisory
Committee of
Probation, Suspension, Debarment Rules including
Protest procedures:**

October 6, 2009	Purchasing presented the Rules to Committee
November 6, 2009	Special Meeting adjourned because attorneys not present
December 1, 2009	Purchasing presented the rules to Committee
January 5, 2010 approved	Purchasing presented the Rules to Committee and Committee
February 10, 2010	Rules posted for Comments
April 10, 2010	Rules adopted