

# WALTON COUNTY BOARD OF COUNTY COMMISSIONERS

Office of Central Purchasing

Procedure No: 019

Title: Bid Protest Procedures

Effective Date: March 25, 2008

Revised Date: September 3, 2008

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I. Purpose:

To establish procedure when any aspect of a bid or proposal is protested by a bidder or proposer.

II. Procedure:

Any person, whose bid or proposal is rejected, in whole or in part, or who submits a bid or proposal, but is not awarded the contract may protest such decision, but only in strict compliance with this section.

- A. Written Notice - Any person who wishes to file a protest hereunder must file a notice of intent to do so, in writing, with the Purchasing Agent or the Finance Director within twenty-four (24) hours after the Board's declaration at a public meeting, of its intention to award a contract to another.
- B. Written Protest – Within ten (10) days after the filing the written notice of intent to protest, a formal written protest must be filed with the Finance Director or Purchasing Agent, explaining in detail the nature of the protest and the grounds upon which it is based.
- C. Protest Bond – Each written protest must be accompanied by a bid protest bond in the form of a certified check, cashier's check or money order made payable to the Board of County Commissioners, in an amount not less than five percent (5%) of the protestor's bid or proposal received by the County.
- D. Forfeit of Bond – The condition of the protest bond shall be that, should the protest be determined to be without merit and non-valid, the bond shall be forfeited to the County in its

entirety.

- E. Inquiry – County staff shall take no action on a written protest until the protestor files the required protest bond. If the bond is not filed within the ten (10) days specified above, the protest shall be deemed to have been waived.
- F. Protest Decision – Within 14 days of receipt of a formal written protest, the Finance Director/Purchasing Agent shall review the allegations of protest and shall forward it with a recommendation to the County Administrator, who shall act as the bid protest officer. The County Administrator shall then decide the outcome of the protest and provide in writing, to the Finance Director, findings of fact and a conclusion as to the validity or non-validity of the protest within seven (7) days. The County Administrator has the right to question members of the Review Team, Purchasing personnel and the protestor if he/she deems it pertinent to the protest.
- G. Notice of Decision – Within 24 hours after receipt of the County Administrator's decision on a protest, the Finance Director/Purchasing Agent shall mail a copy thereof to the protestor, and if the protest is denied, forfeit the protest bond to the County.
- H. Lawsuit – The ability to file a protest is an administrative remedy available to bidders and proposers. If a protest is found to be without merit and non-valid, the protestor may initiate suit in an appropriate court.