

PROCUREMENT POLICY FOR SOLICITATION PROTESTS

I. Purpose

This section shall govern any protest made by any actual bidder or proposer, who is allegedly aggrieved in connection with the issuance of a bid solicitation, proposal solicitation or request for quotation of any contract in any competitive process utilized by the City of Lawrenceville for procurements of supplies, materials or services and construction of public improvements and has standing to protest under Georgia law. Protests not complying with the provisions of this Section shall not be reviewed.

All protests shall be filed in the manner prescribed herein. Protests that do not comply with this procedure shall be deemed invalid and of no effect.

II. Right to Protest

Any actual or prospective bidder, proposer, offeror or contractor who is aggrieved in connection with a City of Lawrenceville solicitation or award of a contract shall have the right to file a protest. All protests shall be filed in the manner prescribed herein.

III. Form of Protest

The protest must be in writing and signed by a company officer authorized to execute agreements on behalf of the bidder or offeror or provided by an authorized legal representative of the protestor. The protest must include, at a minimum, the following information:

- Name, address, and e-mail of the protestor;
- identification of the solicitation or contract by the project name and/or solicitation number;
- a concise statement of the reasons(s) for the protest;
- any supporting facts, rules, regulations, statutes, constitutional provisions, exhibits, evidence, or documents to substantiate the claim(s); and
- desired remedy.

The protest shall be filed with the Purchasing Department via any of the following means:

Mail: City of Lawrenceville Purchasing Department
70 S. Clayton St.
P.O. Box 2200
Lawrenceville, GA 30046

Hand Delivered: At the above address.

Email: purchasing@lawrencevillega.org

IV. Filing Deadline

Protests concerning the solicitation process, including claims related to the specifications, request for proposal, request for qualifications and bid documents, shall be filed no later than three (3) working days prior to the solicitation closing date.

Protests concerning the selection of a vendor or contractor must be filed within five (5) working days from the posting of the award.

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Any protest that is filed after these time periods shall be deemed invalid.

V. Protest Evaluation

The Purchasing Manager shall evaluate and make the initial determination of protest validity.

During this initial evaluation period the City may, at its discretion, suspend further action on the solicitation or contracting.

The Purchasing Manager shall issue a written response to the protest within five (5) working days of receipt of the protest. If the Purchasing Manager is unable to adequately investigate the claim within five (5) working days, a time for completion of the investigation shall be provided within five (5) working days of the protest.

VI. Response to Protest

If the Purchasing Manager determines that the protest is valid, the Purchasing Manager shall determine the appropriate remedy. Available remedies include but are not limited to the following:

- Modification of the solicitation document and extension of the solicitation period
- Cancellation of the solicitation
- Cancellation of the selection or award of contract
- Award in part
- Re-compete the solicitation

In no event will a contract be automatically awarded to a protesting party if the protest is upheld.

Nothing herein shall prevent the City, at its sole discretion, from providing for an alternative remedy which is in the best interest of the City and in compliance with an applicable law.

VII. Cost

In no event shall a protesting party be entitled to recover any costs incurred in connection with the protest of a solicitation or contract award, including but not limited to bid or proposal preparation costs, protest preparation costs, or attorneys' fees.

VIII. Appeal of the Decision of the Purchasing Manager

The protestor may appeal a decision of the Purchasing Manager. The protesting party shall file a written appeal with the City Manager after the Purchasing Manager has issued a written decision and no later than three (3) working days after receipt of the decision from the Purchasing Manager. Any appeal filed after that time period shall be deemed invalid.

Any appeal filed with the City Manager shall be sent by any of the following means:

Mail: City of Lawrenceville City Manager
70 S. Clayton St.
P.O. Box 2200
Lawrenceville, GA 30046

The City Manager shall review the appeal. The City Manager or his/her designee may further investigate the claim and request additional information from the protestor or any source deemed helpful.

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The City Manager shall issue a written determination either confirming or overturning the decision of the Purchasing Manager within twenty (20) working days after receipt of the appeal. The decision of the City Manager, either confirming or overturning the decision of the Purchasing Manager, shall be deemed to be the final decision of the City of Lawrenceville.

IX. Communication

Communication during pendency of solicitation. During any solicitation period, including any protest and/or appeal, no contact with City officials, officers or employees, other than with the individuals specifically identified in the solicitation, the Purchasing Manager or the City Attorney, is permitted from any bidder or proposer. Such communication shall result in an automatic disqualification for selection in the pending solicitation and any subsequent City solicitations for a period of six (6) months, no matter the outcome of the solicitation or any protest and/or appeal.