

CITY OF BRIDGEPORT
BOARD OF PUBLIC PURCHASES

Official Policy For Bid Protests

Approved: June 22, 2005

[Note: Terms not otherwise defined herein shall have the meanings assigned to them in Chapter 3.08.070 of the Municipal Code of Ordinances currently in effect at the time of adoption of this policy (the "Purchasing Ordinance").]

Applicability

The City recognizes the need to entertain and resolve complaints about its bidding practices and procedure and has adopted this Official Policy to provide for the redress of such complaints.

Policy Statement

It is the official policy of the Board of Public Purchases that all applicable bidding be conducted in accordance with the Purchasing Ordinance.

Title of Official Policy

Upon adoption, this Official Policy shall become known as:

"Official Policy Concerning Bid Protests dated _____, 2005".

This Official Policy shall become effective immediately upon adoption, shall be posted on the City of Bridgeport website, shall be distributed to the Purchasing Department and all City departments, boards, agencies and commissions, and shall apply to all pending and future bid processes.

BID PROTEST PROCEDURE

1. Form of Bid Protest. Each protest must be in writing and delivered to the Purchasing agent within ten(10) calendar days of the City's notice of intent to award and shall be addressed as follows:

Bid Protest
Purchasing Agent
City of Bridgeport
45 Lyon Terrace
Bridgeport, CT 06604

The protest shall be accompanied by the following:

- (a) Bid security to cover the City's cost for determining a bid protest shall be made in the form of a certified check, bank or teller's check or money order payable to the City of Bridgeport, in the following amount applicable to the nature of the protest or the value of the contact award.
 - (i) Five percent (5%) of the protester's bid; or
 - (ii) In the case where the protestor did not submit a bid, five percent (5%) of the lowest responsive and responsible bid received by the City; or
 - (iii) In the case of an RFP or RFQ, the following amount based on the Purchasing Agent's estimation of the value of such contact:
 - i. Greater than \$7,500 and less than \$25,000: \$1,000.
 - ii. Equal to or greater than \$25,000 and less than \$100,000: \$1,500
 - iii. \$100,000 or greater: \$2,500

Such fee shall be returned if the bid protest is upheld, otherwise fee is non-refundable.

- (b) A detailed description of the nature of the protect, the issues, a statement of facts and any further supporting documentation which might prove helpful to the Purchasing Agent.

2. Notification of Bid Protest. The assigned buyer in the Purchasing department shall contact the Contract Officer responsible for the bid and inform him/her of the bid protest. The Contract Officer shall gather the relevant information about the solicitation, evaluation, and award of the bid and provide it to the Purchasing Agent within ten (10) calendar days of notification of the Bid Protest.

3. Decision. The Purchasing Agent shall review the information relevant to the bid and shall render a decision on the protest, with the advice of the Office of the City Attorney, in a prompt manner but not longer than thirty (30) days after the bid protest was received.

The decision shall contain the action taken and the reasons for such action, and shall be mailed, certified mail, return receipt requested, to the protestor at the address set forth in the bid protest. A copy of the decision shall be distributed to the Contract Officer, the Board of Public Purchases, and the Office of the City Attorney. All documentation concerning the bid protest and the decision shall be retained in the Purchasing Department.

4. Appeal Process. An appeal of the Purchasing Agent's decision may be made by either the Contracting Officer or the protestor as applicable. An appeal may be commenced by delivering seven copies of the following within seven (7) calendar days of the release of the Purchasing Agent's decision: 1) a notice of an appeal to the Purchasing Agent; a statement of the nature and the reasons for the appeal, including claimed errors; and iii) a complete set of the documents submitted to the Purchasing Agent. The Purchasing Agent shall promptly deliver the copies to the Board of Public Purchases which shall set a hearing date for the appeal to commence, which date should not be later than forty-five (45) days from the notice of appeal. The appellant and respondent will be presented with an opportunity to address the Board of Public Purchases and may be accompanied by counsel if desired.
5. Appeal Decision. Upon the conclusion of the appeal, the Board of Public Purchases shall issue a decision within thirty (30) days of the conclusion of the appeal. The decision of the Board of Public Purchases shall be final and conclusive.