



INVESTING IN COMMUNITIES

**Sacramento Housing and Redevelopment Agency**

**POLICY/PROCEDURE INSTRUCTION**

**TO:** All Agency Employees  
**FROM:** La Shelle Dozier, Executive Director  
**POLICY SUBJECT:** Award of Contract Protest Policy

**EFFECTIVE:** March 18, 2010  
**Supersedes:** Bid Protest Policy  
**Dated:** February 02, 1999

**Scope and Purpose:**

**Scope** - This policy applies for all solicitations conducted by SHRA and its constituent entities.

**Purpose** - The purpose of this SHRA Bid Protest Policy is to insure that bidders or proposers of a solicitation have the opportunity to have their concerns about the award of the contract addressed.

**Policy:**

Any bidder or proposer who wants to protest the intent to award a contract shall have ten (10) calendar days after the Notice of Intent to Award is issued. The protest must be submitted in writing to the Agency specifying in details the grounds of the protest, evidence and supporting documents. Any bidder who has a legitimate protest must claim to be eligible for award of the contract as being the lowest responsive, responsible bidder. Any proposer to have a legitimate protest must provide evidence that the awarded proposer is not qualified

**Process:**

**Protest**

- The written "Notice of Intent to Award" (Notice) shall constitute the Agency's decision to award the contract. The Notice shall be sent to all bidders and proposers.
- A bidder or proposer submits a written protest of the award within ten (10) calendar days from the date on the Notice.
- The protest will be reviewed by the requesting department's contracting officer or appropriate management staff, Procurement Services supervisor and/or others as deemed appropriate. The review will be completed within ten (10) calendar days after receipt of the protest.

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- The decision shall be fully documented in writing, signed by the requesting department's contracting officer, appropriate management staff or Procurement Services supervisor and sent to all bidders or proposers.
- If the protest is upheld, the original vendor selected shall have the same right to protest and follow the same guidelines.
- The contract will be awarded to the prevailing bidder or proposer.
- No further protests will be considered.

#### Appeal

- The decision by the review team is final and shall not be appealed within the Agency. Such decision may, however, be subject to Administrative mandamus (California Code of Civil Procedure 1094.5).

#### Public Nature of Protest Information

- Materials submitted as a part of the protest resolution process will be available to the public except to the extent that:
  - 1) The withholding of information is permitted or required by law or regulation; or
  - 2) Subject to any applicable law or regulation, the information is designated proprietary by the person submitting the information to the Agency. If the person submitting material to the Agency indicates that the material contains proprietary material which should be withheld, a statement advising of this fact shall be affixed to the front page of the material submitted. And, the alleged proprietary information must be specifically identified in the body of the materials wherever it appears.

#### Maintenance of Protest Records

- All written statements, pleadings, briefs, correspondence and memoranda, whether sent or received by the Agency or its Commission shall be maintained within the procurement file for the project for a period of at least three (3) years from the date that each protest is resolved.

#### Inclusion of Protest Procedures in Solicitations

- Each solicitation will inform the prospective bidders of this Protest Policy with the statement that a copy of the Protest Policy will be available upon request.

All protests shall be handled in this same manner: protests to the solicitation itself must be made within ten (10) days of the release of the request for bids or proposals and all protests to the "intent of award" must be made within ten (10) days of date on the Intent to Award letter.

#### **Non-compliance**

Failure to comply with this Policy after reasonable efforts to conform may result in disciplinary action up to and including termination.