



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: October 19, 2022
Supersedes: Award of Contract Protest Policy
Dated: March 18, 2010

NOTE: For the purposes of this policy, the terms “bid” and “proposal,” “bidder” and “proposer” shall be synonymous.

A. Notice of Award

The written “Notice of Intent to Award” shall constitute the Agency’s decision to award the contract.

B. Right to Protest

The right to protest is limited to only those parties who have submitted a bid. Written protests to the “Notice of Intent to Award” must be submitted within five (5) business days after the date the notice is issued. The written statement shall be full and complete, specifying in detail the grounds of the protest and the facts supporting the protest or it will not be considered.

The Agency shall not entertain any protest submitted after the time period established in this Policy.

C. Affect of Protest of Award of Contract on Opening of Bids

When a protest has been made, the Agency shall not award the contract before deciding the outcome of a properly filed protest. If the protest has been properly made no less than

24 hours before the opening of bids, then bids shall not be opened before a decision has been made on the protest.

D. Review and Decision

The protest(s) will be reviewed by the Procurement Manager, and the requesting department's manager and the final decision will be made by the Executive Director or designee. The review will be completed within five (5) business days after receipt of protest(s). A settlement or decision shall be confirmed by email and in writing by first class mail to the protesting party. The contract will be awarded to the prevailing bidder. No further protest(s) shall be considered.

E. Appeal of Decision

The decision by the Executive Director or designee is final and shall not be appealed. Such decision may, however, be subject to Administrative Mandate (California Code of Civil Procedure 1094.5).

F. 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.

G. 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 by the Agency Clerk (or designee) for a period of at least three (3) years from the date of each protest is resolved.

H. Inclusion of Protest Procedures in Bid Solicitations

Each bid 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 bid itself must be made within five (5) business days of the request for bid (or solicitations) and all protests to the “intent to award” must be made within five (5) business days of the date on the Intent to Award letter.