

Bid Protest

A. Interested party means an actual or prospective bidder, offeror, or contractor that may be aggrieved by the solicitation or award of a contract, or by the protest. Protestor means any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or the award of a contract and who files the protest. An interested party may protest to the Frederick County Purchasing Director the award or the proposed award of a contract for supplies, services, or construction. The protest shall be in writing and addressed to the Purchasing Director. Protest based upon alleged improprieties in any type of solicitations that are apparent before bid opening or closing date for receipt of initial proposals shall be filed before bid opening or the closing date and time for the receipt of the bid. In all other cases bid protests shall be filed not later than seven (7) days after the basis for protest is known or should have been known, whichever is earlier. The term "filed" means receipt in the Purchasing Department. Any protest filed after the time limit prescribed above shall not be considered.

B. The written protest shall include as a minimum the following:

- 1) The name and address of the protestor
- 2) Appropriate identification of the procurement, and, if a contract has been awarded, its number, if known
- 3) A statement of reasons for the protest
- 4) Supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time in which case the expected availability date shall be indicated.

The Purchasing Director shall submit a copy of the protest to the County Attorney upon receipt of the protest.

C. Any additional information requested of the protestor by the Purchasing Director shall be submitted within five (5) days after receipt of notification in order to expedite consideration of the protest. Failure to comply with a request for information by the Purchasing Director may result in a resolution of the protest without consideration of any information that is not filed in a timely manner pursuant to such request. Upon written request, the Purchasing Director, shall make available to any interested party information submitted that bears on the substance of the protest except when information is proprietary or otherwise permitted or required to be withheld by law or regulation.

A decision on a protest shall be made by the Purchasing Director in writing as expeditiously as possible after receiving all relevant, requested information. Before issuance, the decision of the Purchasing Director shall be reviewed by the County Attorney.

D. Should the department head of the County agency originating the bid or the protestor disapprove of the Purchasing Director's decision, they may appeal the decision to the Board

of County Commissioners within seven (7) days after receipt of the decision. All information used to support the protest and the decision of the Purchasing Director shall be made available to the Board of County Commissioners.

A written decision on the protest shall be made expeditiously by the Board of County Commissioners and deemed the final action on the protest.