



**FREDERICK COUNTY, MARYLAND
DEPARTMENT OF PROCUREMENT & CONTRACTING**

Bid Protest Policy

SCOPE:

This policy affects any person or company who is considering filing a bid protest and should be read and understood by all Procurement personnel.

POLICY:

A. Definitions:

- (1) Buyer – the Department of Procurement & Contracting team member named in the solicitation
- (2) DP&C – the Department of Procurement & Contracting of Frederick County, Maryland
- (3) File, Filing, Filed – receipt date in the Department of Procurement & Contracting
- (4) Final Determination – resolution, after investigation of Grounds, made by the Director of the Department of Procurement & Contracting.
- (5) Grounds – foundation for Protest of solicitation or award of a contract.
- (6) Interested Party – an actual or prospective bidder that may be aggrieved by the solicitation or award of a contract or by the protest.
- (7) Protest – a formal statement of objection to a solicitation or award of a contract.
- (8) Protest Decision – determination, after investigation of the Grounds, made by the buyer
- (9) Protester – any actual or prospective bidder who is aggrieved in connection with the solicitation or the award of a contract.
- (10) Time Limit – not later than seven calendar (7) days of receipt of Notification of Award or Non-Award.

B. Procedural qualification:

- (1) Protests will only be accepted from an Interested Party.
- (2) Protests must be Filed within the Time Limit for protestation.
- (3) Protests must be made in writing.
- (4) Protests must be sent to the buyer in the DP&C.
- (5) Protests must contain:
 - a. Name and address of Protester.
 - b. Name and number of the solicitation.
 - c. Grounds for the Protest.
 - d. Documentation, exhibits, evidence, etc. to support the Grounds.

C. Procedure:

- (1) The DP&C will respond to all protests within thirty (30) days of Filing.
- (2) Protests Filed after the Time Limit will not be considered.
- (3) Protests Filed within the Time Limit, not containing Grounds may not be considered.
- (4) The buyer may request additional substantiation of Grounds and, if so, additional time may be granted for resolution. Failure of the Protester to respond to a request for substantiation of Grounds may result in the Protest being dismissed.
- (5) Protests naming any Interested Party may result in the contact of that Interested Party and release of any and all information submitted in the Grounds in order to reach a Protest Decision.

D. Protest Decision:

- (1) The buyer will send the Protest Decision to the Protester when the determination is made.
- (2) Any Interested Party may also receive information regarding the Protest Decision.
- (3) Protest Decisions may be appealed to the Director of DP&C within seven (7) days of the receipt of Buyer's response.

E. Final Determination:

- (1) The Director of DP&C will investigate the Grounds for resolution and will make the Final Determination.
- (2) The Director of DP&C may request additional substantiation of Grounds, and, if so, additional time may be granted for resolution. Failure of the Protester to respond to a request for substantiation of Grounds may result in the Protest being dismissed.
- (3) The Final Determination of the Director of DP&C will be sent to the Protester.
- (4) Any Interested Party may also receive information regarding the Final Determination.
- (5) Protest is closed at Final Determination.

HISTORY:

06/23/2017 – Approved by Director DP&C