



FREDERICK COUNTY, MARYLAND PROCUREMENT & CONTRACTING OFFICE

Bid Protest Policy

Effective: 05/27/2015

Updated: 12/22/2022

SCOPE:

This policy provides direction for any entity that is considering filing a bid protest and should be read and understood by all Procurement personnel.

DEFINITIONS:

Buyer – Procurement & Contracting team member named in the solicitation

CRB – Contractor Responsibility Board

File, Filing, Filed – receipt date in the Procurement & Contracting Office

Final Determination – resolution, after investigation of Grounds, made by the Director of P&C

Grounds – foundation for Protest of solicitation or award of a contract

Interested Party – an actual or prospective bidder that may be aggrieved by the solicitation or award of a contract or by the protest

P&C – the Procurement & Contracting Office of Frederick County, Maryland

Protest – a formal statement of objection to a solicitation or award of a contract

Protest Decision – determination, after investigation of the Grounds, made by the Buyer

Protester – any actual or prospective bidder who is aggrieved in connection with the solicitation or the award of a contract

Time Limit – not later than seven calendar (7) days after receipt of P&C notification

POLICY:

A. 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 formally made in writing.
4. Protests must be sent to the Buyer.
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.

B. Procedure:

1. The P&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 within a Time Limit 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.
6. The Buyer will send the Protest Decision to the Protester when their determination is made.
7. Any Interested Party may also receive information regarding the Protest Decision.
8. Protest Decisions may be appealed to the Director of P&C within seven (7) days of the receipt of Buyer's response.

C. Final Determination:

1. The Director of P&C will investigate the Grounds for resolution and will make the Final Determination within thirty (30) days of Filing.
2. The Director of P&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 P&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 and award moves forward.

D. Hearing:

1. Upon receipt of Final Determination, Protester may request a review of the Final Determination by contacting the Buyer to schedule a Hearing at the next meeting of the Contractor Responsibility Board (CRB).
2. Request for Hearing shall be made within the Time Limit.
3. CRB will not schedule a Hearing until after Final Determination.

HISTORY:

05/27/2015 Original approval
05/01/2020 First Revision updated due to Charter
08/22/2021 Second Revision updated to change "DP&C" to "P&C"
12/22/2022 Third Revision updated for new Procurement Code