



City of Arts & Innovation

City of Riverside Administrative Manual

Effective Date: 09/2006
Last Review Date: 12/2022
Latest Revision Date: 12/2022
Next Review Date: 12/2025
Policy Owner(s): Finance Department

Approved:

Michael D. Moore
Michael D. Moore (Dec 29, 2022 17:03 PST)

Department

City Manager

SUBJECT:

Bid Protest Procedures

PURPOSE:

To establish a procedure governing bid protest disputes.

SOURCE OF AUTHORITY: Public Contract Code – Division 2 – Part 3

POLICY:

Authority to protest any bid award made by the Purchasing Manager, the City Council, or the Public Utilities Board is limited to participating bidders who timely submit a written protest which complies with the procedure listed below. A contract may be entered into pending a final decision on the protest. Complaints lodged by a bidder prior to the bidder's submittal of a formal written protest may be resolved informally.

PROCEDURE:

Responsibility	Action
Purchasing	1. Issues a bid solicitation which advises potential bidders of the City's bid protest procedures.
Protestant	2. Files a written protest with the Purchasing Manager no more than five calendar days following the posting of bid results on the City's website. The written protest must set forth, in detail, all grounds for the protest, including without limitation all facts, supporting documentation, legal authorities and arguments in support of the grounds for the protest. All factual contentions must be supported by competent, admissible, and credible evidence. Any matters not set forth in the written protest shall be deemed waived. Any protest not conforming to this procedure shall be rejected as invalid.

PROCEDURE:

Responsibility	Action
Purchasing	3. Shall review the merits and timeliness of the protest and issue a written decision to the Protestant within 7 calendar days of receipt of the protest.
Protestant	4. May appeal the decision of the Purchasing Manager to the Chief Financial Officer/Treasurer by filing a letter of appeal within 10 calendar days of the date of the Purchasing Manager's decision. The letter of appeal should be addressed to the Chief Financial Officer/Treasurer and shall set forth, in detail, all grounds for the appeal, including without limitation all facts, supporting documentation, legal authorities and arguments in support of the grounds for the appeal. All factual contentions must be supported by competent, admissible, and credible evidence. Any matters not set forth in the letter of appeal shall be deemed waived. Any letter of appeal not conforming to this procedure shall be rejected as invalid.
Chief Financial Officer/Treasurer	5. Shall review the merits and timeliness of the letter of appeal and issue a written decision to the Protestant within 7 calendar days of receipt of the letter of appeal. The decision of the Chief Financial Officer/Treasurer is final for all non-federally funded projects. However, this decision is reviewable under California Code of Civil Procedure Section 1094.5 et seq. The time in which judicial review of the decision must be sought shall be governed by California Code of Civil Procedure Section 1094.6 or as such section may be amended from time to time.
Protestant	6. May appeal the decision of the Chief Financial Officer/Treasurer to the appropriate federal agency in accordance with its established appeal procedures when the subject project is federally funded.