



**OFFICE OF BUDGET AND MANAGEMENT  
PURCHASING DEPARTMENT  
CITY OF SPRINGFIELD, ILLINOIS**

**BID PROTEST PROCEDURES**

**(Applicable to Bids and Requests for Proposals)**

**SECTION I – CITY OF SPRINGFIELD PROTEST PROCEDURES**

The City of Springfield (“City”) Purchasing Agent (“PA”) will consider a protest regarding its procurement actions in accordance with the following procedures. All protests will be evaluated and decided by the Purchasing Agent. The City intends to provide a thorough review of all protests. The City’s primary concern is the timely procurement of needed capital equipment, supplies, or services. The City will not allow the filing of a protest to unnecessarily delay the procurement process. Notwithstanding the availability of these protest procedures, any interested party is encouraged to exhaust all methods of resolution described in the contract documents before filing a formal protest. In its consideration of a protest, the City reserves the right to give consideration to the good faith efforts of the protestor to resolve the issue involved through informal methods.

**A. Definitions**

1. *“Purchasing Agent”* or *“PA”* means the Purchasing Agent of the City of Springfield or his designee.
2. *“Days”* refers to working days of the City.
3. *“Federal Law”* or *“Regulation”* means any valid requirement imposed by Federal statute or regulation governing contracts awarded pursuant to a grant agreement.
4. *“Interested party”* means any person (a) who is an actual bidder or prospective bidder in the procurement involved; (b) whose direct economic interest would be affected by the award of the contract or by a failure to award the contract; and (c) who demonstrates compliance with these procedures, the terms of the invitation for bids, and the contract documents (if bid) or Request for Proposals (RFP), as applicable.
5. *“Protested party”* means the interested party that is the subject of a bid protest.
6. *“Submit”* or *“File”* means the date of actual receipt by the Purchasing Agent.

## **B. Filing of a Protest**

Any interested party may file a protest on the basis that the City has failed to comply with applicable Federal or State law or with the local regulations. The protest must be filed in accordance with the timing requirements set forth in subsection C herein, and must include:

1. The name, address, telephone and facsimile numbers of the protestor;
2. The number of the specification/contract solicitation;
3. All information indicating that the protestor is an interested party;
4. A written statement of the grounds for the protest and in particular the Federal or State law or local regulation alleged to have been violated. This statement should be accompanied by any relevant support documentation, and a statement regarding the course of action the protestor desires that the Purchasing Agent take.

Protests should be submitted to:

**Purchasing Agent  
City of Springfield  
Office of Budget and Management  
300 South Seventh, Room 200,  
Springfield, IL 62701-1681**

5. All information establishing the timeliness of the protest; and
6. The signature of the protestor.

If the protest does not meet the time or content requirements, the Purchasing Agent may, at his option, reject the protest or allow the protestor a reasonable time to cover the deficiencies of the protest. The Purchasing Agent shall not be obliged to postpone contract awards in order to allow a protestor an opportunity to correct a deficient protest unless otherwise required by Federal law or regulation.

## **C. Subject of the Protest and Timing.**

For purposes of this section, deposit in the mail, postage prepaid does not constitute filing or receipt. A protest is considered filed when physically received by the Purchasing Agent or duly appointed designee. The City will consider these types of protests:

1. Protest regarding solicitation (Pre-Bid Protest)

Any protest regarding the solicitation by the City must be filed no later than **five (5)** days before the opening of bids (if bid) or the due date for submittals or proposals (if RFP), as applicable. Any protest filed after that date which raises issues regarding the solicitation will not be considered.

2. Protests regarding the evaluation of bids or proposals (Pre-Award Protest)

Any protest regarding the evaluation of bids or proposals by the City must be filed with the City no later than **five (5)** days after the opening of bids (if bid), or due date (if RFP), or notification that the protestor's status as a bidder/responder has changed, such as notification that a bid or proposal has been rejected. Any protest filed after such date which raises issues regarding the evaluation will not be considered.

3. Protest Regarding Award of Contract (Post-Award Protest)

Any protest regarding the award of the contract must be filed no later than **five (5)** days after the date of award. Any protest regarding the award of the contract filed after such date will not be considered.

#### **D. Protested Party Response**

Each protested party shall have **5 days** to respond in writing to a protest by providing to the Purchasing Agent supplemental information or by submitting any written information comparable to that described in subsection B herein. A protested party may request, and the Purchasing Agent may allow, an additional period of time to respond if the protest is complicated and/or the documentation is voluminous. In no event will the additional time exceed 5 days.

Failure by a protested party to respond to a protest, or to any portion of it, shall not be deemed to be an admission of any allegation made in the protest, but shall be deemed to constitute a waiver of the opportunity to respond to such allegation(s), if any, at this stage of the process.

#### **E. City Response**

##### **1. Types of Protest**

Upon timely receipt of a protest, the City may request additional information from the protestor. The City may, in its discretion, meet with the protestor to review the matters raised in the protest. The City's consideration of the particular types of protests will be in accordance with the following provisions:

**a. Protest regarding solicitation (Pre-Bid Protest).**

Upon receipt of a timely and properly filed protest regarding the solicitation, the City may postpone the opening of bids or proposal packages until resolution of the protest, unless otherwise decided by the Purchasing Agent. If the City postpones the opening of bids or proposal packages, no additional bids will be accepted during the period of postponement.

**b. Protests regarding the evaluation of bids or proposals (Pre-Award Protest).**

Upon receipt of a timely and properly filed protest regarding the evaluation of bids, qualifications, or proposals, the City may suspend its evaluation of all bids or proposals submitted until resolution of the protest, unless otherwise determined by the Purchasing Agent.

**c. Protest Regarding Award of Contract (Post-Award Protest).**

Upon receipt of a timely and properly filed protest regarding the award of a contract, the City will not issue a notice to proceed or submit an order for goods to the contractor until the protest has been resolved, unless the work or supplies are necessary to protect the interests of the City. If necessary, the City may issue a stop work order until the resolution of the protest.

**2. Decisions by the Purchasing Agent**

**a. Continue Process during Protest Resolution**

A decision on a protest will be made as expeditiously as possible after receiving all relevant information. The Purchasing Agent reserves the right, notwithstanding the pendency of a protest, to proceed with the appropriate action in the procurement process or under the contract in the following cases:

- (1) Where the item to be procured is urgently required;
- (2) Where the Purchasing Agent determines that the protest was frivolous; and
- (3) Where delivery or performance will be unduly delayed or other undue harm will occur, by failure to make the award promptly.

**b. Informal Conference**

The protestor may submit a request for an informal conference with its timely and properly filed protest. If a protested party does not intend to submit a written response to the protest, it must submit any request for an informal conference within **five days** after the protest has been filed. If a protested party submits a written response to the protest, it must include any request for an informal conference with its response. The Purchasing Agent may, at his option, hold an informal conference on the merits of the protest with all interested and available parties. All interested parties will be given at least two (2) days' notice of the informal conference.

### **c. Final Determination**

Upon receipt of a timely and properly filed protest and review by the Purchasing Agent, the Purchasing Agent will provide a written decision to the protestor within **thirty (30) days** after the last submission has been made, unless the Purchasing Agent notifies all parties that have made a submission that an additional period is needed for the Purchasing Agent to prepare a final decision. The basis of the decision will be the information submitted by the protestor and protested party, the result of any meetings with the protestor and protested party, and the Purchasing Agent's own investigation. The Purchasing Agent will respond to each substantive issue on the protest submitted with the level of detail deemed appropriate by the Purchasing Agent. The Purchasing Agent's decision shall become final within five (5) days unless a timely request for reconsideration is filed with the Purchasing Agent as noted below.

### **d. Reconsideration of Protest Decision to the Purchasing Agent**

A protestor or protested party may request the Purchasing Agent's reconsideration of a decision if:

- (1) Information becomes available that was not previously known, or could have reasonably become known, or
- (2) The Purchasing Agent's decision contains an error of law or regulation.

**The request must be submitted in writing to the Purchasing Agent within five (5) days of the date of issuance of the initial decision.** The request must include a detailed explanation of the basis for reconsideration and state the course of action the protestor or protested party desires that the Purchasing Agent take. For purposes of this section, deposit in the mail, postage prepaid does not constitute filing or receipt. **A request is considered filed when physically received by the Purchasing Agent or duly appointed designee.**

### **d. Actions after the Purchasing Agent's Decision**

After a written decision is issued by the Purchasing Agent the appropriate actions will take place. If the protest is upheld, the Purchasing Agent's actions may include, but are not limited to, any appropriate steps to correct the procurement process, such as: re-solicitation of bids, revising evaluation of bids, termination of the contract. If the protest is denied, the Purchasing Agent will lift any **imposed** suspension and proceed with the procurement process or the contract.