

Revised Protest Procedures- Purchasing and Contracts Procedure Manual

The only vendor that may protest the award of the contract for a solicitation is a vendor that made a submittal to the solicitation which was timely received by the county in accordance with the terms of the solicitation. Protests not timely made shall be barred. Formal written notice on vendor's company letterhead shall be received by the Director of Purchasing and Contracts no later than five (5) business days from the date of posting of recommendation of solicitation award to the Volusia County website (www.volusia.org/bidlist). A "business day" is defined as Monday through Friday 8:00a.m.to 5:00 p.m., excluding County holidays. All protest point/issues to be considered must be included and vendor will not be permitted to submit new issues or any additional points or amend protest points once the protest is submitted to the Director of Purchasing and Contracts. A protest shall include all material details and documentation that vendor/bidder asserts supports the protest. The following shall not be the subject of a protest under this procedure:

- 1) Exceptions to scope of work or specifications in the solicitation document; and
- 2) Any allegations of misconduct or misrepresentation of another vendor in the solicitation process other than contained in such vendor's submittal.

The Director of Purchasing and Contracts shall issue a written determination regarding the protest within a reasonable time. The vendor may appeal the determination by submitting a written protest to the County Manager with a copy to the Director of Purchasing and Contracts within five (5) business days from the issuance of the written determination by the Director of Purchasing and Contracts. The County Manager shall evaluate the vendor's written protest and issue a written decision within a reasonable time. For protest of solicitations valued \$50,000.00 or less, the County Manager's decision shall be final.

For protest of solicitations valued greater than \$50,000.00, the vendor may appeal the County Manager's decision by submitting a written protest to the County Chair with a copy to the County Manager and Director of Purchasing and Contracts within five (5) business days of the issuance of County Manager's written decision. The protest shall be placed on the agenda of a regular county council meeting as determined by the County Chair. The County Council shall evaluate the protest and render a decision at the meeting. The decision of the County Council shall be final. The protest process shall not stay the solicitation, negotiation, or contract award process if determined to be in the best interest of the County Manager or County Council.

For solicitations under (Selection Process "D"), the County Council's consideration and decision of award shall be final and determinative of all issues regarding the solicitation, including any protests in connection therewith.

Approved by Legal: March 5, 2010

Approved by Deputy County Manager

PO

Charlene Weaver
Charlene Weaver

4/22/2010
Date