

## **Frederick Community College Bid/Proposal Protests**

All actual or prospective bidders, respondents, offerors, vendors, or contractors that believe that they are aggrieved by the solicitation or award of a contract will be offered a process for the administrative adjudication they protest.

### **Definitions:**

1. Appeal - a request for administrative review of a Protest Decision.
2. File, Filing, Filed - receipt date by the Procurement Administrator.
3. Final Determination - resolution, after investigation of an appeal, made by the Vice President for Finance for Fredrick Community College.
4. Grounds - foundation for Protest of the solicitation or award of a contract.
5. Interested Party- an actual or prospective bidder, vendor, offeror, respondent, or contractor that may be aggrieved by the solicitation or award of a contract or by the protest.
6. Protest - a formal statement of objection to the solicitation or award of a contract.
7. Protest Decision - determination, after investigation of Grounds, made by the Procurement Administrator of Fredrick Community College.
8. Protester- any actual or prospective bidder, vendor, offeror, respondent, or contractor who is aggrieved in connection with the solicitation or the award of a contract and files a protest.

### **Procedural Qualifications**

1. Protests will only be accepted from an Interested Party
2. Protests must be filed within seven (7) calendar days after the opening of bids or notification that an award of a contract is contemplated. Protests filed after the time limit will not be considered.
3. Protests must be made in writing.
4. Protests must be sent to the Procurement Administrator of Frederick Community College.
5. Protests must contain:
  - a. Clear indication that the communication is a formal, written protest.
  - b. Name and address of Protester.
  - c. Name and number of the solicitation.
  - d. Grounds for the Protest.
  - e. Documentation, exhibits, evidence, etc. to support the Grounds.
  - f. Signature of a duly authorized officer or agent of the protesting party.

### **Decision by the Procurement Administrator**

1. The Procurement Administrator may request additional information from the protesting party who shall submit the information within the time periods established. Failure of the Protester to respond to a request for substantiation of Grounds may result in the Protest being dismissed.
2. 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.
3. When a protest has been filed within seven (7) calendar days and before an award has been made, the procurement process may be suspended, at the sole discretion of the Procurement Administrator, and no award of the contract will be made until the protest has been settled.
4. A decision on a Protest shall be made in writing by the Procurement Administrator within ten (10) working days after receiving the Protest.
5. Any Interested Party may also receive information regarding the Protest Decision.
6. Protest Decisions may be appealed to the College Vice President of Finance within seven calendar (7) days of the receipt of the Procurement Administrator's response.

### Appeal

1. An appeal of the decision of the Procurement Administrator may be made by the Protesting Party, or by any interested party aggrieved by the Procurement Administrator's decision, to the Vice President of Finance of Fredrick Community College.
  - a. Notification of the intent to appeal a decision of the Procurement Administrator shall be communicated to the Procurement Administrator within two (2) business days of receipt of the Administrator's decision.
  - b. The actual appeal of a decision of the Procurement Administrator shall be filed not later than seven (7) calendar days after the receipt of such decision.
2. The appeal shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted specifying any errors of law or information not previously considered.
3. The Vice President of Finance 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.

### Final Determination

1. A Final Determination on the appeal will be made as expeditiously as possible.
2. Any Interested Party may also receive information regarding the Final Determination.
3. The Final Determination of the Vice President of Finance shall be final with respect to administrative remedies.