

CITY COLLEGES OF CHICAGO
ADMINISTRATIVE AND PROCUREMENT SERVICES

BID PROTEST PROCEDURES
(Bids, Requests for Proposals, Requests for Qualifications)

A.WHO MAY FILE A PROTEST

Any bidder, prospective bidder, proposer, or prospective proposer (“Protesting party”) who is aggrieved in connection with the solicitation or award of a contract may file a protest. Protests relating to a cancellation of invitations for bids or requests for proposals, and protests relating to the rejection of all bids or proposals will not be considered.

B.TIME FOR FILING

1. If a protest is submitted by a prospective bidder or prospective proposer, the protest must be filed before the bid opening time or proposal due date.
2. If a protest is filed by a bidder or proposer after the bid opening or proposal due date, the protest must be filed within five (5) business days after the protesting bidder or proposer knew or should have known the facts giving rise to the protest. In no event may a protest be filed later than ten (10) business days after the date of contract award.

C. FORM OF PROTEST

1. A protest must be in writing and filed with the Chief Procurement Officer. The written statement must include:
 - a. The name, address, telephone and fax number for the protestor;
 - b. The bid or specification number of the solicitation;
 - c. Justification or grounds for the protest, with specificity on the Federal, State, Local law or regulation, or City Colleges of Chicago Board policy alleged to have been violated;
 - d. Information establishing the timeliness of the protest; and
 - e. The signature of the protestor
2. A protest must state each and every ground upon which the Protesting party asserts that the solicitation or award was improper. Issues not raised by the Protesting party in the protest are deemed waived and may not be raised after a final determination has been made.
3. The Protesting party may submit with the protest any documents or information deemed relevant.
4. If the protest does not meet the time or content requirements, the Chief Procurement Officer may reject the protest or allow the protesting party a reasonable time to cure the deficiencies of the protest. The Chief Procurement Officer shall not be obligated to postpone contract awards in order to allow a protestor the opportunity to correct a deficient protest unless otherwise required by Federal Law or regulation.

D. NOTICE OF PROTEST

If an award has been made, Procurement Services shall notify the successful bidder or proposer of the protest. If the protest is received before award and substantial issues are raised by the protest, all bidders and proposers who appear to have a substantial and reasonable prospect of receiving the award shall be notified and may file a statement with Procurement Services within five (5) business days after receipt of notice of the protest.

E. RESPONSE

1. The protest may be resolved by mutual agreement.
2. Within fifteen (15) business days of the receipt of a protest, the Chief Procurement Officer shall submit a written response to the protestor and other District officials as appropriate. The response may include any documentation deemed relevant to the protest. The Chief Procurement Officer shall:
 - a. Review the protest and the response
 - b. Request and review any additional documents or information deemed necessary to render a decision
 - c. Consult with appropriate District officials, which may include the Vice Chancellor of Administrative Services, Chief Operating Officer, General Counsel, Internal Audit or the Inspector General, and provide them the opportunity to review and address any documents or information related to the protest
3. Within ten (10) business days of the date of the Chief Procurement Officer's response, the protesting party may file a written response.
4. Within sixty (60) business days of the receipt of the protest and response, the Chief Procurement will issue a written final determination stating the reason for the decision. If additional time is required to investigate the protest, the Chief Procurement Officer will inform the Protesting party of the additional time needed to render a determination. The basis of the decision will be the information submitted by the protestor, the result of any meetings with the protestor, and the Chief Procurement Officer's own investigation. The Chief Procurement Officer will respond to each substantive issue on the protest submitted with the level of detail deemed appropriate by the Chief Procurement Officer.
5. If the Protesting party does not agree with the final determination, it has the right to pursue administrative remedies or legal action it deems appropriate.

E. STAY OF PROCUREMENT

1. After examination of the issues surrounding the protest, the Chief Procurement Officer, in consultation with the appropriate District Officials, will determine whether the protest has merit and if the solicitation or award shall be stayed, or if other further action is necessary to protect the interests of the District.

2. If the contract performance has already begun, the Chief Procurement Officer shall determine whether the performance of the contract should be suspended.

F. REMEDIES

1. If, before the execution of a contract, it is determined that a solicitation or proposed award of a contract was in violation of law or Board policy, the Chief Procurement Officer may:

- a. Cancel the solicitation;
- b. Reject all bids or proposals or those parts of the bids or proposals which were affected by the violation; or
- c. Change or cancel the award to comply with the law or policy

2. If, after the execution of a contract, it is determined that a solicitation or award of a contract was in violation of law or Board policy, the contract may be:

- a. Declared void;
- b. Cancelled pursuant to the contract's termination provision;
- c. Modified to comply with the law with the consent of all parties; or
- d. Ratified and affirmed, if it is determined that it is in the best interests of the District, and without prejudice to the right of the agency to damages, as may be appropriate