

## **Protest Procedure**

A protest is defined as a written objection to a proposed award, or the award of a contract, with the intention of receiving a remedial result. In order to be considered valid, a protest must 1) come from an actual bidder or proposer for the contract, 2) come from one who claims to be the rightful award recipient, 3) and come from one who claims their economic interest may be affected substantially and directly by the award of a contract or by failure to award a contract. Suppliers or subcontractors to a bidder or proposer cannot file a valid protest. A valid protest can only be filed by a bidder or proposer which can show that it would be awarded the contract if the protest were successful. Therefore, all conditions numbered 1 through 3 listed above in this paragraph must be met.

The written protest must be filed with the Director of Purchasing located at Sedgwick County, 100 N. Broadway, Suite 610, Wichita, KS 67202 no more than three (3) business days (excludes weekends and holidays) immediately following the notification of the intent to award. Failure of a protestor to file a written protest related to the award of a contract within the above timeframe will invalidate that protest and cause it not to be considered.

The Director of Purchasing will acknowledge receipt of the written protest. The written protest is to include the name, address, e-mail address and telephone number of the protestor, identification of the solicitation number, project title, a detailed statement of the reasons for the protest which justify the relief sought, supporting evidence or documentation to substantiate any arguments, and a concise statement of the form of relief requested (e.g. reconsideration of the offer).

Untimely protests and incomplete protests will be rejected without consideration.

In the event of a complete, timely protest, the County shall not proceed with the execution of the contract or seek the final approval of valid authority until all County administrative remedies have been exhausted or waived, or until a determination is made that an award is required to protect the interests of the County.

The decision of the Director of Purchasing, based on review of the written protest and information available will be rendered within three (3) business days after receipt of protest, will recite the reasons for the decision, and be provided to the protestor by e-mail or other written notification.

The protestor may seek reconsideration of the decision of the Director of Purchasing in writing to the Chief Financial Officer located in the same office within three (3) business days following the day of issuance of the Director of Purchasing's response.

The Chief Financial Officer's decision will be issued by e-mail or other written notification within three (3) business days after receiving the written reconsideration, unless this time for a response is extended in writing and agreeable by both parties.

The protestor may seek reconsideration of the decision of the Chief Financial Officer in writing to the County Manager, 100 N. Broadway, Suite 630, Wichita, KS 67202. The decision of the County Manager will be rendered within three (3) business days after receipt of protest and will be considered as final.

Any determination that a protest is valid does not automatically indicate or ensure the protestor's bid is now accepted. Any acceptance of bids is still subject to the standards established in Sedgwick County Code Charter 68.