

**SEATTLE COLLEGE DISTRICT VI  
PURCHASING DEPARTMENT  
PROTEST PROCEDURE**

**I. PROTEST PRIOR TO RESPONSE DUE DATE**

**A. Initial Protests prior to Response Due Date**

1. Protests pertaining to the following matters will be considered only if filed with the District Procurement Director prior to the date and time specified for receipt of responses to the solicitation:
  - a. The solicitation unnecessarily restricts competition;
  - b. The solicitation evaluation or scoring process is unfair or flawed; or
  - c. The solicitation requirements are inadequate or insufficient to prepare a response.
2. If a protest is not received by the date and time specified for receipt of responses to the solicitation, it will be untimely and the District may proceed without further obligation.
3. If the protest is timely, the Procurement Director will consider all the facts available and issue a decision in writing within five (5) business days after receipt of the protest, unless more time is needed. If additional time is necessary, the Procurement Director will notify the protesting Respondent.

**B. Appeal of Protest Decisions Received prior to the Date and Time for Receipt of Bids/Proposals**

1. The protesting Respondent has the right to appeal the decision of the Procurement Director to the District Vice Chancellor for Finance & Technology.
2. The appeal must be received by the District Vice Chancellor for Finance & Technology within three (3) business days following after notification of the Procurement Director's decision.
3. The District Vice Chancellor for Finance & Technology will consider all of the facts available and issue a decision in writing within five (5) business days after receipt of the appeal, unless more time is needed. The appealing Respondent will be notified if additional time is necessary.
4. Award of the contract will be postponed until after the District Vice Chancellor for Finance & Technology has issued a decision unless an emergency exists necessitating the award of the contract as determined by the Vice Chancellor for Finance & Technology.
5. The decision of the District Vice Chancellor for Finance & Technology on the protest appeal is final. The Vice Chancellor for Finance & Technology may issue further clarifications if needed.

**II. PROTEST AFTER NOTICE TO AWARD**

**A. Initial Protest after Notice to Award**

1. Respondents have three (3) business days after Notice to Award to request a debriefing conference.
2. Protests after Notice to Award will be considered only after a debriefing conference, if received by the Procurement Director within five (5) business days of the conference, and only if the protest concerns:
  - a. A matter of bias, discrimination, or conflict of interest on the part of the evaluator;
  - b. Errors in computing the scores; or

- c. Non-compliance with procedures described in the procurement document or agency protest process or DES requirements.
3. In making the protest, the protesting Respondent must notify the Procurement Coordinator that a protest of the Notice to Award is being made.
4. The Procurement Coordinator will, upon receipt of a notice of protest, notify the Respondent to whom the award was made.
5. The Procurement Director will issue a decision within five (5) business days after the protest was received, unless more time is needed.
6. The Procurement Director will notify the protesting Respondent, and the Respondent who has received the Notice to Award, of any delay in issuing the decision if more time is needed.
7. The decision of the Procurement Director is final if the award is upheld.
8. If the Procurement Director finds that the protest should be upheld and the Notice to Award canceled, all Respondents to the Solicitation will be notified of the intent to cancel the Notice to Award and the reasons therefore.

**B. Appeal of Protest Decisions Received after Notice of Award**

1. In the event that the protest is sustained, the Respondent, who initially received the Notice to Award has five (5) business days after receipt of notification to cancel the award to appeal the decision to the Vice Chancellor for Finance & Technology.
2. Following receipt of the protest, the Vice Chancellor for Finance & Technology or designee will:
  - a. Notify the Respondent, who initiated the protest and the Procurement Director of the appeal.
  - b. Issue a decision to both the appealing Respondent, and the original protesting Respondent, within five (5) business days after receipt of the appeal, unless more time is needed. If more time is needed to issue a decision, all Respondents, including the appealing Respondent and the original protesting Respondent, will be notified.
3. If the Vice Chancellor for Finance & Technology upholds the appeal and upholds the contract as awarded, the Procurement Coordinator will notify all Respondents of the decision.
4. If the Vice Chancellor for Finance & Technology upholds the decision of the Procurement Director, the Procurement Coordinator will proceed with cancellation of the award.
  - a. If the award is cancelled, the Vice Chancellor for Finance & Technology may reject all bids, quotes or proposals pursuant to and solicit new bids, quotes or proposals.
  - b. If the Vice Chancellor for Finance & Technology does not decide to reject all bids or proposals, an award will be made to: (a) the next lowest responsive bidder, if the award is the result of an Invitation to Bid, or (b) the next highest ranked respondent if the award is the result of a Request for Proposals.
5. The appellate decision of the Vice Chancellor for Finance & Technology is final.

### **III. PROTEST AND APPEALS – FORM AND SUBSTANCE**

**A. Protest Form**

All protests and appeals must be in writing, signed by the protesting or appealing Respondent or an authorized representative, delivered within the time frame(s) outlined herein, addressed to that individual within the District assigned review responsibilities as specified above.

B. Protest Substance

The protesting or appealing Respondent must:

1. State all facts and arguments on which the protesting or appealing Respondent is relying as the basis for its action,;
2. Attach any relevant exhibits related, or referred to in the written protest or appeal.

**IV. COMMUNICATION DURING PROTESTS AND APPEALS**

All communications relative to a solicitation that is being protested or appealed must be coordinated through that person conducting the official review for the District.