



Administrative Policy  
**PROTESTS**

A.P. No.

5-12

Effective Date:

Upon Approval

**1. POLICY STATEMENT**

It is the policy of the City of Houston (City) that all persons who do or seek to do business with the City shall be treated in a fair and consistent manner.

**2. POLICY PURPOSE**

To set forth a process for disputing competitive procurements.

**3. SCOPE**

3.1. This policy applies to all competitive procurements conducted by any department.

3.2. This policy does not apply to appeals of decisions made by the Office of Business Opportunity (OBO) regarding any of the programs it administers.

**4. DEFINITIONS**

Chief Procurement Officer (CPO): The City's Chief Procurement Officer or designee.

Days: Working days of the City.

Interested Party: Any person who satisfies all of the following criteria: 1) an actual bidder or prospective bidder in a specific procurement; 2) a direct economic interest that would be affected by the award of the contract or by a failure to award the contract; and 3) demonstrates compliance with this policy and the terms of the solicitation (Invitation to Bid Request for Qualifications (RFQ), or Request for Proposal (RFP)).

Submission Date: The date of actual receipt by the CPO.

**5. POLICY DETAILS**

**5.1. Filing a Protest**

5.1.1. An interested party may file a protest on the basis that the City has failed to comply with applicable federal or state law or with City ordinances. The subject of the protest shall be limited to fraud, corruption, or illegal acts undermining the objectivity and integrity of the procurement process. A protest must be filed in accordance with the timing requirements set forth herein and must include:

5.1.1.1. The name, address, telephone number, and email address of the protestor.

5.1.1.2. The number of the solicitation.

5.1.1.3. Information confirming that the protestor is an interested party.

Approved:

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5.1.1.4. A written statement of the grounds for the protest and the law or ordinance alleged to have been violated. The statement shall be accompanied by relevant supporting documentation and the relief requested.

5.1.1.5. The signature of the protestor.

5.1.2. Protests shall be submitted to: Chief Procurement Officer, City of Houston, 901 Bagby B300, Houston, TX 77002.

5.2. The City recognizes three types of protests:

5.2.1. Protests regarding solicitation (Pre-Submission Protest)

5.2.1.1. Any Pre-Submission Protest regarding a solicitation published by the City shall be filed no later than five days before the opening of bids (if a competitive bid) or due date for submittals or proposals (if an RFP/RFQ), as applicable.

5.2.2. Protests regarding the evaluation or rejection of bids, qualifications, or proposals (Pre-Award Protest)

5.2.2.1. Any Pre-Award Protest regarding the evaluation of bids, qualifications, or proposals by the City must be filed no later than five business days prior to the City Council meeting at which the award appears on the agenda.

5.2.3. Protests made after City Council's decision to award a contract (Post-Award Protest)

5.2.3.1. Any protest regarding the award of a contract must be submitted no later than five calendar days after the date of the award.

5.2.4. Any protest received after the applicable deadline will not be considered.

5.3. Decisions by the CPO

5.3.1. Continue process during protest resolution

5.3.1.1. A decision regarding a protest will be made as expeditiously as possible after receiving all relevant information. The CPO reserves the right to proceed with appropriate action in the procurement process when:

5.3.1.1.1. An item or service is urgently required;

5.3.1.1.2. The CPO determines the protest was vexatious or frivolous; or

5.3.1.1.3. Where delivery or performance will be unduly delayed or other undue harm will occur by failure to make the award promptly.

5.3.2. Informal conference

5.3.2.1. Five days after a protest has been timely and properly filed the protestor may submit a request for an informal conference. The CPO may, at her option, hold an informal conference on the merits of the protest with all interested and available parties. The protestor will be given at least two days' notice of the informal conference.

5.3.3. Final determination

5.3.3.1. The CPO will review a timely and properly filed protest and provide a written decision

to the protestor within thirty days after the submission date, unless the CPO notifies the protestor that additional time is needed to prepare a final decision. The basis of the decision will be the information submitted by the protestor, the result of any meetings with the protestor, and the CPO's own investigation. The CPO will respond to each substantive issue with the level of detail she deems appropriate.

5.4. Actions after CPO's decision

5.4.1. After a written decision is issued by the CPO:

5.4.1.1. If the protest is upheld, the CPO's actions may include, but are not limited to, any appropriate steps to correct the procurement process.

5.4.1.2. If the protest is denied, the CPO will proceed with the procurement process.

**6. ROLES AND RESPONSIBILITIES**

6.3. Chief Procurement Officer:

6.3.1. Address procurement protests as set forth in this policy.

6.3.2. Communicate the filing and resolution of protests with appropriate personnel, including but not limited to appropriate department directors, the Mayor's office, and the City Secretary.

**7. POLICY SPONSOR**

**Department:** Finance Department Strategic Procurement Division