

OFFICE OF COURT ADMINISTRATION

PROCUREMENT PROTEST PROCEDURES



OCA FINANCE AND OPERATIONS DIVISION
FISCAL YEAR 2008

Protest Procedures

(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to OCA. Such protests must be in writing and received in the administrative director's office within 10 working days after such aggrieved person knows, or should have known, of the occurrence of the action that is protested. Formal protests must conform to the requirements of this subsection and subsection (c) of this section, and shall be resolved in accordance with the procedure set forth in subsections (d) and (e) of this section. Copies of the protest must be mailed or delivered by the protesting party to the other interested parties. For the purposes of this section, "interested parties," mean all vendors who have submitted bids or proposals for the contract involved.

(b) In the event of a timely protest or appeal under this section, OCA shall not proceed further with the solicitation or with the award of the contract unless the administrative director, after consultation with the CFO, makes a written determination that the award of contract without delay is necessary to protect substantial interests of the state.

(c) A formal protest must be sworn and contain:

(1) A specific identification of the statutory or regulatory provision (s) that the action complained of is alleged to have violated;

(2) A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified in paragraph (1) of this subsection;

(3) A precise statement of the relevant facts;

(4) An identification of the issue or issues to be resolved;

(5) Argument and authorities in support of the protest; and

(6) A statement that copies of the protest have been mailed or delivered to the identifiable interested parties.

(d) The CFO shall have the authority, prior to appeal to the administrative director, to settle and resolve the dispute concerning the solicitation or award of a contract. The CFO may solicit written responses to the protest from other interested parties.

(e) If the protest is not resolved by mutual agreement, the CFO will issue a written determination on the protest.

(1) If the CFO determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and other interested parties by letter, which sets forth the reasons for the determination.

(2) If the CFO determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he or she shall so inform the

protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.

(3) If the CFO determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

(f) The CFO's determination on a protest may be appealed by an interested party to the administrative director. An appeal of the CFO's determination must be in writing and must be received in the administrative director's office no later than 10 working days after the date of the CFO's determination. The appeal shall be limited to review of the director's determination. Copies of the appeal must be mailed or delivered by the appealing party to the other interested parties and the appeal must contain an affidavit that such copies have been provided.

(g) The general counsel shall review the protest, CFO's determination, and the appeal and prepare a written opinion with recommendation to the administrative director. The administrative director shall issue a written decision on the protest, which shall be the final administrative action of OCA.

(h) A protest or appeal that is not filed timely will not be considered, unless good cause for delay is shown.