PROTEST AND APPEALS OF CONTRACTS AND AWARDS
1.1 Content of Formal Protest and Appeal Letter
Any participating bidder may file a protest of a contract award or proposed contract award. The protest or appeal must be in writing and contain at least the following information:

1. The name, address and telephone number of the protester;
2. The signature of the protester;
3. The bid number and date of bid closing;
4. A statement of the legal and/or factual grounds on which the protest or appeal is based, including copies of information relevant to the bid;
5. The form of relief requested.

1.2 Filing Procedure
Protests are to be filed with the Director of Purchasing & Contracting, within 10 days of award. Failure to timely protest shall be deemed a waiver of all rights to protest.

If a protest is filed before the award of a contract, no award shall be made until the protest has been administratively resolved, unless the Director of Purchasing & Contracting makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the Yavapai County Community College District.

A written decision will be made within 10 days after the protest has been filed. The decision shall contain an explanation of the basis of the decision. The Director of Purchasing & Contracting shall furnish a copy of the decision to the protester by certified mail, return receipt requested, or by any other method that provides evidence of receipt.

The time limit for a decision may be extended by the Director of Purchasing & Contracting for a reasonable time not to exceed thirty days. The Director of Purchasing & Contracting shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

1.3 Remedies
If the Director of Purchasing & Contracting sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with College policies or procedures, the Director of Purchasing & Contracting shall implement an appropriate remedy.

In determining an appropriate remedy, the Director of Purchasing & Contracting shall consider all the circumstances surrounding the procurement or the proposed procurement, including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, cost to the government, the urgency of the procurement, and the impact of relief on the College’s mission.

An appropriate remedy may include one or more of the following:
1. Decline to exercise an option to renew under the contract;
2. Terminate the contract;
3. Reissue the solicitation;
4. Issue a new solicitation;
5. Award a contract consistent with College’s policies and procedures;
6. Reject all bids or proposals without further actions;
7. Such other relief as determined necessary to ensure compliance with this College’s policies or procedures.

1.4 Appeals
Appeals are to be filed with the Director of Purchasing & Contracting within 5 days of the receipt of the decision. The notice of appeal shall contain: The information from the original protest letter, a copy of the decision of the Director of Purchasing & Contracting, and the basis for the appeal.

The Director of Purchasing & Contracting shall immediately give written notice of the pending appeal to the successful contractor if award has been made or, if no award has been made, to interested parties. Any party so notified shall, upon request, be furnished with a copy of the notice of appeal filed in the matter.

The Director of Purchasing & Contracting shall notify the Governing Board or its designee of the appeal. Any hearing or appeal shall be conducted by the Governing Board or its designee as hearing officer. A written decision will be made within 14 days after the appeal has been filed.

The time limit for a decision may be extended by the hearing officer for a reasonable time not to exceed thirty days. The hearing officer shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

1.4.1 Stay of Procurement During Appeal
If an appeal is filed before an award of contract and the award of the contract was stayed by the Director of Purchasing & Contracting, the filing of an appeal shall automatically continue the stay unless the hearing officer conducting the appeal makes a written determination that the award of the contract without delay is necessary to protect the substantial interest of the College.

1.4.2 Dismissal Before Hearing
The hearing officer conducting the appeal shall dismiss, upon a written determination, an appeal before scheduling of hearing if the appeal does not state a valid basis for protest; or the appeal is untimely.

1.5 Remedies
If the hearing officer sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with College policies or procedures, the hearing officer shall implement an appropriate remedy. Remedies shall follow those outlined in section 1.3.