

Sec. 7.14 - Appeal of Director of Purchasing and Materials Management Decision

A.

Any actual or prospective bidder, proposer, offeror or contractor who is aggrieved in connection with a solicitation or award of a bid or contract may protest to the Director within seven (7) calendar days after such aggrieved person knows or should have known of facts giving rise thereto, provided the bid award or contract has not been approved by City Council, or the contract has not been fully executed if City Council approval is not necessary.

B.

At the filing of the written protest, the aggrieved bidder, proposer, offeror or contractor shall post with the Office of Purchasing and Materials Management, a security in the form of a bond (in a form, and with such terms, approved by the Director) payable to the City of Orlando in an amount equal to one percent (1%) of the estimated price quoted, bid or proposal amount, or five thousand and no/100 dollars (\$5,000.00) whichever is less. In lieu of a bond, the City may accept an irrevocable letter of credit, cashier's or certified check, or money order in the above referenced amount (in a form, and with such terms, approved by the Director). If the protest is successful, the posted security will be refunded in full. If the protest is unsuccessful, the security shall be returned, less all fees, expenses, damages, costs and charges incurred by the City. Noncompliance with this requirement, in whole or in part, shall be deemed to be a waiver by the protestor of their rights under this ordinance.

C.

The Director shall attempt to settle or resolve protests, with or without a hearing at the option of the Director. The Director shall render a written decision on the protest, within thirty (30) calendar days following receipt of the protest.

D.

Any person aggrieved by the decision of the Director may appeal to the Chief Financial Officer within seven (7) calendar days from the date of the Director's written decision. Said appeal shall be in writing and shall state with specificity the grounds therefor and also the action requested of the Chief Financial Officer. The Chief Financial Officer shall attempt to settle or resolve the matter, with or without a hearing at the option of the Chief Financial Officer. The Chief Financial Officer shall render a written decision on the appeal, within thirty (30) calendar days following receipt of the appeal.

E.

Decisions of the Chief Financial Officer may be appealed to City Council by submission to the City Clerk of a written request for hearing within seven (7) calendar days from the date of the Chief Financial Officer's written decision. The written request shall state with specificity the grounds for the appeal and also the action requested of City Council.

F.

A final decision under this section shall be conclusive and shall represent the position of the City.

G.

Timely filing of the protest and/or appeals is jurisdictional. Notwithstanding any provision of this section to the contrary, in the event that the final day for a City employee or official to respond or for a person to file a protest or appeal with the Director, Chief Financial Officer, or City Clerk falls on a Saturday, Sunday, or a City observed holiday, the date for responding or filing such protest or appeal shall be extended until the next day which is neither a Saturday, Sunday, or City observed holiday.

H.

In the event of a timely protest and/or appeal, the City shall not proceed further with the solicitation or with the award of the bid/contract unless the Director, after consultation with the head of the using agency, forwards to the Chief Financial Officer a written request to award the bid/contract without delay in order to protect the public health, welfare or safety.

(Ord. of 6-27-1983, Doc. #17874; Ord. of 7-18-1988, Doc. #22235; Ord. of 9-12-1988, Doc. #22393; Ord. of 7-8-1996, Doc. #29463; Ord. of 10-14-2002, § 1, Doc. #021014701; Ord. of 11-17-2008, § 4, Doc. #0811171301; Ord. of 10-19-2009, § 1, Doc. #0910191102)
