



Solicitation Protest Guidelines and Important Information

Filing a Protest

Protests are governed by the provisions and procedures of Chapter 7 of the City of Orlando's Code which can be accessed online at: <http://www.cityoforlando.net/admin/purchasing/chapter7.htm> or by contacting the Purchasing and Materials Management Division at (407) 246-2291. Any appeal of matters relating to a solicitation must be filed in accordance with the requirements of Chapter 7 of the City Code. These solicitation protest guidelines are provided as a helpful summary of certain provisions of the City's protest procedures, but are not intended to be a substitute for reading and understanding the provisions of Chapter 7 of the City Code. In the event of any conflict between the terms contained in these guidelines and the provisions of Chapter 7, the provisions of Chapter 7 shall control.

Time to File a Protest

As provided in Section 7.14 of City Code, "[a]ny 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 [Purchasing] 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." Accordingly, with respect to any protest of the terms, conditions, procedures, specifications, or scope of services contained in the solicitation, including, but not limited to, any provisions governing the method of ranking proposals, awarding contracts, reserving rights of further negotiation, or modifying or amending the contract, an actual or prospective Proposer must provide the Purchasing and Materials Management Director with a written notice of protest within seven (7) calendar days after it knows or should have known of such provision.

Who May Protest

Under City Code, any actual or prospective bidder or proposer, offeror or contractor who is aggrieved in connection with a solicitation or award of a bid or contract may file a protest.

Preparation of a Protest

There is no prescribed form for filing a protest, except that the protest must be in writing and must be accompanied by a bond or other form of protest security meeting the requirements set forth in Section 7.14 of Chapter 7 in an amount equal to one percent (1%) of the estimated price quoted, bid or proposal amount, or five thousand dollars (\$5,000) whichever is less. Protests may be filed by hand delivery, mail, commercial carrier, or other written method.

In order to expedite review and assure proper understanding of the issues giving rise to the protest, the City would request that a written protest:

1. Include the name, street address, e-mail address, and telephone and facsimile (fax) numbers of the protester;
2. Be signed by the protester or its representative;
3. Identify the solicitation and/or contract number;
4. State the reasons and facts upon which the protest is based, including a detailed statement of the legal and factual grounds of the protest together with copies of relevant documents;
5. Set forth all information establishing that the protester is an actual or prospective bidder, proposer, offeror, or contractor for the purpose of filing a protest;
6. Set forth all information necessary to establish the timeliness of the protest; and
7. Specifically state the form of relief requested.

Where To Send A Protest

Protests must be addressed to the Director of the Purchasing and Materials Management Division located at 400 South Orange Avenue, Fourth Floor, Orlando, Florida 32801. Office hours are from 8:00 a.m. to 5:00 p.m., local time, Monday through Friday. Protests may be filed by hand delivery, mail, commercial carrier, or other written method. The current official bid protest fax number is (407) 246-2869. It is incumbent upon the Protestor to verify the fax number prior to transmission. Protesters choosing to fax a written protest remain responsible for filing a protest bond or other protest security meeting the requirements of Chapter 7 of the City Code by the deadline for filing a protest. Protesters should be aware that, whatever method of delivery they choose, they bear the sole risk that their protest and their protest security will be received in Purchasing and Materials Management Division in a timely manner. The timely filing of a protest is jurisdictional.

Decision Regarding a Protest

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

Appeals of a Protest Decision

Any person aggrieved by the decision of the Purchasing Director may appeal the decision to the City's Chief Financial Officer within seven (7) calendar days from the date of the Director's written decision pursuant to the procedures set forth in Section 7.14 of Chapter 7 of the City Code. The Chief Financial Officer shall render a written decision on the appeal within thirty (30) calendar days following receipt of the appeal. Decisions of the Chief Financial Officer may be appealed to City Council pursuant to the procedures set forth in Section 7.14 of Chapter 7 of the City Code.