

ATTACHMENT A
PROTEST PROCEDURES
CITY OF BOTHELL
FIRE STATIONS 42 AND 45 REPLACEMENT

1. PURPOSE

To provide a prompt, fair and equitable administrative remedy to all Proposers and Prospective Proposers regarding the solicitation or procurement of a project, including but not limited to alleged substantive errors or omissions in the procurement documents, a decision by the Owner to award the Contract and/or notice from the Owner that a Proposal is non-responsive or that a Proposer is not responsible.

2. TIMING

Any actual or prospective Proposer showing a material economic interest in this Contract or who is aggrieved by either the solicitation or award of this Contract, may protest to the Owner, only in accordance with the procedures set forth below.

- A. Protests Based on the Form or Content of the Solicitation Documents: Any Protest based on the form or content of the solicitation documents, which is or should have been apparent prior to the date established for submittal of Statements of Qualifications or Proposals, must be clearly labeled on the transmittal envelope as a "Protest" and filed as soon as practicable to:

Attention: Jeff Sperry or his designee
Fleet and Facilities Manager
City of Bothell City Hall
18415 101st Ave NE
Bothell, WA 98011

No protest based on the form or content of the solicitation documents will be considered if received by the Owner later than five (5) calendar days prior to the specified submittal date. The "solicitation documents" includes all documents issued by the Owner in connection with the solicitation of the project.

- B. Other Protests: Protests based on any other circumstances must be received by the Owner at the address noted above in a transmittal envelope, clearly marked "Protest", within four (4) business days from the date the Proposer was notified of any selection decision; provided, however, that in no event shall a protest be considered if all Proposals are rejected or if the protest is received after award of the Contract.
- C. The Owner will not proceed from the Request for Qualifications phase to the Request for Proposals phase until two business days after all Proposers are notified of the selection decision for the short listed Finalists. At the request of a Proposer not selected as a Finalist, the Owner will provide the requesting Proposer a scoring summary of the evaluation factors for that Proposer's Statement of Qualifications.
- D. The Owner will notify all Finalists of the selection decision and make a selection summary available to all Finalists within two (2) business days of the notification. If the Owner receives a timely protest from a Finalist, the Owner will not execute a contract until two (2) business

days after the final protest decisions is transmitted to the protestor.

3. CONTENTS OF PROTEST:

To be considered, a Protest shall be in writing and shall include: (1) the name, street address, fax number and email address of the aggrieved party; (2) the name of the project for which the Protest is submitted; (3) a detailed description of the specific grounds for the Protest and any supporting legal and/or factual documentation; and (4) the specific ruling or relief requested.

- A. Decision by the Owner: The Protest shall be promptly considered on the written submittal by the City of Bothell Fleet and Facilities Manager. The City will give notice of the Protest and provide a copy to any others as required. In its sole discretion, the City may give notice of the Protest to other interested parties, including other Proposers. The Owner reserves the right to resolve or to attempt to resolve any Protest that concerns the form or content of the solicitation and which Protest was received before the proposal evaluations through written addenda to the procurement documents. Any addenda will be provided to all parties who have obtained a copy of the solicitation from the Owner.
- B. The City will issue a written decision on the Protest within two (2) business days following the receipt of the Protest, stating the reasons for the action taken. A copy of the decision shall be provided to the aggrieved party, and any other party as may be required, including but not limited to: (i) personal service, or (ii) email, with delivery confirmation.
- C. The aggrieved party may appeal the decision of the City through the judicial process. The City will stay the award of the Contract for two (2) business days, following the issuance of its decision.

4. JUDICIAL PROCEEDINGS

All judicial proceedings must be filed within four (4) business days of the issuance of the Owner's decision.

5. STRICT COMPLIANCE

Strict compliance with these protest procedures is essential in furtherance of the public interest. Any aggrieved party that fails to comply strictly with these protest procedures is deemed, by such failure, to have waived and relinquished forever any right or claim with respect to alleged irregularities in connection with the solicitation or award of the Contract. No person or party may pursue any judicial or administrative proceedings challenging the solicitation or award of this Contract, without first exhausting the administrative procedures specified herein.

6. REPRESENTATION

An aggrieved party may participate personally or, if a corporation or other artificial person, by a duly authorized representative. Whether or not participating in person, an aggrieved party may be represented, at the party's own expense, by counsel.

7. COMPUTATION OF TIME

In computing any period of time prescribed by this procedure, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included. The term "business day" shall mean any day on which the Owner is open for regularly conducted business. Any document received after the close of regular business hours (8:00 a.m. to 5:00 p.m.) shall be deemed received the following business day.

8. ACKNOWLEDGEMENT

By submitting a proposal in response to this solicitation, the Proposer acknowledges that it has reviewed and acquainted itself with the protest procedures herein and agrees to be bound by such procedures as a condition of submitting a proposal.