



PP-04-21 LACCD BOND PROGRAM PROTEST PROCEDURE

I. OVERVIEW

It is the intent of the District to afford due process to bidders and proposers that have participated in a competitive procurement process and believe that the intended award of a contract did not comply with: (1) the procurement's terms and/or conditions; and/or (2) applicable law.

Accordingly, this section establishes the rules and procedures for bidders and proposers to file a protest regarding recommended award(s) as a result of a procurement issued by the Bond Program (Measures A, AA and/or J). Compliance with this Procedure is mandatory, as further explained below.

II. PROCESS

A. Filing of Protest

A bidder or proposer that has submitted a proposal or bid to the District and wishes to file a protest against an intended award to another proposer/bidder, shall comply with the following:

- (1)** Submit the protest in writing to the Chancellor at the District Office, Located at 770 Wilshire Boulevard, Los Angeles, CA 90017, with a Copy to Bryan Payne at 515 S. Flower Street, Suite 900, Los Angeles, California 90071.
- (2)** The protest letter must state the basis for the protest, all facts and information in support thereof, the remedy sought, be signed under penalty of perjury under the laws of the state of California, and be accompanied by all documents that support the basis of the protest.
- (3)** Protests must be submitted within five (5) business days of notification of the proposed award.



- (4) The filing of a Public Records Act Request will not extend the five (5) business day deadline within which a protest may be filed.
- (5) The filing of a protest will not suspend the intended award. The District retains its discretion to move forward with the intended award as permitted by law.
- (6) Any protest filed after the required deadline will not be considered, except in the District's sole discretion.

B. Disposition of Protest

Upon receipt of a protest, the Chancellor will:

- (1) Decide to respond; or decide to delegate the obligation to respond to a designee, such as the Chief Facilities Executive.
- (2) Promptly notify the intended awardee by sending a full copy of the protest to the intended awardee and permitting the intended awardee to respond to the protest within three (3) business days of the notice by providing a response to the District addressing the points raised in the protest and/or by submitting any other information in support of the District making the intended award.
- (3) Upon receipt of a response from the intended awardee, the intended awardee's response may, subject to the District's discretion, be sent or not to the protestor for a reply to be made within three (3) business days of a request for a reply. The District may or may not require the protestor to provide additional information and/or documentation as part of its reply.
- (4) A final decision on the protest will be sent to the protestor within ten (10) business days of the protest being filed. The time for issuance of the decision may be extended in the sole discretion of the District.
- (5) If the Chancellor or designee decides to reject or uphold the protest, this decision and its basis will be conveyed in writing/email to the protestor, the intended awardee, and all other proposers and/or bidders that submitted a proposal or



bid. In addition to the written/email notice, the decision may also be posted on the District's website.

- (6) If the Chancellor or designee decides to reject the protest, the communication will also declare the District's intention to: (a) award to another proposer/bidder, or (b) cancel the solicitation altogether, or (c) cancel the solicitation and re-solicit proposals or bids.
- (7) Alternatively, the Chancellor or designee can declare the District's intention to (a) cancel the solicitation altogether, or (b) cancel the solicitation and re-solicit proposals or bids, without ruling on the protest.

C. Appeal

- (1) If the Chancellor or designee's decision is to (a) cancel the solicitation altogether, or (b) cancel the solicitation and re-solicit proposals or bids, without ruling on the protest, there is no right to appeal.
- (2) If the Chancellor or designee's decision is to reject the protest, the protestor has three (3) business days from such notice within which to file an appeal in writing to the Chancellor setting forth all grounds for the appeal.
- (3) The Chancellor will immediately forward any such appeal to the Facilities Master Planning and Oversight Committee which shall serve as an appeal panel. A hearing will be set within seven (7) business days at which time the protestor, intended awardee and the District may present their positions to the appeal panel.
- (4) The appeal panel will send a recommendation to the Board. The Board will then either accept or reject the panel's recommendation. The Board decision will constitute the District's final decision on the appeal.



D. Other Terms and Conditions

- (1) A protestor's compliance with this Protest Procedure is mandatory and is a condition precedent to the filing of any writ with the Superior Court.
- (2) If any other public entity and/or authority provides funding to a specific procurement subject to this Procedure, and mandates protest procedures different from those stated herein as a condition for providing such funding, then this Procedure may be modified to include such requirements, subject to the sole discretion of the District.
- (3) A true and accurate summary of the rules and procedures for filing a protest as described herein will be included in full or by reference in all requests for bids or requests for proposals and if not, is hereby deemed incorporated therein by reference.
- (4) File records containing documentation on protests and appeals, including but not limited to correspondence and written decisions, will be maintained by the District's Program Management Office and all and/or a portion of such files may be discoverable in response to a California Public Records Act request. By the foregoing statement, the District does not intend to waive, nor does it waive any of its potential rights, remedies, defenses, privileges and/or protections, all of which are hereby expressly and fully reserved.

[End of Protest Procedure]