



Superior Court of California, County of Riverside Bid Protest Procedures

The Superior Court of California, County of Riverside (“Court”) intends to be open and fair to all bidders, proposers, and potential bidders and proposers (collectively, “bidders”) in selecting the best service providers within budgetary and other constraints described in the solicitation document. In applying evaluation criteria and making the selection, members of the evaluation team will exercise their best judgment.

This document contains the procedures that a bidder must follow should it seek to protest either a solicitation specification or an award. Failure of a bidder to comply with the protest procedures set forth herein will render a protest inadequate and/or untimely, and will result in rejection of the protest. Any protest or request for appeal lacking any of the required information below may be rejected by the Protest Hearing Officer or Protest Appeals Officer. In no event will a protest be considered if all bid submittals are rejected, the solicitation was canceled for any reason, or the contract has been awarded.

Please also note that the Court has adopted minimum thresholds for the acceptance of protests. The Court shall reject any protest received for a procurement if the procurement is below the applicable thresholds listed below:

Type of Procurement	Threshold
Non-IT Goods	\$ 50,000
Non-IT Services	\$ 5,000
IT Goods	\$100,000
IT Services	\$ 5,000

1. SOLICITATION SPECIFICATIONS PROTESTS

1.1. Description. A solicitation specifications protest is a protest alleging that a solicitation document (e.g., Invitation for Bid, Request for Proposal) contains a technical, administrative, or cost specification or requirement that is defective. The specification or requirement may be defective because it is onerous, unfair, or illegal, or imposes unnecessary constraints in proposing less costly or alternate solutions. The protestor bears the burden of proof in showing that the solicitation document contains such a defective technical, administrative, cost specification or requirement.

1.2. Submission and Content of Protest. A bidder who is qualified to protest must submit the protest to the individual listed below. The protest must be in writing, and must be sent by certified or registered mail or overnight courier to the address below:

Protest Hearing Officer:
Luke McDannel, Procurement Manager, or designee
P.O. Box 1547
Riverside, CA 92501

- A. The protest must include the following:
1. The name, address, telephone, e-mail, and facsimile numbers of the party protesting or its representative;
 2. The title of the solicitation document under which the protest is submitted;
 3. The specific alleged defect in the solicitation document;
 4. A detailed description of the specific legal and factual grounds of protest and any supporting documentation; and
 5. The specific ruling or relief requested.

1.3. Deadline for Submission. The protest must be submitted before the bid closing date.

1.4. Determination of Protest.

- A. Upon receipt of a timely and proper protest, the Court will provide a written determination to the protestor. The protest hearing officer may, however, issue a written determination regarding the protest without requesting further information or documents from the protestor. Therefore, the protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If the protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the Protest Hearing Officer will not consider such new grounds or new evidence.
- B. If necessary, the Court may extend the bid closing time to allow for a reasonable time to review the protest. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below and the Court, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the contract.

1.5. Appeals Process. The Protest Hearing Officer's decision shall be considered the final action by the Court unless the protesting party thereafter seeks an appeal of the decision by filing a request for appeal with the Protest Appeals Officer within two (2) Court days of the issuance of the Protest Hearing Officer's written determination.

- A. A qualified request for appeal must be submitted to the individual below, must be in writing, and must be sent by certified or registered mail or overnight courier to the address below:

Protest Appeals Officer:
Michael Cappelli, General Counsel, or designee
4050 Main Street
Riverside, CA 92501

- B. The justification for appeal is limited to the following:
1. Facts and/or information related to the protest, as previously submitted, that are new and were not available at the time the protest was originally submitted; or
 2. The decision of the Protest Hearing Officer was in error of law or regulation.
- C. The request for appeal must include the following:
1. The name, address, telephone, e-mail, and facsimile numbers of the party protesting or its representative;
 2. The title of the solicitation document to which the protest is related;
 3. A copy of the protest as previously submitted;

4. A copy of the protest hearing officer's written determination;
5. A detailed description of the specific legal and factual grounds for the appeal and any supporting documentation; and
6. The specific ruling or relief requested.

The appeal must include all information that the bidder wants the protest appeals officer to consider. The protestor bears the burden of proof of showing that the Protest Hearing Officer's written determination was incorrect.

The protest appeals officer will review the appeal and issue a written determination. The written determination of the protest appeals officer constitutes the final determination of the Court regarding the protest. Issues that could have been raised earlier will not be considered on appeal. If the Protest Appeals Officer determines that the appeal has merit, the Protest Appeals Officer will direct the Protest Hearing Officer to take appropriate remedial action.

2. AWARD PROTESTS

2.1. Description. A solicitation specifications protest is a protest alleging that the Court has committed an error in the award process sufficiently material to justify invalidation of the proposed award, or alleging that the Court's decisions are lacking a rational basis and are therefore arbitrary and capricious. The protestor bears the burden of proof in showing the same. The following do not constitute the absence of a rational basis:

- A. The bidder disagrees with the scores assigned by the evaluation team; or
- B. The evaluation team could have assigned different scores based on the same information.

2.2. Who May Submit an Award Protest. A bidder may protest the award only if it meets all of the following requirements:

- A. The bidder submitted a bid that it believes to be responsive to the solicitation document;
- B. The bidder believes that the Court has incorrectly selected another bidder submitting a proposal for an award; and
- C. For protests of non-IT goods solicitations, the bidder must assert that it is the lowest responsible bidder meeting all specifications.

A person or entity who did not submit a bid may not make an award protest.

2.3. Deadline for Submission. Protests must be received by the Protest Hearing Officer by the following deadlines:

NON-IT GOODS	NON-IT SERVICES	IT GOODS OR SERVICES
The Court must receive the award protest within 24 hours after the Court issues the intent to award.	The Court must receive the award protest within 5 court days after the Court issues the intent to award.	The Court must receive the award protest within 5 court days after the Court issues the intent to award.
The bidder will have 10 calendar days after the Court receives the protest to submit all required information to the Court.	The bidder will have 5 calendar days after the Court receives the protest to submit all required information to the Court.	The bidder will have 10 calendar days after the Court receives the protest to submit all required information to the Court.

2.4. Required Information. An award protest must include the following:

- A. The name, address, telephone, e-mail, and facsimile numbers of the party protesting or its representative;
- B. The title of the solicitation document under which the protest is submitted;
- C. The specific alleged error made by the Court;
- D. A detailed description of the specific legal and factual grounds of protest and any supporting documentation; and
- E. The specific ruling or relief requested.

Any protest lacking any of this information may be rejected by the Protest Hearing Officer.

2.5. Determination of Protest.

- A. Upon receipt of a timely and proper protest, the Court will provide a written determination to the protestor. The Protest Hearing Officer may, however, issue a written determination regarding the protest without requesting further information or documents from the protestor. Therefore, the protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If the protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the Protest Hearing Officer will not consider such new grounds or new evidence.
- B. If the Court requires additional time to review the protest and is not able to provide a response within ten (10) court days, the Protest Hearing Officer will notify the bidder.
- C. The Court may, in its sole discretion, delay the contract award until the appeal is resolved or proceed with the award and implementation of the contract.

2.6. Appeals Process. The Protest Hearing Officer's decision shall be considered the final action by the Court unless the protesting party thereafter seeks an appeal of the decision by filing a request for appeal with the Protest Appeals Officer within two (2) Court days of the issuance of the Protest Hearing Officer's written determination.

- A. A qualified request for appeal must be submitted to the individual below, must be in writing, and must be sent by certified or registered mail or overnight courier to the Protest Appeals Officer at the address listed above.
- B. The justification for appeal is limited to the following:
 - 1. Facts and/or information related to the protest, as previously submitted, that are new and were not available at the time the protest was originally submitted; or
 - 2. The decision of the Protest Hearing Officer was in error of law or regulation.
- C. The request for appeal must include the following:
 - 1. The name, address, telephone, e-mail, and facsimile numbers of the party protesting or its representative;
 - 2. The title of the solicitation document to which the protest is related;
 - 3. A copy of the protest as previously submitted;
 - 4. A copy of the Protest Hearing Officer's written determination;
 - 5. A detailed description of the specific legal and factual grounds for the appeal and any supporting documentation; and
 - 6. The specific ruling or relief requested.

The appeal must include all information that the bidder wants the Protest Appeals Officer to consider. The protestor bears the burden of proof of showing that the Protest Hearing Officer's written determination was incorrect.

The Protest Appeals Officer will review the appeal and issue a written determination. The written determination of the Protest Appeals Officer constitutes the final determination of the Court regarding the protest. Issues that could have been raised earlier will not be considered on appeal. If the Protest Appeals Officer determines that the appeal has merit, the Protest Appeals Officer will direct the Protest Hearing Officer to take appropriate remedial action.