



King County

Finance & Business Operations Division
Procurement & Payables
Department of Executive Services

[Table of Contents](#)

Section A.	Scope	2
Section B.	Definitions	2
Section C.	Notification Instructions	2
Section D.	Eligibility to Submit a Protest	3
Section E.	Protest Based on Solicitation Content/Structure	3
Section F.	Protest Based on Solicitation Award	3
Section G.	Protests for Alternative Public Works	4
Section H.	CPO's Protest Determination	4
Section I.	Request for Reconsideration	4
Section J.	Solicitation Cancellation/Contract Execution	4
Section K.	Failure to Comply	5
Section L.	Exhaustion of Administrative Remedies; Venue	5

KING COUNTY PROTEST PROCEDURES

SECTION A. SCOPE

The following procedures ("Protest Procedures") apply to all Solicitations issued by King County Procurement & Payables Section under [King County Code \(KCC\) chapter 2.93](#). At the discretion of Procurement & Payables, the Protest Procedures shall also apply to protests on Solicitations that are not subject to the requirements of KCC chapter 2.93.

SECTION B. DEFINITIONS

"Protest" is a written objection submitted by a Protester with the intent of receiving a remedial result to a Solicitation's content/structure, another firm's bid or qualifications, or the award of a Solicitation.

"Protester" means an actual or prospective bidder/proposer interested in a Solicitation or an actual bidder/proposer who submitted a bid or proposal whose direct economic interest would be affected by the award of the contract or by failure to award the contract.

"Request for Reconsideration" is a formal written request by a bidder or proposer for reconsideration of a protest determination.

"Solicitation" means an Invitation to Bid (ITB), Request for Proposal (RFP), Request for Final Proposal (RFFP), or Request for Qualification (RFQ).

SECTION C. NOTIFICATION INSTRUCTIONS

Protest Notification

To be considered by the County, a Protest shall be in writing and submitted via email:

To: procurement.web@kingcounty.gov

Cc: Primary Contract Specialist; Backup Contract Specialist

Subject: [Solicitation Number] – Protest

Attention: Chief Procurement Officer (CPO), King County Procurement & Payables Section

Request for Reconsideration Notification

To be considered by the County, a Request for Reconsideration shall be in writing and submitted via email:

To: procurement.web@kingcounty.gov

Cc: CPO; Primary Contract Specialist; Backup Contract Specialist

Subject: [Solicitation Number] – Request for Reconsideration

Attention: Division Director, King County Finance and Business Operations

Documentation

It is the responsibility of the Protester to provide all documentation to support their Protest. If an unsuccessful Protester has new or additional information, it is the responsibility of the Protester to provide said information with their Request for Reconsideration at the time of submission.

Notification Timing

If the final day for submitting a Protest or Request for Reconsideration falls on Saturday, Sunday, or [County observed holiday](#), all submittals must be received by 4:30 PM the following business day.

Protest/Response Timing

Protests from the Protester following the Notification Instructions above shall be deemed received based on the County's Microsoft Outlook software system email receipt date and time.

Responses from the County shall be deemed received by the Protester based on the County's Microsoft Outlook software system delivery receipt.

SECTION D. ELIGIBILITY TO SUBMIT A PROTEST

Notice of Protest Before Bid/Proposal Due Date

Any prospective bidder/proposer who has:

1. Submitted a question specific to the solicitation at least seven business days prior to the submittal due date; or
2. Submitted documentation clearly describing the County's error or omission at least seven business days prior to the submittal due date; and
3. Submitted the Protest via email following the Notification Instructions above by 4:30 PM at least four business days before the submittal due date.

Notice of Protest After Bid/Proposal Due Date

Any actual bidder/proposer who has:

1. Submitted a bid/proposal for the Solicitation; and
2. For RFPs and RFQs Only. Submitted the Protest via email following the Notification Instructions above by 4:30 PM within five (5) business days from when the proposer knows or should have known of the facts and circumstances upon which the Protest is based; or
3. For ITBs Only. Submitted the Protest via email following the Notification Instructions above by 4:30 PM within two (2) business days from when the bidder knows or should have known of the facts and circumstances upon which the Protest is based.

SECTION E. PROTEST BASED ON SOLICITATION CONTENT/STRUCTURE

Protests shall include the following:

1. Name, address, and phone number of the Protester, or their authorized representative.
2. Solicitation number and name.
3. Specific document name, section, page references.
4. Detailed description of the specific grounds for Protest.
5. The content believed to be in error or missing.
6. The specific ruling or relief requested.

SECTION F. PROTEST BASED ON SOLICITATION AWARD

For full transparency, all Protests based on Solicitation award will be forwarded to the bidder/proposer being protested within two (2) business days of receipt by the County.

Protests shall include the following:

1. Name, address, and phone number of the Protester, or their authorized representative.

2. Solicitation number and name.
3. Detailed description of the specific grounds for Protest.
4. The specific ruling or relief requested.
5. Protests related to RFPs or RFQs shall not be based upon the subjective scoring or points allocated for a Solicitation submittal in any or all criteria that does not constitute a material error or misconduct by the County.

SECTION G. PROTESTS FOR ALTERNATIVE PUBLIC WORKS

As defined in [RCW 39.10](#), Protests for Design-Build, Progressive Design-Build, or GC/CM Solicitations must be received by the County no later than 4:30 PM, four (4) business days from the date the proposer was notified of the selection decision.

As defined in [RCW 39.10](#), Protests for Job Order Contract Solicitations must be received by the County no later than 4:30 PM, ten (10) business days from the date the proposer was notified of the selection decision.

SECTION H. CPO'S PROTEST DETERMINATION

Upon receipt of a timely submitted Protest, the Chief Procurement Officer (CPO) will review all information submitted and respond in writing to the Protester prior to contract execution. Except as provided below, the CPO's determination shall be final.

SECTION I. REQUEST FOR RECONSIDERATION

The Protester may request that the CPO's Protest determination be reviewed by the Finance and Business Operations Division Director (Finance Director) on a reconsideration basis only. A Request for Reconsideration shall be submitted no later than 4:30 PM two (2) business days after the CPO's written decision is issued.

The only acceptable justifications for reconsideration are:

1. New data relevant to the underlying grounds for Protest that was unavailable at the time the Protest was submitted to the CPO; or
2. The CPO made an error of law or regulation.

Upon receipt of a timely Request for Reconsideration, the Finance Director will:

1. Review all information submitted with the Request for Reconsideration; and
2. Issue a final written determination.

SECTION J. SOLICITATION CANCELLATION/CONTRACT EXECUTION

If a timely Protest or Request for Reconsideration is submitted, the County will not execute a contract any sooner than two (2) business days after issuance of the response to the Protest or Request for Reconsideration.

In no event shall a Protest be considered if:

1. The Protest or Request for Reconsideration is untimely or the Protester failed to follow the procedures set forth herein; or
2. The Solicitation is canceled; or

3. After the execution of the contract.

In no event shall a contract be executed if the County is responding to an active Protest or Request for Reconsideration.

SECTION K. FAILURE TO COMPLY

The County shall deny any Protest or Request for Reconsideration that fails to comply with the Protest Procedures set forth herein.

SECTION L. EXHAUSTION OF ADMINISTRATIVE REMEDIES; VENUE

As a mandatory condition precedent to initiating a lawsuit against the County, a Protester shall fully comply with these Protest Procedures. Any lawsuit shall be brought in a venue authorized by Washington law.