

KING COUNTY - PROTEST AND APPEAL PROCEDURES

Scope: These procedures apply to all solicitations issued by the King County Procurement & Payables Section under KCC chapter 2.93, including Invitations to Bid and Requests for Proposals (Solicitations). At the discretion of the Procurement & Payables Section, these procedures shall also apply to protests on Solicitations that are not subject to the requirements of KCC chapter 2.93. King County is not liable for any costs associated with Protests or Requests for Reconsideration.

A. Who May Protest

A protest (Protest) may be submitted by the following individuals or business entities (Protester):

1. For Protests based on the terms, conditions or requirements in the Solicitation prior to the Bid /Proposal Due Date: Any prospective Bidder/Proposer.
2. For Protests following the Bid/Proposal Due Date: Any Bidder/Proposer who submitted a Bid/Proposal to the County.

B. Form of Protest

1. In order to be considered, a Protest shall be in writing and submitted via email:

To: procurement.web@kingcounty.gov

Subject: “[Insert Contract Number, Contract Name] - Protest”

Attention: Chief Procurement Officer (“CPO”) of the King County Procurement & Payables Section

With a copy to: The Contract Specialist at the email address identified in the Solicitation.

2. The Protest shall include the following:
 - a. The name, address, and phone number of the Protester, or the authorized representative of the Protester;
 - b. The Contract number and Contract name;
 - c. A detailed description of the specific grounds for Protest and any supporting documentation. It is the responsibility of the Protester to supplement its Protest with any subsequently discovered documents prior to the CPO’s decision; and
 - d. The specific ruling or relief requested.

C. Time to Protest

1. Protests prior to Bid/Proposal Due Date: Protests based on terms, conditions or requirements stated in the Solicitation must be received by the County no later than 4:30 p.m. seven (7) business days prior to the date established for submittal of Bids/Proposals. If the seventh (7th) business day is a Saturday, Sunday or County

holiday, the Protest must be received by 4:30 p.m. the following business day. The Protest shall be deemed received based on the email receipt date and time in the County's email system.

2. Protests following Bid/Proposal Due Date: Except as provided in section 2.a, all other Protests must be received by the County no later than 4:30 p.m. two (2) business days after the Protester knows or should have known of the facts and circumstances upon which the Protest is based. If the second (2nd) business day is a Saturday, Sunday or County holiday, the Protest must be received by 4:30 p.m. the following business day. The Protest shall be deemed received based on the email receipt date and time in the County's email system.
 - a. For the following alternative procurement types, Design-Build, Progressive Design-Build, and GC/CM, as defined in RCW 39.10 , Protests must be received by the County no later than 4:30 p.m. four (4) business days from the date the proposer was notified of the selection decision. *Note: this does not include Job Order Contracting.*
3. Effect of Cancellation/Contract Execution: In no event shall a Protest be considered if the Solicitation is cancelled or after execution of the Contract.

D. Determination of Protest

Upon receipt of a timely written Protest, the CPO will review the issues presented and respond in writing to the Protester prior to contract execution. Except as provided below, the decision of the CPO shall be final.

E. Reconsideration of CPO's Decision

The Protester may request that the CPO's decision be reviewed by the Finance and Business Operations Division Director of the King County Department of Executive Services ("Finance Director") on a reconsideration basis only. The only justifications for reconsideration are (1) new data, relevant to the underlying grounds for protest and unavailable at the time of the Protest to the CPO; or (2) the CPO made an error of law or regulation.

The following procedures shall be followed for a Reconsideration of the CPO's decision:

1. Form of Request for Reconsideration: In order to be considered, a Request for Reconsideration shall be in writing and submitted via email:
 - To: procurement.web@kingcounty.gov,
 - Subject: "[Insert Contract number, Contract name] – Request for Reconsideration"
 - Attention: Finance Director, King County Business Operations Division
 - With a copy to: The CPO at the same email address and to the Contract Specialist at the email address identified in the Solicitation.
2. The Request for Reconsideration shall include the following:
 - a. Name, address, and telephone number of the Protester or the authorized representative of the Protester;
 - b. The Contract number and Contract name;
 - c. A copy of the original Protest, including supporting documents;
 - d. A copy of the written decision of the CPO; and

- e. All pertinent facts and law on which the Protester is relying.
- 3. Time for filing Request for Reconsideration: A Request for Reconsideration shall be submitted no later than 4:30 p.m. two (2) business days after the CPO's written decision is issued. If the second (2nd) business day is a Saturday, Sunday or County holiday, the Request for Reconsideration must be received by 4:30 p.m. the following business day. The Request for Reconsideration shall be deemed received based on the email receipt date and time in the County's email system.
- 4. Review of CPO's Decision: Upon receipt of a Request for Reconsideration, the Finance Director will review all information submitted with the Request and issue a final written determination.
- 5. Notice of Contract Execution: If a timely 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 Request for Reconsideration. The response shall be deemed received by the Protester based on email delivery receipt showing the date and time sent in the County's email system.

F. Failure to Comply

Failure to comply with the procedures set forth herein may render a Protest or Request for Reconsideration untimely or inadequate and may result in the denial of the Protest or Request for Reconsideration by the County.

G. 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.