



# Policies & Procedures

## GEORGIA BUILDING AUTHORITY

**SUBJECT: Bid Protest**

**REVISED: 12/15/10**

**PAGE: 1 of 2**

### **PURPOSE:**

The purpose of this policy is to establish the mandatory administrative procedure whereby a bidder or offeror may challenge the solicitation process or an award.

### **SECTION I - RIGHT TO PROTEST**

Any actual or prospective bidder or offeror who is aggrieved in connection with a Georgia Building Authority (GBA) solicitation or award may file a written protest subject to the protestor's compliance with the following provisions. A protest that does not comply with the following rules shall be deemed invalid.

### **SECTION II - FORM AND FILING OF PROTEST**

#### **1. Form of Protest**

The protest must be in writing, on company letterhead, executed by a company officer or legal representative that is authorized to execute agreements on behalf of the protestor and must include the following information:

- The name and address of the protestor;
- Identification of the solicitation number and title; and
- A concise statement outlining the reason(s) for the protest and any supporting exhibits, evidence, or documents to substantiate the claims.

#### **2. Filing of Protest**

The protest shall be filed with the Georgia Building Authority Procurement Services Manager at the address listed below.

Georgia Building Authority  
Procurement Services Manager  
One Martin Luther King, Jr. Drive  
Atlanta, GA 30334

#### **3. Filing Deadlines**

Any protest that is filed outside the following time periods shall be deemed invalid:

##### **a. Protest of the Solicitation Process**

Protests concerning the solicitation process, including claims related to the invitation to bid documents, technical specifications, request for proposal, request for qualifications and other similar documents used to solicit for any requirement of the GBA, must be filed no later than three (3) business days prior to the solicitation closing date.

**b. Protest of an Award**

A protest of an award must be filed within five (5) business days from the posting of the award selection.

**SECTION III - PROTEST EVALUATION AND RESOLUTION**

The GBA Procurement Services Manager shall evaluate the protest and issue a written decision within five (5) working days after receipt of the Protest. If the Procurement Services Manager requires additional time to adequately investigate the claim the protestor shall be notified. During the evaluation process, GBA may, at its discretion, suspend further action on the solicitation or award.

**Response to Valid Protest**

If the Procurement Services Manager determines that the protest is valid, the Procurement Services Manager shall determine the appropriate remedy. Available remedies include but are not limited to the following:

- Modification of the solicitation document and extension of the solicitation period
- Cancellation of the solicitation
- Cancellation of the selection or award of contract

**SECTION IV - APPEAL PROCESS**

A protestor may appeal the decision of the Procurement Services Manager. A written appeal shall be filed with the Executive Director of the GBA no later than five (5) business days from the original protest decision date (as indicated by the date of receipt on the return receipt). Any appeal filed after this time period shall be deemed invalid.

The Executive Director of the GBA shall issue a final written determination either confirming or overturning the decision of the Procurement Services Manager within five (5) working days. If the Executive Director requires additional time to adequately investigate the claim the protestor shall be notified. The decision of the Executive Director of the GBA shall be deemed to be the final decision of GBA and no further protests or appeals will be reviewed by the GBA in response to the solicitation.

**SECTION V - COSTS**

In no event shall a protestor be entitled to recover any costs incurred in connection with the protest of a solicitation, including bid or proposal preparation costs, protest preparation costs, or attorney's fees.