

Alameda County Waste Management Authority

Protests of Service Contract Decisions

This policy applies to Agency professional and general services contracts and establishment of qualified bidders lists resulting from a Request for Proposal (RFP) or Request for Qualifications (RFQ) process for services exceeding \$100,000 per fiscal year. Contract awards below this threshold are not subject to protest. Protests shall be handled in accordance with the process below. This policy does not apply to contracts for a public project as that term is defined in Public Contract Code section 22002(c).

When the Agency has finalized a proposed contract with proposed contractor or developed a qualified bidder's list a Notice of Intent to Award shall be given via e-mail to the selected vendor/contractor(s) and a copy provided to all parties who responded to the RFP or RFQ. The award or establishment of the bidder's list shall take effect four business days after the Notice is issued if no protest is received by the third business day.

Contracts are awarded and qualified bidders lists established based on evaluation criteria, which are based on the specific service to be provided and include the following, along with additional criteria defined in the specific RFP or RFQ.

- Demonstration of adequate qualifications, experience, and capacity to accomplish the tasks and activities specified in the RFP/RFQ/contract.
- A clear and comprehensible proposal that is responsive to the needs of the Agency.
- Demonstrated track record of providing superior customer service and recognition of the Agency's public service mission.
- Ability to contract with the ACWMA and meet the basic [insurance and contracting requirements](#) outlined in the RFP/RFQ/contract/grant agreement.

The evaluation criteria will be described in the RFP or RFQ.

A protest must be in writing and must be received by the Clerk of the Board before 5:00 p.m., no later than three (3) business days after the day on which the Notice of Intent to Award was sent to the respondents. The protest must contain a complete statement of the basis for the protest, the relief requested, and attach all supporting documentation. Material submitted after the protest deadline will not be considered. The protest must include the name, address, email address, and telephone number of the protesting bidder and any person submitting the protest as an authorized representative of the protesting bidder. Protests may be submitted only by a party that has submitted a bid or proposal in response to the RFP or RFQ. A subcontractor of a bidder or proposer may not submit a protest. A party may not rely on a protest submitted by another party, but must pursue its own protest in a timely manner.

Upon timely filing of a protest that contains all the required information, the Agency shall notify the party whose bid or proposal is subject to the protest and shall investigate the protest. If additional information is requested by the Agency, the party from whom it is requested shall deliver the information within the time period specified in the request.

A protestor is not entitled to a formal hearing. The protest will be heard by the Executive Director, who will review the protest information and decide what action, if any, should be taken in response to the protest. The Executive Director will advise the protestor of the decision within three business days of the decision. The decision is final and non-appealable.

The procedures set forth herein are the sole and exclusive remedy of a bidder or proposer to dispute the award of a contract or establishment of a bidders' list subject to these procedures. A protest that does not comply with these procedures may be summarily rejected by staff. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest.