

PURCHASING AND PROFESSIONAL SERVICES

CONTRACTING PROCEDURES

PROTESTS

## PROTESTS

Pursuant to Administrative Code Section 8150(b), the following protest procedures apply to Purchasing and Professional Services Contracting. Under directive of the General Manager, these procedures are administered by the Contracting Services Manager.

- A. Applicability. This section applies to the procurement of competitively solicited goods, materials, and services. Protests shall be handled in accordance with the procedures listed herein.
- B. All communication with a protesting party shall be coordinated with the Contracting Services Manager or his/her designee, while the protest is still under consideration unless the Protest Appeals Board designates another Metropolitan representative.
- C. Protest of Solicitations (i.e., Request for Bids, Request for Proposals, and Request for Qualifications)
  1. A respondent must file a protest to the Contracting Services Manager, no later than five (5) working days prior to the bid/submittal due date in the solicitation in the event that the respondent believes the solicitation is:
    - a. Unfairly restrictive.
    - b. Contains conflicting or ambiguous provisions making the tendering of a bid/submittal impracticable.
    - c. Would result in a contract that would be commercially impossible to perform.
  2. The protest must be made in writing and must contain the following information:
    - a. Name, address, and phone number of the protester.
    - b. The title and solicitation number of the solicitation being protested.
    - c. A detailed statement citing the provisions being protested, including the reason(s) for the protest.
  3. The protest must be sent to the following address, with an e-mail copy to the buyer/contract analyst issuing the solicitation:

Contracting Services Unit, Attn: Contracting Services Manager  
The Metropolitan Water District of Southern California  
P.O. Box 54153  
Los Angeles, CA 90054-0153

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4. The Contracting Services Manager or his/her representative will respond after an investigation of the facts citing any actions that will or will not be taken regarding the solicitation.
5. Late protests shall be dismissed.

D. Protest of Awards/"Prequalification" Selection

1. Legitimate protests of awards/selection are limited to situations where:
    - a. There has been a miscalculation by Metropolitan in determining a submitted price where price is identified as an evaluation factor.
    - b. There has been an identified irregularity in the evaluation process as outlined in the solicitation.
    - c. The selection was not in accordance with applicable laws, administrative code, or established Metropolitan procedure.
  2. Protest of Request for Bid awards must be received by the Contracting Services Manager no later than five (5) working days after the award information has been posted on Metropolitan's website.
  3. Protest of Request for Proposals or Request for Qualifications awards/selection must be received by the Contracting Services Manager no later than five (5) working days after the protester has been notified of its award and/or selection status.
  4. The protest must be made in writing and include the following information:
    - a. Name, address, and phone number of the protester.
    - b. The title and solicitation number of the solicitation being protested.
    - c. Detailed statements of the legal and/or factual grounds supporting the protest.
    - d. Detailed statements explaining how the firm protesting would have otherwise received the award/selection had the situation not occurred.
    - e. The form of relief or remedy requested.
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The Metropolitan Water District of Southern California

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PROTESTS

5. The protest must be sent to the following address, with an e-mail copy to the buyer/contract analyst issuing the solicitation:

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6. The Contracting Services Manager or his/her representative will respond after an investigation of the facts citing any actions that will or will not be taken regarding the award/selection.
  7. Late protests shall be dismissed.
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CONTRACTING PROCEDURES

PROTESTS

**Protest Appeals Board (Metropolitan Board of Directors)**

- A. A firm wishing to appeal the protest decision of the Contracting Services Manager may request a hearing to Metropolitan's Board of Directors. The appeal must be filed no later than five (5) working days from having received the decision of the Contracting Services Manager. The appeal must be in the form of a letter directed to the Chairperson of the Board and addressed to the Board Administrator stating the reasons for the appeal.
  - B. The protest appeal must be sent to the following address, with a copy to the Contracting Services Manager:  
  
Board of Directors, Attn: Board Administrator  
The Metropolitan Water District of Southern California  
P.O. Box 54153  
Los Angeles, CA 90054-0153
  - C. Upon receipt of the letter, the Chairperson may empanel the Protest Appeals Board if he/she determines that a hearing on the protest is appropriate.
  - D. The Protest Appeals Board shall consist of three (3) members of Metropolitan's Board of Directors from the Executive Committee.
  - E. If the protester fails to appear and participate in the hearing, the Protest Appeals Board may summarily rule upon the protest based upon information then available.
  - F. Hearing Protocol. The hearing protocol shall be promulgated by the Protest Appeals Board and provided to the protester not later than seven (7) working days prior to the scheduled appeal hearing.
  - G. Protest Decision. After the hearing, the Protest Appeals Board shall render a decision in writing to the protester and the Contracting Services Manager approximately ten (10) working days after the hearing.
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