

**APPEAL PROCEDURES - AWARD OF BIDS AND SELECTION OF PROPOSALS**

Effective: May 15, 1990 06-12

Most Recent Revision: May 19, 1992

Objective: To provide an internal appeal for bidders who feel that an incorrect bid award has been made.

Policy of the Board of Representatives:

1. Tompkins County reserves the right to postpone bid openings for its own convenience. Notification of postponement shall be by written addendum.
2. Changes to the specifications shall be by written addendum. These addenda shall be mailed so as to be received by potential bidders no less than two (2) calendar days prior to bid opening.
3. Prime contractors and subcontractors may make appointments to discuss specifications. This, however, does not relieve them from the written, documented requests required by items 4 and 7.
4. Requests for approved equals, clarification of specifications and protests of specifications must be received by Tompkins County in writing not less than ten (10) working days before the date of scheduled bid opening unless otherwise stated in the specifications. Any requests for any approved equal or protest of the specifications must be fully supported with technical data, test results or other pertinent information as evidence that the substitute offered is equal to or better than the specification requirement. In addition, any test requirements in the specifications that pertain to an item under consideration for approved equal must be submitted with the request for approved equal.
5. Any approvals of equals or exceptions to the specifications shall be sent to all prospective bidders by the Purchasing Division.
6. Tompkins County's replies to requests under item 4 above will be postmarked at least five (5) working days before the date scheduled for bid opening.
7. Bidders desiring to protest an award of bid or any portion of a bid or RFP procedure shall:
  - a) File a protest in writing with the Director of Finance, stating the nature and basis of the protest. This protest may cover pre-award, award and post award phases of the procurement but must be filed no later than seven (7) calendar days from the date of Board resolution awarding the bid.

b) Following the receipt of written protest and consultation with the County Attorney and head of using department, the Director of Finance shall respond in writing to the protesting party.

c) In the event that the Director of Finance does not accept the protest, the protesting party shall be informed of its right to submit a written appeal to the next regularly scheduled meeting of the budget committee. In the event that the appeal is received and considered by the budget committee prior to the award of bid by the Board of Representatives, the budget committee may recommend to the Board of Representatives the action to be taken on the appeal. In the event the appeal is received and considered by the budget committee after the award of bid by the Board of Representatives, any decision by the budget committee that the original bid award shall stand shall be final. Any decision by the budget committee to recommend a change in the original bid award must be submitted to the Board of Representatives for final action.

d) The formal record of the dispute resolution process shall be the minutes of the budget committee meeting at which the issue is discussed.

e) Notwithstanding all the above, if the substantial interests of Tompkins County as determined by the recommendation of the County Attorney and the Director of Finance require that any of the above time lines must be shortened, or that the option of appeal be rescinded, this action may be taken by the budget committee.