



LAKE COUNTY
FLORIDA
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APPEAL AND PROTEST PROCEDURES

There is no formal appeal or protest process for procurement actions up to twenty-five thousand dollars (\$25,000).

A vendor wishing to protest an award decision regarding any contract exceeding twenty-five thousand dollars (\$25,000) shall do so via written notice to the Procurement Services Director. For any protest to be determined eligible for consideration, the initial formal protest document (a notice of intent to protest is not considered a formal protest) shall clearly state the grounds for the protest, and be received within ten (10) calendar days commencing from: the date a recommendation notice for the purchase posted on the County's website or the date of issue of a specific award recommendation letter by the Office of Procurement Services.

It is the County's intent to ensure that a ten (10) calendar day protest period is available prior to any contract award having a value in excess of twenty-five thousand dollars (\$25,000), and that any protest is fully considered in advance of final contract award. Any protest notice received after the actual date of contract award may be rejected without consideration. All vendors within the competitive range for award should be advised when a protest is received, and be allowed to make timely written comment in regard to the protest.

For purchases having an annual or one-time value of one hundred thousand dollars (\$100,000) or less, the Procurement Services Director, in coordination with the County Attorney's Office, will review any timely protest, and make the initial County recommendation regarding the protest. For purchase having an annual or one-time value in excess of one hundred thousand dollars (\$100,000), or purchase below that amount wherein it is determined appropriate by the County Manager, the County reserves the right to assign initial review and recommendation regarding a protest to a competent third party.

The initial recommendation will be based strictly on the written record, which shall consist of the submitted protest, the response to the protest prepared by appropriate County staff, and any additional written input from any other party on which the protest may have direct impact. The initial recommendation shall be in writing and clearly state the rationale for sustainment or denial of the protest. The initial recommendation shall be forwarded to the County Manager for review. The County Manager will then submit a formal recommendation regarding resolution of the protest to the Board of County Commissioners for final consideration and decision, generally in conjunction with the award recommendation.

OFFICE OF PROCUREMENT SERVICES | *A division of the Department of Management and Budget*

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Additional Guidance Regarding FTA-Funded Purchases

The County shall disclose information to FTA regarding any protest received under any FTA-funded purchase, and provide status regarding resolution of any such protest. In addition, FTA has developed an appeals process for reviewing protests of a recipient's procurement decisions. Specific direction in regards to that appeal process is as follows:

Requirements for the Protester. The protester must qualify as an "Interested Party". A subcontractor does not qualify as an "Interested Party" because it does not have a direct economic interest in the results of the procurement. An established consortium, joint venture, partnership, or team that is an actual bidder or offeror and is acting in its entirety, would qualify as an "Interested Party" because it has a direct economic interest in the results of the procurement. An individual member of a consortium, joint venture, partnership, or team, acting solely in its individual capacity, does not qualify as an "Interested Party" because it does not have a direct economic interest in the results of the procurement. An association or organization that does not perform contracts does not qualify as an "Interested Party," because it does not have a direct economic interest in the results of the procurement.

Exhaust Administrative Remedies. The protester must exhaust its administrative remedies by pursuing the County's protest procedures to completion before appealing the County's decision to FTA.

Appeal Within Five Days. The protester must deliver its appeal to the FTA Regional Administrator for the region administering its project or the FTA Associate Administrator for the program office administering its project within five (5) working days of the date when the protester has received actual or constructive notice of the recipient's final decision. Likewise, the protester must provide its appeal to the FTA Regional Administrator for the region administering its project or the FTA Associate Administrator for the program office administering its project within five (5) working days of the date when the protester has identified other grounds for appeal to FTA. For example, other grounds for appeal include the County's failure to have or failure to comply with its protest procedures or failure to review the protest.

Extent of FTA Review. As provided in the Common Grant Rule for governmental recipients, FTA will limit its review of third party contract protests to issues alleging procedural failures on the part of the County in regards to the protest or violations of federal, state, or local law or regulations.

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