



GSFIC

Procurement Policy

POLICY # P-01

BID PROTESTS

EFFECTIVE: 1/2010

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Section 1 - Right to Protest

Any actual or prospective bidder, proposer, offeror, or contractor who is aggrieved in connection with a Georgia State Financing and Investment Commission ("GSFIC") solicitation or award of contract or purchase order shall have the right to file a protest. All protests shall be filed in the manner prescribed herein. Protests that do not comply with the following rules shall be deemed invalid and of no effect.

Section 2 – Form of Protest and Filing Deadline

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

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

The protest shall be filed with the Procurement Services Director via mail at the address listed below, via fax, or e-mail.

Georgia State Financing and Investment Commission
Procurement Services Department
Attention: Procurement Services Director
270 Washington Street SW
Atlanta, GA 30334
Fax: 404-463-5699
E mail: procurement@gsfic.ga.gov

Section 3 – Filing Deadline

Protests concerning the solicitation process, including claims related to the specifications, request for proposal, request for qualifications and bid documents, must be filed no later than three (3) working days prior to the solicitation closing date.

Protests concerning the selection of a contractor or vendor must be filed within five (5) working days from the posting of the award.

Any protest that is filed after these time periods shall be deemed invalid.

Section 4 - Protest Evaluation by the Procurement Services Director

The Procurement Services Director shall evaluate and make the initial determination of protest validity.

During the evaluation process, GSFIC may, at its discretion, suspend further action on the solicitation or contracting.

The Procurement Services Director shall issue a written response to the protest within five (5) working days after receipt of the Protest. If the Procurement Services Director is unable to adequately investigate the claim within five (5) working days, a time for completion of the investigation shall be provided in writing within five (5) working days of the protest.

Section 5 – Response to Valid Protest

If the Procurement Services Director determines that the Protest is valid, the Procurement Services Director 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 6 - Appeal of the Decision of the Procurement Services Director

The Protestor may appeal a decision of the Procurement Services Director. The protesting party shall file a written appeal with the State Property Officer (SPO) after the Procurement Services Director has issued a written decision and no later than five (5) working days after receipt of the decision from the Procurement Services Director. Any appeal filed after this time period shall be deemed invalid.

Any appeal filed with the SPO shall be mailed to the address listed below.

State Property Officer

c/o Georgia State Financing and Investment Commission

Attention: State Property Officer

270 Washington Street, SW – 2nd Floor

Atlanta, GA 30334

The SPO shall review the appeal. The SPO or his designee may further investigate the claim and request additional information from the Protestor or any source deemed helpful.

The SPO shall issue a written determination either confirming or overturning the decision of the Procurement Services Director within twenty (20) working days after receipt of the appeal. The decision of the SPO, either confirming or overturning the decision of the Procurement Services Director, shall be deemed to be the final decision of GSFIC.

Section 7 - Costs

In no event shall a protesting party 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.

The foregoing Procurement Policy, **P-01 – Bid Protests**, is hereby approved and adopted.

Rey Palma
Procurement Director
GSFIC



Signature

Date: 02/24/2010
MM/DD/YYYY

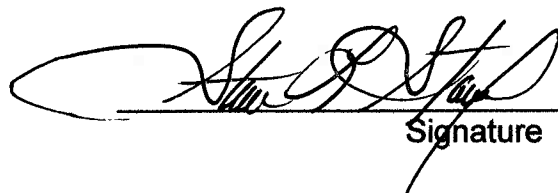
D. C. Maudlin
Deputy Director GSFIC Construction Division



Signature

Date: 2/24/2010
MM/DD/YYYY

Steven L. Stancil
Director GSFIC Construction Division



Signature

Date: 2/24/10
MM/DD/YYYY