

## PIERCE COUNTY PROTEST PROCEDURES

- A. Applicability.** These procedures apply only to Invitations to Bid (ITB) and Requests for Quotes (RFQ) for materials and supplies. Protests of public work bids are governed by RCW 39.04.105.
- B. Form of Protest.** In order to be considered, a Protest shall be in writing, addressed to the Purchasing Agent of Pierce County (the "Agent"), and include:
1. The name, address, and phone number of the Bidder protesting, or the authorized representative of the Bidder;
  2. The Invitation to Bid or Request for Quotes Number and Title under which the Protest is submitted;
  3. A detailed description of the specific grounds for protest and any supporting documentation. It is the responsibility of the Protesting Bidder to supplement its Protest with any subsequently discovered documents prior to the Agent's decision; and,
  4. The specific ruling or relief requested.
- C. Who May Protest.** Any Bidder submitting a response to an ITB or RFQ may protest.
- D. Time to Protest.** Protests must be received by the County within two business days after the submittal due date/time. In no event shall a Protest be considered if all bids are rejected or after award of the Contract.
- E. Determination of Protest.** Upon receipt of a timely written Protest, the Agent shall investigate the Protest and shall respond in writing to the Protest prior to the award of contract. Except as provided below, the decision of the Agent shall be final.
- F. Reconsideration of Agent's Decision.** A financially interested Bidder may request that the Agent's adverse decision be reviewed by the Director of Budget & Finance on a reconsideration basis only. The only justifications for reconsideration are (1) new data, relevant to the underlying grounds for protest and unavailable at the time of the Protest to the Agent; or (2) the Agent made an error of law or regulation. The following procedures shall be followed for a reconsideration of the Agent's decision:
1. Form of Request for Reconsideration. In order to be considered, a Request for Reconsideration must be filed with the Director in writing and include:
    - i. Name, address, and telephone number of the person protesting or their authorized representative;
    - ii. A copy of the written decision of the Agent; and
    - iii. Justification for reconsideration by the Director, including all pertinent facts and law on which the Bidder is relying.



2. Time for filing Request for Reconsideration. The financially interested Bidder must file the Request for Reconsideration no later than two business days of receiving the Purchasing Agent's decision.
3. Review of Agent's Decision. :
  - i. Upon receipt of a Request for Reconsideration based on new data that was unavailable at the time of protest, the Director or his/her designee shall review the new data along with the decision of the Agent and shall thereafter issue a final determination regarding the Request for Reconsideration.
  - ii. Upon receipt of a Request for Reconsideration based on manifest error of law or regulation, the Director or his/her designee shall review the information submitted to and reviewed by the Agent along with the decision of the Agent, and shall thereafter issue a final determination regarding the Request for Reconsideration.

**G. Failure To Comply.** Failure to comply with the procedures set forth herein may render a Protest untimely or inadequate and may result in rejection thereof by the County.

**H. Contact Information.**

Purchasing Agent  
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