

**CITY OF ST. LOUIS, MISSOURI**  
**SUPPLY DIVISION - BID PROTEST PROCEDURES**  
**Revised 2/1/2017**

The following procedures apply to any bidder, or other respondent (a "Bidder") desiring to protest any advertisement for bids or other solicitation for goods, equipment and other services (each a "Solicitation") by the Supply Division City of St. Louis, Missouri.

**PRIOR TO BID OPENING**

Any Bidder or potential Bidder desiring to file a protest concerning alleged improprieties in a Solicitation (e.g., as a result of improper or incomplete specifications) must submit the protest in writing to City of St. Louis, Commissioner of Supply not less than two (2) business days prior to the deadline established for the receipt of bids (the "Bid Deadline"). The protest must be in writing, signed by or on behalf of the Bidder or potential Bidder making the protest, and must:

- (1) identify the Bidder or potential Bidder submitting the protest;
- (2) identify the bid by name and number (if applicable);
- (3) clearly state the factual and legal grounds for the protest; and
- (4) include any supporting information necessary or appropriate for the Commissioner of Supply to make a determination whether the protest has merit.

The Commissioner of Supply shall review the protest and, if any modifications to the Solicitation (including any plans or specifications) are necessary, the City of St. Louis Supply Division will issue one or more addenda setting forth any changes, the addenda will be sent to each Bidder or Potential Bidder that has been identified by the City of St. Louis Supply Division. If it is determined to be necessary or appropriate, the St. Louis Supply Division may extend the Bid Deadline for Bidders to incorporate the modification into their bids.

If City of St. Louis Commissioner of Supply determines no modifications are required, City of St. Louis Supply Division will notify the protestor of the Commissioner of Supply's decision with a response to each substantive issue raised by the protestor. The decision of the Commissioner of Supply on this type of protest is final.

**AFTER BID OPENING**

Any Bidder desiring to file a protest concerning alleged improprieties in sealed bid opening procedures or a Bidder's compliance with Solicitation requirements must be delivered to and actually received by City of St. Louis's Commissioner of Supply within ten (10) calendar days of the date the protestor first knew or should have known of the basis for the protest, but in any event prior to award of a contract under the solicitation by City of St. Louis Commissioner of Supply. The protest must be in writing, signed by or on behalf of the Bidder making the protest, and must:

- (1) identify the Bidder making the protest;
- (2) identify the bid by name and number (if applicable);
- (3) clearly state the factual and legal grounds for the protest, and;
- (4) include any supporting information necessary or appropriate for the Commissioner of Supply to make a determination whether the protest has merit.

City of St. Louis Commissioner of Supply shall make a determination on the protest based on the information provided and other such investigation as the Commissioner of Supply deems appropriate. City of St. Louis Supply Division shall inform the protestor in writing of the Commissioner of Supply's determination with respect to each substantive issue identified in the written protest.

#### **AFTER AWARD**

Any Bidder may protest an award made by City of St. Louis Supply Division under any Solicitation on the basis of City of St. Louis making award to other than the lowest and best bidder (or, for federally assisted contracts, to the lowest responsible bidder), or that the award does not otherwise comply with the terms of the Solicitation, by filing a protest within three (3) business days after award. The protest must be submitted in writing to City of St. Louis Commissioner of Supply, signed by or on behalf of the Bidder making the protest, and must:

- (1) identify the Bidder making the protest;
- (2) identify the bid by name and number (if applicable);
- (3) clearly state the factual and legal grounds for the protest, and;
- (4) include any supporting information necessary or appropriate for the Commissioner of Supply to make a determination whether the protest has merit.

City of St. Louis Commissioner of Supply shall make a determination on the protest based on the information provided and such other investigation as the Commissioner of Supply deems appropriate. City of St. Louis Supply Division shall inform the protestor in writing of the Commissioner of Supply's determination with respect to each substantive issue identified in the written protest.

#### **UNTIMELY PROTESTS**

Any protest which is not submitted to City of St. Louis Commissioner of Supply in a timely manner or otherwise in accordance with the procedures will be deemed invalid. The decision of the Commissioner of Supply that a protest has not been timely filed is final and cannot be appealed.

#### **APPEALS**

Any protestor that is aggrieved by any decision of the Commissioner of Supply may appeal the Commissioner of Supply's decision to the Board of Standardization. Any appeal of a decision of the Commissioner of Supply must be made in writing delivered to the Commissioner of Supply within three (3) business days of receipt of the notice of the decision of the Commissioner of Supply. The notice of appeal shall be in writing, signed by or on behalf of the Bidder or potential Bidder making the protest, and must:

- (1) clearly identify the decision being appealed, including identifying the bid by project name and number (if applicable);
- (2) clearly state the factual and legal ground for the appeal, and;
- (3) include any supporting information necessary for the Board of Standardization to make a determination whether the appeal has merit.

The Board of Standardization may request the parties affected by the appeal to provide such additional information as necessary to make a decision on the appeal. Following a determination on the appeal by the Board of Standardization, the Supply Division will notify the party making the appeal of the determination of the Board of Standardization with respect to each substantive issue raised in the appeal.

Any appeal from an action of the Board of Standardization in connection with any protest shall be made by a court of competent jurisdiction in accordance with applicable Missouri law. A decision by the Board of Standardization to reject all bids may not be the subject of a protest and can not be appealed.