**Section 8.150 Protests**

The procedures of this Section will govern the resolution of protests received by the Board from an interested party concerning a contract solicitation.

a) Interested Party

In order to be considered an interested party, the protester must be or have been an actual bidder or offeror who demonstrates compliance in all respects with this Part and the terms of the subject Invitation for Bids or Request for Proposals.

b) Subject of the Protest

1) A protest may be filed regarding any phase of the solicitation process for a particular contract.

2) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.

3) Protest procedures of this Section do not apply to issues of prequalification, suspension or debarment.

c) Filing of a Protest

1) All protests shall be in writing and filed with the Chief Procurement Officer within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. Protests filed after the 7 calendar days period will not be considered. In addition, protests that raise issues of fraud, corruption or illegal acts affecting specifications, special provisions, supplemental specifications and plans must be received by the Chief Procurement Officer no later than 14 calendar days before the date set for opening of bids.

2) The protest shall be contained in an envelope clearly labeled "Protest." The written protest shall include as a minimum the following requirements:

A) The name, address, telephone and facsimile numbers of the protester.

B) The identification of the procurement or solicitation that is the subject of the protest.

C) All information establishing that the protester is an interested party.

D) A detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process.

E) All information establishing the timeliness of the protest.

F) The signature of the protester.

d) Stay of Action during Protest

When a protest has been timely filed and before an award has been made, CDB will make no award of the contract until the protest has been resolved, unless the award of the contract without delay is necessary to protect the interests of the State. When a protest has been filed after an award has been made, the protest will be denied.

e) Decision

1) A decision on a protest will be made as expeditiously as possible after receiving all relevant information.

2) The protest will be sustained only if it is determined by the Chief Procurement Officer that the protest conclusively demonstrates by the preponderance of relevant information submitted that fraud, corruption or illegal acts have occurred that undermine the integrity of the procurement process.

3) If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, or readvertisement of the solicitation. Relief available does not include award of the contract to the protester.

4) The decision of the Chief Procurement Officer is final and conclusive unless clearly erroneous, arbitrary, capricious or contrary to law. (See Section 20-75 of the Code.)