**Section 8.2075 Protests**

a) Any person may submit a protest related to the notice of the procurement, the solicitation document, any pre-bid/proposal meeting or any decision to reject a late bid or proposal.

b) Any person who has submitted a bid or proposal may protest a decision to reject the party's bid or proposal or to award to another vendor.

c) The following procedures will govern the resolution of protests received by the CPO that are covered under this Subpart:

1) Protest Review Officer. The CPO may appoint one or more Protest Review Officers, who will not be CDB employees, to consider procurement related protests and make a recommendation to the CPO for resolution of a protest. The CPO may adopt the recommendations or take other action.

2) Subject of the Protest. A protest may be filed during any phase of the solicitation and award process for a particular contract.

A) The subject of the protest shall concern violation of the Illinois Procurement Code or other law, any associated rules, or the terms of the solicitation itself, including the fairness of the evaluation or award process.

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

C) Information relevant to a protest shall be made available to the protesting party for use in its protest. The PRO or CPO shall determine relevancy of the information.

3) Filing a Protest. All protests shall be in writing and filed with the Chief Procurement Officer within 14 days after the protester knows or should have known of the facts giving rise to the protest.

A) Any solicitation or addendum posted to the Bulletin or otherwise issued establishes the “known or should have known” date for the subject matter of the solicitation or addendum. A protest is considered filed when physically received by the Protest Review or CPO office. Protests filed after the 14 day period will not be considered.

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

i) The name, address, e-mail if available, telephone and facsimile numbers of the protester.

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

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

iv) A detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that establish the basis for the protest.

v) All information establishing the timeliness of the protest.

vi) The signature of the protester.

vii) Specific relief sought.

4) Stay of Award during a Protest. When a protest has been filed and before an award has been made, the SPO 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.

5) Receipt of Protests. All protests received by the CPO office will be distributed to CDB as soon as practical.

6) Requested Information. The protesting party must supply any additional information requested by the Protest Review Officer within the time periods set in the request. If the protesting party fails to comply with the request, the CPO shall consider the protest on the basis of available information or may deny the protest.

7) At the discretion of the CPO, a hearing may be scheduled in accordance with Subpart T.

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

A) The protest will be sustained only if it is determined by the CPO that the protest conclusively demonstrates, by the preponderance of the relevant information submitted, a violation of the Code or other law, any associated rules or policies, or the solicitation itself, including the evaluation or award process.

B) If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, advertisement of the solicitation or award to the protesting party if the protesting party was originally denied award.

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

9) Effect of Judicial Proceedings. If an action concerning the protest has commenced in a court or administrative body, the CPO may defer resolution of the protest pending the judicial or administrative determination.