**Section 500.1330 Protests**

a) Procurement-Related Protests Allowed

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

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

b) Protest Review Officer

The CPO may act as the Protest Review Officer (PRO) or may appoint one or more Protest Review Officers to consider the procurement-related protests and make a recommendation to the CPO for resolution of the protest. The CPO may adopt the recommendation or take other action.

c) Submission of Protest

1) A protesting party must submit a protest in writing to the PRO identified in the solicitation document or, in the absence of any designation, to the CPO.

2) The protest must be physically received by the PRO at the location specified. A postmark or other carrier mark prior to the due date and time is not sufficient to show physical receipt. Fax and email qualify as writing, but the PRO does not guarantee receipt using those means.

A) In regard to the solicitation notice or solicitation document including specifications, a protest must be received within 14 calendar days after the date the solicitation was posted to the Auditor General Bulletin and must be received by the PRO at the designated address before the date for opening bids or proposals.

B) In regard to rejection of individual bids or proposals or awards, the protest must be received by close of business no later than 14 calendar days after the protesting party knows or should have known of the facts giving rise to the protest to ensure consideration and, in any event, must be received before execution of the applicable contract.

3) Any notice posted to the Auditor General Bulletin establishes the "known or should have known" date for the subject matter of the notice.

4) Protests must be clearly marked as protests on the delivery container, the fax cover sheet or the e-mail subject line.

5) The written protest shall include at a minimum the following:

A) the name and address of the protesting party;

B) identification of the procurement and, if a contract has been awarded, its number or other identifier;

C) a statement of reasons for the protest specifically identifying any alleged violation of a procurement statute, a procurement rule, or the solicitation itself, including the evaluation and award (conclusions without supporting facts and arguments may not be sufficient);

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated; and

E) specific relief sought.

d) Requested Information; Time for Filing

The protesting party must supply any additional information requested by the PRO within the time periods set in the request. If the protesting party fails to comply with this request, the PRO shall consider the protest on the basis of available information or may deny the protest.

e) Stay of Procurements During Protest

Unless the CPO determines the needs of the OAG require an immediate execution of a contract, the following apply:

1) When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved.

2) If timely received but after award, the award shall be stayed without penalty to the State.

f) Resolution

The CPO will resolve the protest by means of a written determination. The resolution may include affirming the OAG's initial decision, in whole or in part, or revoking the OAG's decision in whole or in part. The CPO will resolve the protest as expeditiously as possible after receiving all relevant, requested information.

g) Effect of Judicial or Administrative 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.

(Source: Amended at 39 Ill. Reg. 3561, effective March 1, 2015)