

**SECTION XVII
VENDOR COMPLAINTS
AND DISPUTES (PROTESTS)**

PURPOSE: The City of Edgewater encourages prompt and fair handling of all complaints and disputes with the business community. In an effort to resolve disputed matters in an equitable manner, without fear of retribution on the part of the vendor, the following procedures are adopted:

DEFINITION: A formal objection or disapproval issued by a vendor.

PROCEDURE: The Finance Director or his/her representative shall post a tabulation of competitive sealed bids/quotes along with the intended award recommendations on the City's bidding services website.

All awards under \$10,000 will not be subject to protest. For awards of \$10,000 or greater, only rejected bidders or quoters who were the apparent lowest bidder/quoter and the second apparent lowest bidder or quoter shall have standing to protest a rejection of the bid, quote or contract award, respectively. *All* proposers responding to a RFP may protest the proposal selection.

Pursuant to Florida Administrative Code, Chapter 120, any person allegedly adversely affected by the decision or intended decision of award must file a written notice of protest with the Finance Department within 72 hours after posting of the bid tabulation or after receipt of notice by the City of intended award. The nature of protest must be followed within 10 days of filing, by a formal written notice fully detailing all elements, which promulgated the protest. This notice must be delivered to the Finance Director or his/her representative and must contain the bid/quote/proposal number and the nature of the complaint.

After notice is provided, the Finance Director will gather evidence and discern facts and make a recommendation to the City Manager. The City Manager will present his recommendations to the governing body that will make the final decision on the matter. All decisions of the governing body are final.

Failure to observe any or all of the above procedures shall constitute a waiver of the right to protest a contract award. In the event of a timely protest, the procurement shall be halted unless the City determines award of a contract without delay is necessary to protect the interests of the City. In the event an award is needed without delay, the City Manager's findings shall constitute final administrative action.