ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION
206 South Seventeenth Avenue - Phoenix, Arizona 85007-3213

November 3, 1992

FIFE SYMINGTON
Governor

GARY K. ROBINSON
State Engineer

JAMES S. CREEDON
Acting Director

Engineering Consultants Services

INFORMATION BULLETIN 93-02

TO: CONSULTANTS

FROM: ENGINEERING CONSULTANTS SERVICES For Thomas

SUBJECT: The Filing of a Consultant Protest

Enclosed for your information is the current ECS protest proceedure. It was effective on October 26, 1992. Protests filed after that date shall use this proceedure.

Enclosures:

HIGHWAYS DIVISION
POLICY AND IMPLEMENTATION
MEMORANDUM 92-06

ISSUE DATE 10/26/92
REVIEW DATE 10/26/94

SUBJECT: FILING OF A CONSULTANT PROTEST

APPROVED: Gary K. Robinson
STATE ENGINEER

PURPOSE:

The purpose of this policy and implementation memorandum is to provide a procedure for processing a protest of a solicitation or award of a contract issued through Engineering Consultants Services (ECS). Any consultant submitting a proposal on a solicitation issued by ECS may protest the solicitation or the proposed award of the contract. This policy applies only to those contracts for professional services which are exempt from the Arizona Procurement Code - A.R.S. 41-2501-J.

PROCESS:
The protest shall be filed within ten (10) calendar days from the date that written notification of the solicitation or award was received by protester. The protester may submit a written or verbal request for an extension of time to file the protest prior to the expiration of the ten day filing limit which sets forth the reason for the extension. Verbal requests must be verified in writing within two (2) working days.

The protest shall be in writing, addressed to the Contracts Administrator, and shall include all of the following information:

1. The name, address, and telephone number of the protester;
2. The signature of the protester or its authorized representative;
3. Identification of the agency and the solicitation or contract number;
4. A detailed statement of the legal and factual grounds of the protest, including copies of the relevant documents; and
5. The form of relief requested.

The Contracts Administrator shall notify the Project Manager and the State Engineer or Division Director of all protests covered by this policy. The Contracts Administrator shall immediately give written notice of the protest to the successful consultant if award has been made, or if no award has been made to all interested parties. A copy of the protest will be furnished to the successful consultant if award has been made. All written notification to parties other than ADOT staff will be sent by certified mail with return receipts required.

The Contracts Administrator shall have the authority to resolve protests to the solicitation or award of a contract. The Contracts Administrator shall issue a written decision within fourteen (14) calendar days after the date the protest has been filed. If the Contracts Administrator fails to issue a decision within the time limits set forth the protester may proceed as if an adverse decision has been issued.

An appeal to the decision of the Contracts Administrator must be made to the State Engineer or Division Director within five (5) working days from the date the written decision was received by the consultant. The protester may submit a written request for an extension of time to file the appeal prior to the expiration of the five day appeal limit which sets forth the reason for the extension. The appeal shall be in writing and contain the precise factual or legal error cited in the decision of the Contract Administrator from which an appeal is taken.

The State Engineer or Division Director shall issue a decision within fourteen (14) calendar days after the date the appeal has been filed. The decision of the State Engineer or Division Director is final.