

## **Appendix A**

### **WRITTEN PROTEST PROCEDURES**

#### **A. GENERAL DEFINITIONS**

1. The procedures established hereunder shall be available to contractors for the purpose of handling and resolving disputes relating to procurements hereunder. A protestor must exhaust all administrative remedies hereunder before pursuing a protest in any court of law. Where applicable, any information received under such procedures shall be disclosed to the Department of Commerce (“DOC”) and a protestor must exhaust all administrative remedies before pursuing a protest with the DOC.
2. The term “contractor” means any person, firm, or corporation, which has contracted or seeks to contract with the NVCOG.
3. The term “hearing officer” shall mean a person, appointed by the NVCOG Board, to hear and decide allegations made by any contractor relating to procurements hereunder.
4. A “pre-bid or solicitation phase protest” is a written protest received prior to the bid opening or proposal due date.
5. A “pre-award protest” is a protest against making an award and is received after receipt of proposals or bids, but before award of a contract.
6. A “post-award protest” is a protest received after award of a contract.

#### **B. FILING OF PROTESTS**

##### **1. Pre-Bid Protest**

Any Contractor may file a written protest of the procurement procedures involved herein, with the NVCOG at least five (5) working days before the bid opening or proposal due date.

##### **2. Pre-Award Protest**

Any Contractor may file a written protest against the NVCOG’s making of an award after the NVCOG’s making of an award after the NVCOG’s receipt of bids or proposals, but at least five (5) working days before the conditional award of a contract by the NVCOG.

##### **3. Post-Award Protest**

Any contractor may file a written protest of the procurement procedures involved herein, with the NVCOG, no more than five (5) working days after the date of the NVCOG’s Decision regarding a selection of a contractor with respect to any Bid/RFP/RFQ.

4. Each protest must clearly state:
  - a. The name, address, and telephone number of the protester;
  - b. The solicitation/contract number or description thereof.
  - c. A statement of all of the grounds upon which the protest is made.
5. Protests are to be filed by certified mail, return receipt requested or by personal delivery by  
4:30pm on or before the due date at:

NVCOG  
49 Leavenworth St, 3<sup>rd</sup> Floor  
Waterbury, CT 06702

If protests are filed by personal delivery, the protestor must obtain a time-stamped copy of the protest from the Purchasing Department as proof of the date and time of the filing of the protest. It is the Protester's sole responsibility to provide said copy at the time of filing.

#### C. HEARING PROCEDURE

1. A hearing shall be conducted in accordance with C.G.S. Section 4-176e through 418a, as amended, which are incorporated herein, provided that if there is a conflict between Section 4-176e and these Written Protest Procedures, the latter will prevail . The hearing officer shall issue a written decision within ten (10) days of the last date of such hearing and state in the decision the reasons for the action taken. The Hearing Officer, shall respond in detail, to each substantive issue raised in the protest.
2. The Hearing Officer shall be the responsible official who has the authority to make the final determination of the protest.
3. The Hearing Officer shall address, in his determination, each material issue raised in the protest.
4. The Hearing Officer's determination shall be final and binding upon all parties upon issuance.
5. Within (5) working days from its receipt of the decision of the Hearing Officer, a protester may request reconsideration of the decision, using the same procedure described in Section B.5 above. The request for reconsideration shall be addressed to the Hearing Officer, NVCOG, 49 Leavenworth St., Suite 303, Waterbury, CT 06702

The request for reconsideration shall set forth all of the grounds upon which the request is made.

6. The Hearing Officer shall issue a written decision on the request for recommendation

within ten (10) days of receipt thereof and state in the decision the reasons for the granting or denial of the request.

#### D. REVIEW OF PROTEST BY DOC

1. Where applicable, review of protests by DOC will be limited to the NVCOG's failure to have or follow its protest procedures, or its failure to review a complaint or protest. An appeal to DOC must be received by the cognizant DOC Regional or Headquarters Office within five (5) working days of the date the protestor knew or should have known of the violation and/or five (5) days after the protestor knows or has reason to know that the NVCOG has failed to render a final decision. Such appeal must be filed in accordance with all DOC rules and regulations, and § VII of DOC Circular 4220.1f., as periodically updated. The DOC may allow a request for reconsideration if data becomes available that was not previously known, or if there has been an error of law or regulation.

Violations of Federal law or regulation will be handled by the complaint process stated within that law or regulation. Violations of state or local or regulations will be under the jurisdiction of state or local authorities.

2. Post-determination protests may include allegations that the NVCOG failed to have or follow written protest procedures.