

GENERAL
FACT SHEET

BRIEF TITLE

REASON

Amending §2.18.035 of the LMC relating to bid protests of awards made by the City for purchases where bids are required

DETAILS

Reason for Legislation

An ordinance amending §2.18.035 of the LMC, relating to bid protests of awards made by the City for purchases where bids are required, to revise the time frame under which bidders may protest to better clarify when the opportunity begins and ends; to revise the filing fee to better reflect the City's costs in undertaking the protest effort; and to clarify the abilities of the City to proceed with or suspend purchases during the time of a protest

Discussion (Including Relationship to other Council Actions)

There are two potential time frames for appeal depending on what the protest is about. If there are protests about the bid spec itself, those protests must be filed before the bid opening date. If the protest is about the award to the lowest responsible bidder, those protests must be filed no later than five days after the award.

The City has had significant experience since the creation of the appeal process in 1993 and can better estimate the costs of Purchasing, Finance, Law and the Mayor's office relative to such protests.

Previously there was uncertainty as to whether the City could or should proceed with a purchase once a protest was filed. That uncertainty has been removed by these changes.

POSITIONS/RECOMMENDATIONS

Sponsor	City Law Dept.
Programs, Departments, or Groups Affected	Purchasing
Applicants/Proponents	Applicant City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions or conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (FOR COUNCIL USE ONLY)	<input type="checkbox"/> PASS <input type="checkbox"/> PASS (AS AMENDED) <input type="checkbox"/> COUNCIL SUB. <input type="checkbox"/> WITHOUT RECOMMENDATION <input type="checkbox"/> HOLD <input type="checkbox"/> DO NOT PASS