



PROTEST PROCEDURE

DEPARTMENT OF PROCUREMENT AND CONTRACTS

I. Policy.

This procedure provides an administrative forum for the resolution of protests relating to the solicitation or award of Chicago Housing Authority (CHA) contracts. These Protest Procedures shall apply to solicitations for procurements greater than \$50,000.00. Notwithstanding anything in these procedures for procurement solicitations of less than \$50,000.00, protests shall be handled on an informal basis upon the Contracting Officer's receipt of a written protest and the Contracting Officer's determination shall be final.

II. An actual or prospective offeror may protest the solicitation or award of CHA procurement for a violation of the standards of the CHA's procurement policy and procedures and applicable laws and regulations. Actions which may be protested by this procedure include:

- a. Procedures or documents used in a procurement solicitation;
- b. The tabulation or evaluation of responses to a procurement solicitation; and/or
- c. The decision to award a contract

III. Respondents may seek resolution of their concerns initially with the Department of Procurement and Contracts by contacting the Procurement Specialist for the solicitation. Such complaints may be oral or written. A Respondent may request a debriefing within thirty (30) business days of the notice of contract award.

IV. Any actual or prospective offeror may file a formal written protest. The protest must include, at a minimum, the following information:

1. Name, address, telephone number, fax number and email address of the protester
2. Identification of the procurement solicitation, including the solicitation or contract number, being protested
3. A detailed statement of the reasons and basis for the protest
4. Supporting exhibits, evidence or documents to substantiate the reasons, basis and arguments for the protest
5. Form of relief requested
6. Information indicating that the protestor is an actual or prospective offeror
7. All information establishing the timeliness of the protest; and
8. The signature of the protestor on the written protest



If the protest does not meet the time requirements as set forth below or the contents requirements set forth above, the Contracting Officer, at his or her option, may reject the protest or allow the protester a reasonable time to correct the deficiencies of the protest submittals.

Protests must be submitted by hand delivery or certified mail, return receipt requested, postage prepaid to:

Department of Procurement and Contracts
Chicago Housing Authority
60 East Van Buren-13th Floor
Chicago, Illinois 60605
Attention: Contracting Officer, Director Department of Procurement and Contracts

V. Timing Filing

The requirements for timely filing of a protest with the Contracting Officer will depend upon the type of protest involved. For purposes of these procedures, deposit in the mail, postage prepaid does not constitute filing or receipt. A protest is considered filed when physically received by the Contracting Officer respectively.

The requirements for timely filing of a protest are as follows:

1. Protest regarding solicitation (Pre-Submission Protest)

Any protest regarding the solicitation documents including the process or procedures set forth therein must be filed no later than five (5) business days before the due date for submittals of proposals or the opening of bids as applicable. Any protest filed after that date which raises issues regarding the solicitation documents will not be considered.

2. Protest Regarding Evaluation, Selection Process or Award of Contract

Any protest regarding the evaluation and selection process or, the award of the contract must be filed no later than ten (10) business days after the notice of contract award. Any protest regarding, the evaluation or selection process of the procurement or contract award filed after such date will not be considered.

VI. Authority's Response

1. Types of Protest

Upon timely receipt of a protest, the Contracting Officer may, where appropriate, request additional information from the protestor. The Contracting Officer may, in his or her discretion meet with the protestor to review the matters raised in the protest. The Contracting Officer's consideration of the particular types of



protests will, except as otherwise provided in Paragraph 2 of this subsection, be in accordance with the following provisions:

a. Protest regarding solicitation (Pre-Submittal Protest) Review of Proposals

Upon receipt of a timely and properly filed protest regarding the solicitation documents, the Contracting Officer may postpone the opening of bids or review of proposals until resolution of the protest, unless otherwise decided by the Contracting Officer in accordance with Section VI. 2 of this procedure. If the Authority postpones the opening of bids, or review of proposal no additional bids or proposals will be accepted during the period of postponement.

b. Protests regarding award

Upon receipt of a timely and properly filed protest regarding the evaluation or selection process or the award of a contract, the Contracting Officer may decide to suspend the award of the contract or issuance of a notice to proceed, unless otherwise decided by the Contracting Officer the work or goods are necessary to protect the interests of the Authority in accordance with Section VI. 2 of this procedure. If necessary, the Authority may issue a stop work order until the resolution of the protest.

2. Decisions of the Contracting Officer to continue solicitation during Protest Resolution

A decision on a protest will be made as expeditiously as possible but not longer than fifteen 15 business days after receipt of a properly filed protest. The Contracting Officer shall have the right, notwithstanding the pendency of a protest, to proceed with the appropriate action in the procurement process or under the contract in the following cases and in any other cases the Contracting Offices deems appropriate:

- 1) where the item or service to be procured is urgently required;
- 2) where the Contracting Officer determines that the protest was vexatious or frivolous; and
- 3) where delivery or performance will be unduly delayed or other undue harm will occur, by failure to make the award promptly



VII. Review of Protest

The Contracting Officer and/or his or her designees, in consultation with the Office of the General Counsel, shall review the materials submitted by the protesting party. Review may also include such review of internal documents, meetings with CHA staff, consultants, and/or representatives of the protesting party or others as may be necessary, at the Contracting Officer's discretion.

VIII. Final Determination

For a timely and properly filed protest and review by the Contracting Officer, he or she will provide a written decision to the protesting party within fifteen (15) business days. The basis of the decision will be the information submitted by the protestor, the result of any meetings with the protestor and the Contracting Officer's investigation. The Contracting Officer's decision shall become final within ten (10) business days of issuance unless a timely appeal is filed as noted below.

IX. Remedial Action

If the contract has not been awarded, the Authority may cancel or revise the solicitation or proposed contract award, or if the contract has been awarded, the contract may be terminated for convenience and awarded to the protestor, or the procurement may be canceled and offers resolicited.

However, if the Authority determines, based on compelling circumstances such as an emergency or serious disruption of the Authority's operations, that termination or re-solicitation would not be in the best interest of the Authority, the Contracting Officer may allow the award to stand and pay the successful protestor costs associated with preparing the bid along with the cost of filing and pursuing the protest and other damages determined.

X. Appeal of Protest Decision

A protestor may appeal to the Chief Operating Officer for a reconsideration of a Contracting Officer's decision.

The appeal request must be received in writing to the Chief Operating Officer within ten (10) business days of the date of issuance of the Contracting Officer's decision. The request must include a detailed explanation of the basis for the appeal and adequate support therefore and state the course of action the protesting party desires that the Authority take.



Appeals of Protest Decisions must be submitted by hand delivery or certified mail, return receipt requested, postage prepaid to:

Executive Offices
Chicago Housing Authority
60 East Van Buren-12th Floor
Chicago, Illinois 60605
Attention: Chief Operating Officer

XI. Review of Appeal

The Chief Operating Officer shall review the appeal and render a written decision.

XII. Exhaustion of Remedies

A protest party who has filed a timely notice of procurement protest, received a decision, filed a timely notice of appeal, and received a decision regarding said appeal shall be deemed to have exhausted its administrative remedies with the Chicago Housing Authority, as required by 24 CFR 85.36 (b) (12).