

**RCW 39.04.105****Competitive bidding -- Written protests -- Notice of contract execution.**

When a municipality receives a written protest from a bidder for a public works project which is the subject of competitive bids, the municipality shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted. [2003 c 300 § 1.]

**Spokane County**

1.28 BID PROTESTS FOR PUBLIC WORKS: When the County receives a written protest from a bidder for a public works project which is the subject of competitive bids, the County will not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the County's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

A protest submittal will be delivered to the Spokane County Purchasing Department, 721 N. Jefferson, Suite 303, Spokane, WA 99260-0290, phone (509) 477-2301, fax (509) 477-6627 with the words "Bid Protest" prominently and clearly displayed on any outer cover containing the protest notice as well as on the notice itself. The following minimum information should be included in the written protest notice: 1) The name, address and phone number (including area code) of the bidder; and 2) the bidder contact person's name and telephone number (including area code); and 3) a statement(s) describing the nature of the protest; and 4) the County bid number and title.

## **KING COUNTY PROTEST PROCEDURES**

A. Form of Protest: In order to be considered, a Protest shall be in writing, addressed to the Manager of the King County Procurement and Contract Division of the of Department Finance, and include:

1. The name, address, and phone number of the Bidder or Proposer protesting, or the authorized representative of the Bidder or Proposer;
2. The Invitation For Bid or Invitation To Bid ("IFB" or "ITB") or Request for Proposals ("RFP") Number and Title under which the Protest is submitted;
3. A detailed description of the specific grounds for protest and any supporting documentation. It is the responsibility of the Protesting Bidder/Proposer to supplement its Protest with any subsequently discovered documents prior to the Manager's decision;
4. The specific ruling or relief requested; and
5. Evidence that all persons with a financial interest in the procurement have been given notice of the Protest or if such persons are unknown, a statement to that effect.

B. Who May Protest.

1. Protests based on specifications. Any prospective Bidder/Proposer
2. Protests following Bid submittal. Any Bidder or Proposer submitting a response to an IFB or ITB or RFP showing a substantial financial interest in the solicitation or award of any Contract.

C. Time to Protest. Protests based on specifications or other terms in the RFP, ITB, or IFB documents which are apparent on the face of said documents must be received by the County no later than ten calendar days prior to the date established for submittal of Bids/Proposals. Protests based on other circumstances must be received by the County within five calendar days after the protesting Bidder/Proposer knows or should have known of the facts and circumstances upon which the Protest is based. In no event shall a Protest be considered if all bids are rejected or after award of the Contract.

D. Determination of Protest. Upon receipt of a timely written Protest, the Procurement Manager shall investigate the Protest and shall respond in writing to the Protest prior to the award of contract. Except as provided below, the decision of the Procurement Manager shall be final.

E. Reconsideration of Manager's Decision. A financially interested Bidder or Contractor may request that a Manager's adverse decision be reviewed by the Director of the King County Department of Finance ("Director") on a reconsideration basis only. The only justification for reconsideration are (1) new data, relevant to the underlying grounds for protest and unavailable at the time of the Protest to the Manager; or (2) the Manager made an error of law or regulation.

The following procedures shall be followed for a reconsideration of the Manager's decision:

1. Form of Request for Reconsideration. In order to be considered, a Request for Reconsideration must be filed with the Director in writing and include:

- i. Name, address, and telephone number of the person protesting or their authorized representative;
- ii. A copy of the written decision of the Manager; and
- iii. Justification for a reconsideration by the Director, including all pertinent facts and law on which the Bidder or Proposer is relying.

2. Time for filing Request for Reconsideration. The financially interested Bidder or Proposer must file the Request for Reconsideration no later than five calendar days of receiving the Procurement Manager's decision.

3. Review of Manager's Decision. Upon receipt of a Request for Reconsideration, the Director or his/her designee shall review (1) the information submitted to and reviewed by the Manager and (2) the decision of the Manager and shall thereafter issue a final determination regarding the Request for Reconsideration. No other information will be reviewed unless the basis for the request for reconsideration is new data.

F. Failure To Comply: Failure to comply with the procedures set forth herein may render a Protest untimely or inadequate and may result in rejection thereof by the County.

**CITY OF LYNNWOOD  
POLICY/PROCEDURES**

<b>Protest for Bidding or Solicitations</b>		
EFFECTIVE DATE <b>August 2003</b>	SUPERSEDES January 1, 2000	PAGES <b>3 (with attachments)</b>
MAYOR:	<b>Director:</b>	Purchasing Manager:

Lynnwood Municipal Code: NA  
 RCW: 39.04 – Public Works *as modified in 2003 by ESB HB 2056*

**PURPOSE:** To respond to protests of City bid solicitations and awards in a courteous, timely, fair and professional manner. The purpose is to direct the response so the City and all interested companies have clearly delineated procedures that provide a fair forum through a rational and fair administrative process. In addition, requires protests to occur at the earliest known point in the process to allow prompt resolution of the protest issue and limit disruption to the award process.

**POLICY STATEMENT:** The City shall respond to all formal, written protests made against the City for bid and contract awards. This applies to all City departments. This applies to all formal sealed bids and informal Small Work quotations, unless an alternative protest procedure has been specified in the bid document; and to other solicitations beyond sealed bids and small work quotations when this protest policy is specified in the solicitation document itself.

Any actual or prospective bidder, including subcontractors and suppliers showing a substantial economic interest in the contract, who is aggrieved in connection with a Lynnwood solicitation or award of a contract may protest to Lynnwood in accordance with procedures herein.

The protesting party must meet all the criteria and procedures herein. Failure to comply with these protest procedures will render a protest untimely or inadequate and will result in rejection thereof by the City.

**PROCEDURE;** The protesting party must submit a formal written statement to the City Purchasing Manager (unless directed to another individual by the bid solicitation document) signed by the protesting party and submitted in a timely manner. The written protest statement must state the (1) name, address and phone number of the aggrieved person; (2) the bid number and title for which the protest is submitted; (3) the grounds for protest with specific and complete statement of the action(s) being protested; (4) a specific relief or ruling requested.

In no event shall a protest be considered if all bids are rejected, or after the contract in dispute has been awarded by the City.

In no case shall a bidder or protestor contact the Mayor or other elected City officials regarding the protest or a possible protest action, or the protest will be considered void. This criteria is to insure the ability of the City to respond appropriately and independently to the protest action without undue influence to the protest review.

**Prior to bid opening or due date:**

Parties with a potential economic interest in the outcome of a bid may submit a formal written protest to any condition known or that should reasonably have been known prior to bid opening. This includes conditions and information stated or provided in the solicitation documents, conditions occurring as a result of distribution of the solicitation documents, conditions occurring during the solicitation process, conditions occurring during any pre-bid meetings or conferences, and related matters prior to bid opening.

The City Purchasing Manager (or other City representative if so named in the solicitation document) must receive such written protest at least five (5) full business days prior to

the bid submittal deadline. After that time, interested parties shall be considered to have waived their right to protest such issues.

**Award:**

Except for public work contracts solicited by formal sealed bid, which require a formal award by the Lynnwood City Council, the City may award and sign a contract at any time according to normal City procedures. Once the City has signed a contract, the City shall reject and no longer accept a protest related to that bid and contract award.

**After bid opening and prior to award:**

**Within 2 full business days (the equivalent of 16 business hours) after the advertised date and time of bid opening, as amended (Saturday, Sunday and legal City holidays excluded), any party planning to protest must file written notice of such intention with the City Purchasing Manager** (or other City official if so named in the bid document). If no notice is received by the City Purchasing Manager within the 2 business days, all eligible protesters will be considered to have waived their right to protest. Notice of intention must stipulate (1) name, and address and phone number of the aggrieved person; (2) the bid number and title for under which the protest is submitted; (3) the intended grounds for protest.

The complete protest, prepared in accordance with the criteria set forth in this procedure, must be received by the party to whom the original Notice of Protest was submitted within two (2) business days (16 business hours) after the date and time of receipt of the Notice of Protest.

After the two business days have passed from bid opening date/time, the City will proceed as follows.

If a notice of intent to protest was filed with the City during the 2 days following bid opening, the City may, in the City's determination:

- Suspend the award decision to allow consideration of the protest before award is made; or
- Declare intent to award and wait a minimum of 16 business hours (2 business days as defined above) before entering into a contract. Written notice of intent to execute a contract shall be met by either one of the following methods:
  - i. Public Posting by the City with a named intent to award indicated on the posted tabulation, made public or accessible to the public by telephone and/or posting on the City internet location designated for bid results; or
  - o A City Council memorandum request to authorize award to the apparent successful bidder. The first memorandum request that is submitted to Council for work session consideration shall be considered notice of intention to award.

After bid opening, only bidders that submitted a bid, subcontractors, or others that can show substantial economic interest in the bid award and who are aggrieved, are eligible to protest. After bid opening, protests are limited to issues related to bid opening, evaluation of bids, and intention to award decisions, and are further limited to those items that were not known or could not have been reasonably known prior to bid opening. Such issues that were known or should reasonably have been known must have been protested prior to bid opening, and are no longer eligible as an issue of protest. Only protests stipulating an issue of fact concerning the following subjects shall be considered:

- A matter of bias, discrimination or conflict of interest on the part of the evaluator;
- Errors in computing the score or bid price upon which award decisions are based;
- Non-compliance with procedures described in the solicitation for the opening and award itself.

**City response to a written protest:**

The City Purchasing Manager will receive the protest, unless otherwise stipulated in the bid document. Available facts will be considered and a decision will be issued by the City. The protesting party shall be notified of the City decision.

The City may give notice of the protest and its basis to other persons, including bidders, involved in or affected by the protest; such other persons may be given an opportunity to submit their views and relevant information.

The City will issue a written decision, stating the reasons for the decision and informing the aggrieved person of his/her right to appeal to the Public Works Director or Finance Director as appropriate to the jurisdiction of the bid and/or as named in the bid documents. The decision shall be mailed, electronically transmitted or otherwise promptly furnished to the aggrieved person and other interested parties. The decision will be considered final and conclusive unless appealed within two (2) business days (16 business hours) of the written decision.

**Appeal:** Any appeal must be made within two (2) business days of the determination being delivered by the City to the aggrieved party. An appeal must be in writing and submitted to the City Purchasing Manager (unless the bid solicitation document or the determination identified another City official to receive the aggrieved party statement). The written statement of appeal must provide a substantial basis for an appeal, based on the information submitted as part of the original protest. New information or basis of protest will not be considered during the appeal process. This shall be the final appeal provided to the protestor. The protest shall be considered by the Director for the bid jurisdiction (Public Works Director, Finance Director or other), who shall consider all facts and issues, and shall issue a final decision on behalf of the City.

If the aggrieved party appeals the decision, then the subsequent determination shall be final and conclusive.

**Determination:**

The determination by the City shall either:

- Find the protest lacking in merit and uphold the City's action; or
- Find only technical or harmless errors in the City acquisition process and determine the City to be in substantial compliance and therefore reject the protest; or
- Find merit in the protest and pursue correction including correcting the errors and reevaluating the Bids, and/or reissuing the solicitation to begin a new process; or
- Make other findings and determine other courses of action as appropriate.

### **City Purchasing Procedures:**

The following are procedures recommended to insure proper compliance to the policy. These are advised and not mandatory, and may be used as determined by each department independently.

1. **In the solicitation document**, state when and where the bid results will be made publicly available. This may be by phone or on the Internet, or as otherwise appropriate.
2. **In the solicitation document**, name a contact person for the protest if different than the Purchasing Manager, for example the Public Works Director. ensure the protest policies are either (1) specifically written and included in the instructions; or (2) referenced as available from the City upon request.
3. **Award Information:** Identify when the apparent successful bidder information will be available, and where that information will be available (either by phone, or on the internet). Ensure that bid tabulation and/or award determination is made public and available, consistent with the solicitation document, immediately following award or Council authorization to proceed with award.
4. Strive to resolve all protests "Prior to Award" where feasible. Ensure that each protest is evaluated in an equitable and professional fashion.
5. **Protest:** Ensure that the City Purchasing Manager is immediately apprised of the protest and verbal indication of a potential protest and of all issues pertaining to the protest itself.
6. **Appeal:** Should an appeal be submitted, notify the City Purchasing Manager. Also notify the Public Works Director as appropriate to the solicitation. Coordinate with the Purchasing Manager and the Public Works Director as appropriate to the bid, to insure sufficient information, facts, and materials to respond to the protest appeal in a timely manner.

### **Upon Receipt of a Protest:**

1. Immediately forward a copy of the protest to the Purchasing Manager. The Purchasing Manager shall consult and/or forward the protest to the Public Works Director as appropriate to the jurisdiction of the bid.
2. Complete the attached Protest Form and add to the contract file, to provide a record of the steps followed.
3. Review the issues raised by the protesting bidder to brief the Purchasing Manager and/or designees assigned by the Public Works Director, as appropriate to the bid.
4. Thoroughly document the activity in the contract file and include the timeline reflecting response to the protest. Review file to ensure that documents subject to public disclosure are appropriately included in the file.
5. Upon preparation of a response letter and signature of the Purchasing Manager or Public Works Director as appropriate to the bid, file copies of the response in the contract file and provide to the Purchasing Manager and City Attorney (where applicable).
6. All Public Work Sealed Bid awards shall be withheld for at least 48 hours after the City files an intention to award. Such intention to award shall follow that method named in the bid document, and may include (1) bid tabulations available by phone or by Internet; (2) notice to Council with request for an award.
7. Once the protest decision is sent to the protesting party, the party has two business days for appeal. If written appeal is received, proceed immediately to provide copies to the City Purchasing Manager, and to coordinate the appeal review with the City Finance Director. Ensure that all documentation and responses are included in the contract file. Prepare a draft response for the City Finance Director, and insure that the 2-day timeframe is either

met, or that a written response to delay decision is drafted and issued to the protest appellant.

8. After appeal decision has been mailed, proceed with contract award.

**PROTEST DATA RECORD**  
**City Purchasing File**

Protesting Business Name:			
Contract or Bid Number:			
Bid Title:			
Buyer:			
Dollar Amount:			
Solicitation Process:	Quotation	Bid	Proposals

DATE

1. **Public Posting of Bid.** State exact time, date and location of public bid opening.

2. **Protest Received** \_\_\_\_\_

- Was protest received within 48 hours of bid opening?
  - Yes. If yes, proceed below.
  - No. If no, prepare letter to reject protest as non-responsive.
  
- Copy of protest given to Purchasing Manager \_\_\_\_\_
- Determination by Purchasing Manager \_\_\_\_\_
  - Protest Denied, continue with bid process OR
  - Protest Accepted, modify bid process as appropriate

Date of Signed response issued to Protestor \_\_\_\_\_

3. **Appeal of Determination**

- If appeal received, immediately forward to Purchasing Manager \_\_\_\_\_
- Upon direction by PM, schedule briefing with PW Director,  
Finance Director, City Attorney \_\_\_\_\_
  
- Determination of Appeal made
  - Protest Denied and Award Continues
  - Protest Upheld and Award is Rejected
  
- Date Appeal Determination Mailed \_\_\_\_\_

University of California  
VOLUME 5, PART I  
CHAPTER 6  
RECEIVING AND OPENING BIDS  
INTRODUCTION

After bids are solicited, they are received and opened by the Facility. This chapter sets forth requirements for the receipt and opening of formal and informal competitive bids.

### 6.1 BID DEADLINE

#### References:

**Long Form, Instructions to Bidders, September 15, 2003 (see FM4[II]).**

According to the Instructions to Bidders, the term "Bid Deadline" means the date and time designated in the Advertisement for Bids as the last date and time for receipt of bids, as may be revised by addenda.

### 6.2 RECEIVING FORMAL COMPETITIVE BIDS

#### References:

**- Long Form, Instructions to Bidders, September 15, 2003 (see FM4[II]).**

The Long Form or Short Form bidding documents are used for competitive bidding (see FM4[II]). Bidders must follow bid submittal requirements set forth in the Advertisement for Bids and the Instructions to Bidders. The Facility receiving bids must enforce those requirements by complying with the standard procedures that follow.

#### 6.2.1 Bid Submittal Requirements

**Time.** The Advertisement for Bids states that bids will not be received after a certain time (the Bid Deadline).

**Place.** The place for receiving bids is set forth in the Advertisement for Bids and the Supplementary Instructions to Bidders. Receive bids at no other place.

**Sealed Bids.** The Advertisement for Bids requires sealed bids. Additionally, the Instructions to Bidders requires bids to be submitted in a sealed envelope properly addressed and endorsed.

#### 6.2.2 Facility Procedures

Use the standard procedures below for receiving competitive bids. These procedures have been developed to provide uniformity among the various Facilities and to ensure that bids are properly received.

Preparation.

Before receiving bids, have the following items available:

- . | Positive means of enforcing the Bid Deadline
- . | Bid tabulation form
- . | Time and date stamp
- . | Set of these procedures

**Time.** Do not receive bids after the Bid Deadline. If a bid is submitted after the Bid Deadline, do not accept it return the unopened bid to the bidder. Enter the bidder's name, the time of the attempted submittal, and the words "Refused-Not timely submitted" on the bid tabulation form.

**Place.** Receive bids only at the place designated for the receipt of bids. Make certain the place designated is available and staffed for the receipt of bids.

**Sealed Bids.** Bids must be sealed in an envelope properly addressed and endorsed. Do not accept bids that are not sealed. Note on the bid tabulation form if a bid is improperly addressed or endorsed.

**Date and Time Stamp.** Date and time stamp bids as they are received. If the stamp does not include the time, write the time next to the date stamp. Place the stamp on the outside of the sealed envelope. If envelope is too bulky to accept date and time stamp, stamp a separate slip of paper and staple it to corner of envelope. If time permits, enter the bidder's name and the time the bid is received on the bid tabulation form. Do not open the bids; accumulate them in one pile. Assemble the bids in alphabetical order.

**Announcement.** After the Bid Deadline has passed, announce its passing and that no further bids will be received. Also announce when and where bids will be opened. Make

sure all the bidders names and bid receipt times are entered on the bid tabulation form. Gather the accumulated bids, check them with the bid tabulation form, and take them to the place of the bid opening.

### **6.2.3 Modification or Withdrawal of Bids After the Bid Deadline**

References:

University policy: "Irrevocable Bids" (see FM1:5).

Competitive bids may not be modified, withdrawn, or canceled after the Bid Deadline unless the University consents to this action. Consent may be made during a period of 60 days or other period stipulated in the bidding documents if the bid contains an excusable mistake, and the following conditions are met:

1. Written notice of the mistake, specifying in detail how the mistake occurred, is received within five days after the opening of bids.

2. The mistake makes the bid materially different from what the bidder intended it to be.

3. The mistake was made in filling out the bid and is not due to an error in judgment, carelessness in inspecting the site of the work, or carelessness in reading the Drawings or Specifications.

If a bidder asks to withdraw a bid, immediately ask to examine the bidder's documentation to determine the nature of the mistake, how it occurred, and the dollar amount involved. If this documentation substantiates the bidder's claim, summarize the findings in writing and send copies to the Office of the General Counsel and Office of the President. If there is a question as to the legitimacy of the claim, refer the information to General Counsel to confirm that the legal conditions for consenting to the withdrawal of the bid have been met.

If the bidder's request is informal, request it be immediately confirmed in writing and that the written notice specify in detail how the mistake occurred. Evaluation of the bidder's supporting documentation and, if necessary, referral to General Counsel should be accomplished promptly.

### **6.3 OPENING FORMAL COMPETITIVE BIDS**

References:

-Long Form, Instructions to Bidders, September 15, 2003 (see FM4[II]).

A public bid opening conducted by the Facility is one the fundamentals of the competitive bidding process. The bid opening process starts after the receipt of bids and concludes when the bids are collected for further evaluation.

The Long Form or Short Form bidding documents are used for competitive bidding (see FM4[II]). The Instructions to Bidders states that bids will be opened publicly.

Time and Place. The Facility states the bid opening time and place in the Advertisement for Bids and Supplementary Instructions to Bidders.

#### **6.3.1 Facility Procedures**

Before opening competitive bids, make certain the place designated for the bid opening is ready and available. The place should be furnished with seats or chairs for the bidders, and tables and chairs for the persons opening and recording the bids.

To encourage uniformity among the various Facilities, and to ensure that bids are properly opened, the University has developed the basic procedures below for opening competitive bids. Other procedures may be added. The person opening bids must be familiar with the bid opening procedures and must ensure that they are accurately followed.

Bid Form Check-Off List. Use the Bid Form Check-Off List (see Model, RD2.13) while performing the bid opening. This list is intended to help verify that all items and information required by the Bid Form accompany each bid. The required items are listed on the check-off list as they appear in the Bid Form.

Procedures at Bid Opening. The following procedures start when bids have been received, and the bidders have assembled in the place designated for opening bids:

1. Announce that the Bid Deadline has passed, that the opening time has arrived, and that bids will be opened.

2. Review the bid opening procedures with the bidders.

3. Arrange the bids for opening I.

4. Open the bid II.
5. Have an assistant record the required information on a bid tabulation form III.
6. Note the presence of required items.
7. Note any irregularities, if deemed appropriate.
8. Note any missing items, if deemed appropriate.
9. Repeat above steps 4-8 until all bids have been opened, and all information is recorded on the bid tabulation. Announce apparent lowest bidder IV.
10. Post the bid tabulation in a location accessible to all bidders V.
11. Make the bids available for inspection and remain present while the bids are being inspected VI.
12. Note any bidder concerns for later resolution. Inform the protestors that a formal protest must be filed in writing within three days. Specify the latest time for receipt of protests (i.e. 4 pm on third business day after bid opening VII).
13. Ask the bidders if they have any questions on the bid opening procedure.
14. Announce that the bid opening procedure is completed, thank the bidders for submitting their bids, and state the bids will be taken under advisement.

If bids include Alternates and Facility elects to use 'blind' bids (see FM5:5.1.5), the following footnotes apply:

I The order used to open bids shall not identify bidders. Do NOT arrange in alphabetical order. Instead, arrange bids in a random order (e.g. order of receipt).

II Do NOT read aloud the actual names of the bidders. Instead, assign a letter such as "Bidder A", "Bidder B", etc..

III The bid tabulation excludes the actual names (and other identifying information) of the bidders.

IV Do NOT announce the apparent lowest bidder. The apparent lowest bidder will be determined after the Alternates are selected by the representative of the University selecting the Alternates to be used in determining the apparent lowest Bidder (see FM5:5.1.5).

V It will be necessary to revise and re-post the bid tabulation (sometime after step 14) to identify the actual names of the bidders after the representative of the University has selected the Alternates to be used in determining the apparent lowest Bidder.

VI The representative of the University selecting the Alternates to be used in determining the apparent lowest Bidder may not inspect the bids and should normally not be present during bid opening.

VII The protest period generally ends on the 3rd business day after the date of posting in a public place of bid results that identify the actual names of the bidders.

- Brief Form, Instructions to Bidders, March 31, 2005 (see FM4[II]).

The Brief Form bidding documents are typically used when informal bidding is deemed appropriate (see FM4[II]). Bidders must follow the submittal requirements set forth in the Request for Bid. The Facility receiving bids must enforce those requirements, outlined below.

#### **6.4.1 Bid Submittal Requirements**

**Time.** The Request for Bid states that bids are to be submitted on or before a certain time (the Bid Deadline).

**Place.** The place for receiving bids is also set forth in the Request for Bid.

**Bid Type.** Sealed bids are not required for informal bidding.

#### **6.4.2 Facility Procedures**

Use the standard procedures below for receiving informal bids. These procedures have been developed to promote uniformity among the various Facilities and to ensure that bids are properly received.

**Preparation.** Before receiving bids, have the following items available:

- . I Positive means of enforcing the Bid Deadline
- . I Bid tabulation form
- . I Time and date stamp
- . I I Set of these procedures

Time. Do not receive bids after the Bid Deadline. If a bid is submitted after the deadline, do not accept it return the bid to the bidder. Enter the bidder's name, the time of the submittal, and the words "Refused-not timely submitted" on the bid tabulation form.

Place. Receive bids only at the place designated for the receipt of bids. Make certain the place designated is available and staffed for the receipt of bids.

Date and Time Stamp. Date and time stamp bids as they are received. If the stamp does not include the time, write the time next to the date stamp. Place the stamp on the bid, and enter the bidder's name, the time the bid is received, and the bid delivery method on the bid tabulation form. Do not open the bids; accumulate them in one pile.

Gathering Bids. After the Bid Deadline has passed, gather the accumulated bids, check them with the bid tabulation form, and take them to the place of the bid opening.

#### **6.4.3 Withdrawal of Bids After the Bid Deadline**

Informal bids may be withdrawn prior to the Bid Deadline by the person or firm submitting the bid. After the bid results are posted, competitive bids may not be modified, withdrawn, or canceled unless the University consents to this action similar to formal competitive bidding. For more information, see 6.2.3 above.

### **6.5 OPENING INFORMAL COMPETITIVE BIDS**

References:

- Brief Form, Instructions to Bidders, March 31, 2005 (see FM4[II]).

Informal bidding requires specific bid opening procedures, but unlike formal competitive bidding, a public opening is not required, and the bid opening time and place are not stated in the Request for Bid (see FM4[II]).

#### **6.5.1 Facility Procedures**

To encourage uniformity among the various Facilities, the University has developed the basic bid opening procedures below for informal bidding. Other procedures may be added. The person opening bids must be familiar with the bid opening procedures and must ensure that they are accurately followed.

Bid Form Check-Off List. Use the Bid Form Check-Off List Brief Form Informal Bidding (see RD2.15) while performing the bid opening. This list is intended to help verify that all items and information required by the Bid Form accompany each bid. The required items are listed on the check-off list as they appear in the Bid Form.

Procedures at "informal" Bid Opening. Since the informal bid opening is not conducted in public, bid opening preparations required for formal competitive bidding are not necessary. The following procedures start when the bids have been received:

1. Record required information for each bid on a bid tabulation form.
2. Note the presence of required items.
3. Note any irregularities.
4. Note any missing items.
5. Repeat the above steps until all bids have been opened, and all information is recorded on the bid tabulationl.
6. Post the bid tabulation in a location accessible to all biddersII.
7. Make the bids available for inspection. If a bidder requests to inspect bids, remain present while the bids are being inspected.
8. Review and resolve any questions asked by the bidders.

If bids include Alternates and Facility elects to use 'blind bids' (see FM5:5.1.5), the following footnotes apply:

I The bid tabulation excludes the actual names (and other identifying information) of the bidders to the representative of the University selecting the Alternates to be used in determining the apparent lowest Bidder.

II The representative of the University should select the Alternates to be used in determining the apparent lowest Bidder prior to posting bid results. Otherwise, it will be necessary to revise and re-post the bid tabulation to identify the actual names of the bidders.

March 15, 2005 (Change No. FM-062-P)