



POLICY OF BID PROTEST PROCEDURES

Any bid protest must be in writing and received by the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) by email at info@OneShoreline.org before 5:00 p.m. no later than two working days following bid opening (“Bid Protest Deadline”) and must comply with the following requirements:

1. General. Only a bidder who has actually submitted a Bid Proposal is eligible to submit a bid protest against another bidder. Subcontractors are not eligible to submit bid protests. A bidder may not rely on the bid protest submitted by another bidder, but must pursue its own protest. For purposes of these procedures, a “working day” means a day that District is open for normal business, and excludes weekends and holidays observed by District.

2. Protest Contents. The bid protest must contain a complete statement of the basis for the protest and all supporting documentation. Material submitted after the Bid Protest Deadline will not be considered. The protest must refer to the specific portion or portions of the contract documents upon which the protest is based. The protest must include the name, address, email address, and telephone number of the person representing the protesting bidder if different from the protesting bidder.

3. Copy to Protested Bidder. A copy of the protest and all supporting documents must be concurrently transmitted by fax or by email, by or before the Bid Protest Deadline, to the protested bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.

4. Response to Protest. The protested bidder may submit a written response to the protest, provided the response is received by the District by email at info@OneShoreline.org before 5:00 p.m. no later than two working days after receipt of the bid protest (the “Response Deadline”). The response must include all supporting documentation. Material submitted after the Response Deadline will not be considered. The response must include the name, address, email address, and telephone number of the person representing the protested bidder if different from the protested bidder.

5. Copy to Protesting Bidder. A copy of the response to the protest and all supporting documents must be concurrently transmitted by fax or by email, by or before the Bid Protest Deadline, to the protesting bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.

6. Exclusive Remedy. The procedure and time limits set forth in these procedures are mandatory and are the bidder’s sole and exclusive remedy in the event of bid protest. A bidder’s failure to comply with these procedures will constitute a waiver of any right to further pursue a bid protest, including filing a Government Code Claim or initiation of legal proceedings.

7. Right to Award. The District Board of Directors reserves the right to award a contract to the bidder it has determined to be the responsible bidder submitting the lowest responsive bid, and to issue a notice to proceed with the work notwithstanding any pending or continuing challenge to its determination.

Approved by the Board of Directors on December 14, 2020