

Internal Policy and Procedures

Protest of an RFP Award Process

POLICY:

The authorized contact person specified in the RFP (the “RFP Contact”) will respond, generally within 30 days, to all bid award protests after consultation with Legal Counsel.

Only entities who have submitted complete bids per the RFP may protest the award. A bidder has five working days, excluding legal holidays, from the date of the notification of the award to file an intent to protest or an actual protest to the authorized contact person specified in the RFP (the “RFP Contact”). Intent to protest or actual protest letters and documents should be sent by U.S. certified mail (return receipt) or by overnight courier to:

Acelero Learning
63 W 125th St
New York, NY 10027

A copy of the mailed documents can be sent via fax or e-mail to the RFP Contact. If an intent to protest has been filed, the bidder has a total of 10 working days from the date of the ITA letter to file an actual protest.

PROCEDURES:

I. Intent to Protest

1. When an intent to protest is received by the RFP Contact, notification will be sent to the Executive Director of the Grantee, or Delegate, as applicable, and the RFP Contact will disclose whether the protest is timely or not.

1.1 If timely, the RFP Contact will provide copies of the Protest to the RFP Protest Committee – then proceed to Step 2.

1.2 If NOT timely, the RFP Contact or Legal Counsel will prepare a draft response letter for the Executive Director's signature informing the protester of the untimeliness and that the award will proceed as originally awarded.

2. If the protest is timely, the RFP Contact shall alert all Acelero involved parties and inform them that no action can be taken on the bid until the actual protest is received and resolved. The RFP Contact will remind all staff to maintain confidentiality.

3. Receipt of a timely intent to protest is not acknowledged to the protester.

II. Actual Protest

1. When an actual protest is received by the RFP Contact, notification shall be sent to the RFP Protest Committee.

1.1 The RFP Contact or Legal Counsel will send a letter to the protesting bidder informing it that a timely protest has been received.

1.2 A meeting of the RFP Protest Committee will be set up to discuss the protest allegations – at this meeting the following materials will be made available.

- a copy of the protest letter
- department notification of bid results response, including any justification for award
- bid as sent out to vendors with amendments, relevant clauses tabbed
- applicable bid responses with relevant clauses tabbed
- Synopsis of communication held prior to receiving the protest letter

1.3 At the meeting, the cited grounds for protest will be addressed and the response will be discussed.

1.4 A draft response will be prepared by Legal Counsel. The RFP Contact and Executive Director will review and approve it. The letter will then be sent to the protester.

1.5 If the protest is denied, all involved Acelero staff will be notified that the RFP process can continue as originally awarded.

1.6 If a protest is upheld, Legal Counsel or the RFP Contact will so notify the protester, the originally-prevailing bidder and all involved Acelero staff. The RFP Contact will either send revised award notification and the award process shall repeat itself or the Project will be rebid pursuant to a reissued RFP and the original bid shall be cancelled, at Acelero's discretion.