

BID DISPUTES

Policy

The City of Lakeland encourages prompt and fair handling of all complaints and disputes with the business community. In order to resolve disputed matters in an equitable manner without fear of retribution on the part of a vendor or person, the following procedures are adopted.

Procedures

Problems which occur before the published bid opening date shall be immediately reported to the City's Purchasing Manager. It is in all parties' best interests to correct errors or to resolve conflicts informally before bids are opened. The Purchasing Manager shall make a good faith effort to promptly correct an error, resolve a conflict or to offer a satisfactory explanation of the City's position to the concerned party. The Purchasing Manager may use his discretion to issue addenda or to postpone the receipt or opening of bids in order to resolve such reported problems.

For those conflicts that cannot be resolved informally, the following bid dispute procedures shall be used. These procedures shall only be used after the published date for receipt of bids. The Purchasing Manager may, but is not required to, waive technical non-compliance with this procedure. At the option of the City, any bid dispute submitted to the Purchasing Manager may be immediately escalated to the City Manager for final disposition. Also, at the City's option, response periods may be extended if necessary.

1. If a conflict or complaint arises in regard to the manner in which the bids were received or in regard to the manner in which bids were opened, or in regard to a conflict which occurred during the pre-bid period, the complaining party must notify the Purchasing Manager of the precise nature of the conflict/complaint in writing no later than 5:00 P.M. of the second City business day after the date of the bid opening. This written notification will be processed as a bid dispute according to these procedures.
2. For any other conflict or complaint regarding the bid, it is the responsibility of the complaining party to notify the Purchasing Manager of the precise nature of the conflict/complaint in writing no later than 5:00 P.M. on the fifth City business day following the date of issue of the City's "Notice of Intent to Award." Such written notification by the complainant will be processed as a bid dispute according to these procedures.

Note: The City's "Notice of Intent to Award" will be issued by FAX or e-mail whenever possible; otherwise the U.S. Postal Service will be used. The date of issue is established at the time the City's "Notice of Intent to Award" is FAXED, e-mailed or mailed. Bidders are strongly advised to provide valid FAX numbers and e-mail addresses with their bids since U.S. Postal Service may not be timely.

3. Complaints/conflicts that do not meet the requirements described above shall be rejected by the Purchasing Manager and shall not be given any consideration as a bid dispute.
4. A party initiating a bid dispute is advised that all issues alleging error must be raised in writing within the initial bid dispute document. A bid dispute may not be amended, modified or supplemented in any fashion after submittal to the Purchasing Manager. Any appeal of the Purchasing Manager's response to a bid dispute shall also be absolutely limited to the issues raised in the initial complaint.
5. The Purchasing Manager shall carefully review each issue raised in a bid dispute submittal and shall respond to the complainant in writing by FAX, email or U.S. Postal Service, as appropriate, of his decision regarding those issues by 5:00 P.M. on the second City business day following receipt of the bid dispute document.
6. If the complaining party chooses to appeal the decision of the Purchasing Manager, a copy of the original bid dispute document shall be submitted to the Director of Risk Management & Purchasing by 5:00 P.M. on the second City business day following the date of issue of the Purchasing Manager's response. A short statement may accompany this appeal explaining why the Purchasing Manager's response was not satisfactory, however no new issues may be raised by the complainant within this appeal.
7. The Risk Management & Purchasing Director will review the appeal, discuss the appeal with the City Manager or his representative and make a recommendation. The decision of the City Manager (or his representative) regarding the bid dispute will be the City's final administrative reply. This response will be issued by 5:00 P.M. on the third City business day following the receipt of the appeal.