

## **Protest Procedures**

1. Any actual or prospective bidder, offerer, or contractor who feels they have been aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest. Such protests must be in writing and received in the Chief Justice's office within 5 working days after such person knows, or should have known, of the occurrence of the action which is protested. Formal protests must conform to the requirements of this subsection and subsection (3) of this section, and shall be resolved in accordance with the procedure set forth in subsections (4) and (5) of this section. Copies of the protest must be mailed or delivered by the protesting party to the other interested parties. For the purposes of this section, "interested parties" means all vendors who have submitted bids or proposals for the contract involved.
2. In the event of a timely protest or appeal under this section, the Court will not proceed further with the solicitation or with the award of the contract unless the Chief Justice, after consultation with the Clerk of the Court (hereafter "Clerk"), makes a written determination that the award of contract without delay is necessary to protect substantial interests of the state.
3. A formal protest must be sworn and must contain:
  - (a) a specific identification of the statutory or regulatory provision/s that the action complained of is alleged to have violated;
  - (b) a specific description of each act alleged to have violated the statutory or regulatory provision/s identified in paragraph (a) of this subsection;
  - (c) a precise statement of the relevant facts;
  - (d) an identification of the issues to be resolved;
  - (e) argument and authorities in support of the protest; and
  - (f) a statement that copies of the protest have been mailed or delivered to the identifiable interested parties.
4. The Clerk shall have the authority, prior to appeal to the Chief Justice, to settle and resolve the dispute concerning the solicitation or award of a contract. The Clerk may solicit written responses to the protest from the other interested parties.

5. If the protest is not resolved by mutual agreement, the Clerk will issue a written determination on the protest.
  - (a) If the Clerk determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination.
  - (b) If the Clerk determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
  - (c) If the Clerk determines that a violation of the rules has occurred where a contract has been awarded, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action, which may include ordering the contract void.
6. The Clerk's determination on a protest may be appealed by the protesting party to the Chief Justice. An appeal of the Clerk's determination must be in writing and must be received in the Chief Justice's office no later than 7 working days after the date of the Clerk's determination. The appeal shall be limited to review of the Chief Justice's determination. Copies of the appeal must be mailed or delivered by the appealing party to the other interested parties and the appeal must contain an affidavit that such copies have been provided.
7. The general counsel shall review the protest, the Clerk's determination and the appeal, and prepare a written opinion with recommendation to the Chief Justice. The Chief Justice shall issue a written decision on the protest, which shall be the final administrative action of the Court.
8. A protest or appeal that is not filed timely will not be considered, unless good cause for delay is shown.