

**Port of Longview
Protest Procedures**

- I. Form of Protest. In order to be considered, a Protest shall be in writing, addressed to Purchasing, and include:
 - A. The name, address, and phone number of the Bidder protesting, or the authorized representative of the Bidder;
 - B. The solicitation number and title under which the Protest is submitted;
 - C. A detailed description of the specific grounds for protest and any supporting documentation. It is the responsibility of the Protesting Bidder to supplement its Protest with any subsequently discovered documents prior to the procurement coordinator's decision;
 - D. The specific ruling or relief requested;
 - E. 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; and
 - F. Contain the following statement signed by a responsible party of the Protester, "I declare under penalty of law for perjury or falsification that the information contained in the Protest is true and correct to my personal knowledge, that this Protest if filed in good faith and without any intent of delaying the procurement, and that I reasonably believe the Protest to be meritorious." Such statement shall be subscribed and sworn before a notary public. A Protestor must strictly comply with this requirement.

- II. Delivery Method
 - A. Delivery of Protests shall be made during regular Port business hours in a manner requiring a receipt signed by a staff member of the Port of Longview's office such as United States Postal Service certified first class mail, return receipt request or commercial document courier who obtains a receipt upon delivery. Electronic submission of Protests will not be considered.

- III. Who May Protest
 - A. Protests based on specifications: Any actual or prospective Bidder.
 - B. Protests following Proposal or Bid submittal: Any actual Bidder.
 - C. Bidder does not include subcontractors, suppliers or any person contracting with, or intending to contract with an actual Bidder.

- IV. Time to Protest

- A. Protests based on specifications or other terms in the solicitation documents which are apparent on the face of said document must be received by the Port no later than five calendar days prior to the date established for submittal of Proposals or Bids.
 - B. Protests based on other circumstances must be received by the Port within two calendar days after the protesting Bidder knows or should have known of the facts and circumstances upon which the Protest is based.
 - C. In no event shall a Protest be considered if all Proposals or Bids are rejected or after award of the Contract.
- V. Calculation of Time
- A. Time is computed based on working business days, not including weekends or holidays.
- VI. Determination of Protest
- A. If the procurement is to be made or awarded by the Port Commission, the Port Commission shall decide the Protest. The Port Commission's decision shall be final and binding.
 - B. If the procurement is to be made or awarded without Port Commission action, the Chief Executive Officer or his/her designee shall decide the protest. A meeting or conference with the Protestor will occur only if such designated person determines, in his or her sole discretion, that a meeting or conference with the Protestor would materially assist them in making a decision. The Chief Executive Officer or his/her designee will issue a written decision. The decision shall be final and binding.
- VII. Remedies
- A. A decision on the Protest may include, but is not limited to, upholding or denying, in whole or in part. Remedies may include rejection of one or more Proposals or Bids, a call for new Proposals or Bids, acceptance of the Proposals or Bids in the event the Protest is denied, and such other relief as may be appropriate. No Protestor shall be entitled to damages of any kind whatsoever.
- VIII. Strict Compliance
- A. Strict compliance with these Protest Procedures is essential in the furtherance of public interest. Any party that fails to comply strictly with these Protest Procedures is deemed to have waived any claim with respect to alleged irregularities in connection with the solicitation or award of a contract.

Failure to comply with the procedures set forth herein may render a Protest untimely or inadequate and may result in rejection by the Port. No person may pursue any judicial or administrative proceedings challenging the solicitation or contract award without first exhausting the procedures specified herein.