

Section 3.7
Supplier Protests
City of Detroit

Section Summary

Suppliers have the right to formally protest a solicitation in the event that they believe the purchase to have been made unfairly or in violation of any rule or requirement outlined in State or City law. Protests can be made pertaining to any aspect of the solicitation, evaluation, or selection process. Action can be initiated by any potential bidder or actual bidder associated with the procurement process.

Policy and Procedure

Policy

Suppliers have the right to protest any aspect of the solicitation, evaluation, or selection process of a City procurement. All supplier protests must be submitted in writing within 5 business days of when the supplier knew or should have known of the disputed action. All protests must be received prior to approval from the City Council. The Chief Procurement Officer (CPO) has the sole authority to respond to and act upon supplier protests.

Procedure:

City staff must take the following steps in order to carry out this policy:

1. Suppliers must proactively raise concerns about the process, which may ultimately lead to a protest, to the Contracting and Procurement Specialist (CPS) as soon as possible. The CPS must answer all questions from the supplier and provide them with all relevant information.
2. In the event that a supplier seeks to file a formal protest, the supplier submits the following information in writing to the CPS:
 - a. Contact information of the protester (name, business name, address, phone, and email)
 - b. Bid number
 - c. A description of the specific law or guiding provision the City is alleged to have violated
 - d. A statement of relevant facts
 - e. Identification of the proposed action to be taken and rationale
3. The CPS transmits the request to the CPO via email.
4. The CPO and the requesting department Director reviews the protest documentation and renders a response to the protestor within 5 business days. The CPO retains full authority to adjudicate all supplier protests.
 - a. If the CPO finds that an error was made, the CPS must notify bidders and carry out the steps outlined in the protest response, as appropriate.
 - b. If the CPO finds that no error was made, the CPS must notify the protestor individually with the decision. The CPO will also advise City Council of potential supplier protests.
5. If the supplier does not agree with the CPO decision, they can submit their supplier protest to City Council.