

**ATTACHMENT A
PROTEST PROCEDURES
MORROW COUNTY
GOVERNMENT CENTER**

PROTEST PROCEDURE:

All proposals will become part of the public record for this Project, without obligation to the County. The County reserves the right to reject any or all proposals received as a result of the RFQ or RFP, as applicable, and, if doing so would be in the public interest, cancel this solicitation. The County reserves the right to consider a response or proposals in whole or in part, and to determine the responsiveness of a submittal by reference to the response taken as a whole. Architects will be held to the terms submitted in their proposals.

1. Requests for changes or clarifications of the Request for Proposals shall be delivered in writing within the date set forth in the RFQ or RFP, as applicable. Protests of the requirements, evaluation criteria, or contractual provisions in the RFQ or RFP, as applicable, shall be delivered in writing by five (5) calendar days before the date for submission of the RFQ or RFP, to the Contact Person. Protests of, and requests for, changes to technical or contractual requirements, specifications or provisions shall include the reason for the protest and any proposed changes to the requirements. No such protests or requests shall be considered if received after the deadline. No oral, telegraphic, telephone, facsimile, or email protests or requests will be accepted. The County will consider all protests and requested changes and, if appropriate, amend the RFP. Only addendums issued in writing by the County will change the requirements, specifications, or provisions of this RFP.

2. Any Proposer responding to the RFQ or RFP claiming to have been adversely affected or aggrieved by the selection of a competing proposal, shall submit a written selection protest to the Contact Person. Written notification must be received within four (4) business days of the date of the notification of the selection decision. No oral telegraphic, telephone, facsimile, or email protests will be accepted. No protest shall be considered if received after the established protest deadline.

3. In order to be considered, a protest shall be in writing and shall include:

- a. The name and address of the aggrieved person;
- b. The contract title under which the protest is submitted;
- c. A detailed description of the specific grounds for protest and any supporting documentation;
- d. The specific ruling or relief requested. In addition, in the event the protesting party asserts its responsibility as a ground for protest, it must address in detail each of the matters in its written protest;
- e. The written protest shall be mailed or delivered to Darrell Green, County Administrator, 110 N. Court St., Heppner, OR 97836; and
- f. The label "Protest".

4. Upon receipt of a written protest, the County shall promptly consider the protest. The County may give notice of the protest and its basis to other persons, including Consultants involved in or affected by the protest; such other persons may be given an opportunity to submit their views and relevant information. If the protest is not resolved by mutual agreement of the aggrieved person and the County, the County will promptly issue a decision in writing stating the reasons for the action taken. A copy of the decision shall be mailed by certified mail, return receipt requested, or otherwise promptly furnish to the aggrieved person and any other interested parties.

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The County's decision may be appealed to the Board of Commissioners by written notice together with all supportive evidence, received at the address Morrow County, PO Box 788, Heppner, OR 97836, not more than two (2) working days after receipt of the decision. The Board of Commissioner's decision shall be final and conclusive.

5. Strict compliance with the protest procedures set forth herein is essential in furtherance of the public interest. Any aggrieved party that fails to comply strictly with these protest procedures is deemed, by such failure, to have waived and relinquished forever any right or claim with respect to alleged irregularities in connection with the solicitation or award. No person or party may pursue any action in court challenging the solicitation or award of this contract without first exhausting the administrative procedures specified herein and receiving the County's final decision.

6. The County shall retain this RFQ and/ or RFP (as applicable) and one copy of each original response received from all responding Consultants, together with copies of all documents pertaining to the selection of qualified Consultants, and award of a contract. These documents will be made a part of a file or record, which shall be open to public inspection, after proposer selection and award, is announced. If a response contains any information that is considered a trade secret under ORS 192.501(2), Proposers must mark each sheet of such information with the following legend: "This information constitutes a trade secret under ORS 192.501(2), and shall not be disclosed except in accordance with the Oregon Public Records Law, ORS Chapter 192."

a. The Oregon Public Records Law exempts from disclosure only bona fide trade secrets and the exemptions from disclosure apply only "unless the public interest requires disclosure in the particular instance." Therefore, non-disclosure of documents or any portion of a document submitted as part of a response may depend upon official or judicial determination made pursuant to the Public Records Law.

b. In order to facilitate public inspection of the non-confidential portion of the response, material designated as confidential shall accompany the response, but shall be readily separable from it. Prices, makes, model or catalog numbers of items offered, scheduled delivery dates, and terms of payment shall be publicly available regardless of any designation to the contrary. Any response marked as a trade secret in its entirety may be considered non-responsive.