

Procurement Dispute and Protest

Policy

It is the policy of Central Florida Behavioral Health Network, Inc. (CFBHN) that all disputes and protests are handled in an open, fair and transparent manner. Nothing in this or other CFBHN policies shall be construed to mean that CFBHN is an agency or entity subject to Chapter 120, Florida Statutes.

Purpose

The purpose of this policy is to outline the procedures to be used to settle all disputes and protests.

Procedure

1. Issues Causing Protest

Any person, vendor, or Network Service Provider (NSP) (collectively, the Protester) who is adversely affected by a decision or intended decision concerning a solicitation, contract award or exceptional purchase by electronic posting, may file a notice of protest following the procedures in this policy. Upon the written agreement of the CFBHN President/Chief Executive Officer (CEO), and the Protester who is adversely affected by a decision or intended decision concerning a solicitation, contract award or exceptional purchase by electronic posting, a revised or alternative method of handling the dispute may be followed.

2. Protest Process

- A. A written notice of intent to protest must be submitted within 72 hours after the posting of the notice of decision or intended decision. Saturdays, Sundays, and state holidays shall be excluded in the computation of the 72 hour time periods provided by this paragraph.
- B. The formal written protest shall be filed within 10 calendar days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings. The formal written protest shall state with particularity the facts and law upon which the protest is based. The Procurement Manager must ensure that the date and time of the posting of the procurement documents are in the contract or procurement file. (Posting on a Monday or Tuesday eliminates the need for a weekend exclusion.)
- C. Upon receipt of the formal written protest that has been timely filed, CFBHN may, but is not required to, stop the solicitation or contract award process until the subject of the protest is resolved by final agency action.
- D. CFBHN shall provide an opportunity to resolve the protest by mutual agreement between the parties within 7 business days, after receipt of a formal written protest. If the subject of a protest is not resolved by mutual agreement within 7 business days, after receipt of the formal written protest, the formal written protest shall be referred to the CFBHN President/CEO in conjunction with the Executive Committee for final decision.

3. Posting Bond for Protest Filed

- A. Any person, vendor, or NSP who files an action protesting a decision or intended decision pertaining to the procurement administered by CFBHN must comply with the requirements listed below.

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- B. When protesting a decision or intended decision, the protestor must post a bond equal to one percent (1%) of the procurement. If no contract price was submitted, CFBHN shall estimate the contract amount based on factors including, but not limited to:
 - 1) The price of previous or existing contracts for similar or contractual services
 - 2) The amount appropriated by the Legislature for the contract
 - 3) The fair market value of similar contractual services
 - C. Bond is payable to CFBHN at the time of the filing of the formal written protest. Failure to file the bond at the time of filing the formal protest will result in a denial of the protest.
 - D. CFBHN shall provide the procurement amount to the protestor within 72 hours after the notice of protest has been filed (excluding Saturdays, Sundays, and state holidays). The procurement amount is not subject to protest.
 - E. The bond shall be conditioned upon the payment of all costs and charges that are adjudged against the protestor in the administrative hearing in which action is brought, and in any subsequent appellate court proceeding.
 - F. The official hours of office operations for receipt of an intent to protest and/or a petition and bond are 8:00 AM to 5:00 PM local time. Upon receipt of the formal written notice of protest, the contact person must secure the bond until resolution of the protest.
4. Submissions and Burden of Proof
- A. In a protest to an invitation to bid or request for proposals procurement, no submissions made after the bid or proposal opening, which amend or supplement the bid or proposal, shall be considered.
 - B. In a protest to an invitation to negotiate procurement, no submissions made after CFBHN announces its intent to award a contract, reject all replies, or withdraw the solicitation, which amend or supplement the reply, shall be considered.
 - C. In a competitive procurement protest, CFBHN shall provide for a meeting with the Protestor to discuss the protest and receive information that the Protestor wants CFBHN to consider. Such a meeting shall not be a hearing. There shall be no testimony or the calling of cross examination of witnesses.
 - D. CFBHN shall make a recommendation regarding the protest to the CFBHN President/CEO. The CFBHN President/CEO may request additional information. The CFBHN President/CEO, in conjunction with the Executive Committee, shall issue a final decision.

Procurement Dispute and Protest Approval:  Alan Davidson, President/Chief Executive Officer	Date Issued: <u>07/19/2019</u> Last Revision: <u>03/03/2022</u> Review Date: <u>06/24/2026</u>
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