

SEWERAGE AND WATER BOARD OF NEW ORLEANS

EXECUTIVE DIRECTOR OFFICE

POLICY MEMORANDUM NO. 83(R)

December 14, 2015

TO: All Department Heads

FROM: Cedric S. Grant, Executive Director *CSG*

SUBJECT: Procedural Rules for Bid Appeals

I. PURPOSE.

The following procedural rules are established for all instances whereby an appeal is made regarding the recommendation of award for bids received by the Sewerage and Water Board of New Orleans.

II. POLICIES AND PROCEDURES.

A. All appeals of contract awards by the Sewerage and Water Board of New Orleans shall be presented to a Hearing Examiner selected by the Executive Director who shall handle the appeal in the ordinary course of appeals.

B. Should an appeal relate to matters governed by both the program requirements of the Board's Economically Disadvantaged Business Program and to matters not pertaining to same, the Hearing Examiner shall handle the entire appeal.

C. The Hearing Examiner shall preside over the bid appeals.

D. All bid appeals must satisfy the following steps prior to reaching the Hearing Examiner:

1. The language to be included in all public bid specifications will read:

Sewerage and Water Board recommended awards based on bid results will be posted online at the Sewerage and Water Board of New Orleans external website and on a bulletin board located outside the office of the Board's Purchasing Department within 72 hours (excluding Saturdays, Sundays, and holidays) after the bid opening. Bidders may also telephone the Board's Purchasing Department in order to determine the bid results. Objection by a bidder to any recommended award must be made in writing to the Purchasing Agent or Assistant Purchasing Agent within 72 hours (excluding Saturdays, Sundays and holidays) after that recommended bid award has been posted online at

the Sewerage and Water Board of New Orleans external website and on a bulletin board located outside of the Board's Purchasing Department, or as otherwise provided in the public bid specifications.

2. Immediately upon written receipt by the Purchasing Department of a bidder's objection to a recommended award, it shall be time stamped. Copies of the correspondence are to be forwarded immediately to the following:

- Requesting department manager and
- Legal Department, and
- Economically Disadvantaged Business Program Office.

E. The original correspondence is to be retained in the Purchasing Department to be filed with original bid documents submitted by all bidders on the item being protested.

F. When requested by the Purchasing Agent, the department manager shall within two working days of the stamp-in time on the objection provide the Purchasing Agent with technical information and analysis. The Purchasing Agent is to respond, in writing, to the bidder protesting the recommended award.

2. This response should:

G. Be made within four days (excluding Saturdays, Sundays and holidays) using the Purchasing Department stamp-in time as the starting time.

H. Advise the bidder protesting that should this response not prove satisfactory to him, there is an option to appeal to the Hearing Examiner.

I. Advise the bidder protesting that a request to appeal to the Hearing Examiner must immediately be addressed to the Purchasing Agent and give the bidder protesting the mailing address and telephone number of that office.

J. Advise the bidder protesting that any documents which he wishes to present to the Hearing Examiner as part of his appeal must be delivered to the office of the Purchasing Agent not later than 72 hours (excluding Saturdays, Sundays and holidays) in advance of the scheduled hearing before the Hearing Examiner. Any document which has not been so delivered will not be accepted by the Hearing Examiner.

K. Copy all departments listed in #II (2) and the Purchasing Department on the response to the bidder protesting.

L. Upon receipt of a request to appeal, the Purchasing Agent will ensure that all bidders on the item in question are notified of the request to appeal, the

issue or issues raised by the appealing bidder, the time, date and location of the scheduled hearing before the Hearing Examiner before which the appeal will be heard, and the issue or issues which are the basis of that assignment to the Hearing Examiner to which the appeal has been assigned.

M. All departments listed in #II (2) and the Purchasing Department should be kept apprised of all communications regarding this appeal.

N. The hearing will begin with a statement from the department manager as listed in #II(2) or his designated representative as to the nature of the contract or project bid, the bids received, and the issue(s) in dispute.

O. The Hearing Examiner shall have the authority to limit the time allotted to each bidder desiring to speak.

P. The Hearing Examiner shall render a decision within seven (7) days after the hearing on the appeal.

Q. The appealing bidder may then make a statement. Any other bidder may respond to that statement. The statement of a bidder shall be limited to the specific issues raised in the appeal.

R. It should be understood by all parties that the decision rendered by the Hearing Examiner with respect to bid appeals is made to the Executive Director in the form of a recommendation.

S. If the Hearing Examiner fails to render a decision with seven (7) days of the hearing on the appeal, the Executive Director shall review the appeal and render a decision.

T. The final determination with respect to bid appeals shall be made by the Executive Director.

III. INQUIRIES.

Any inquiries concerning Procedural Rules for Bid Appeals may be addressed to Purchasing Department.