



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
PROTEST POLICY AND PROCEDURES**

All protests will be handled in accordance with the policy set forth below. All solicitation specifications and award protests must be submitted in accordance with the procedures set forth in this policy. The court reserves the right to alter and/or supplement this policy in specific solicitations. Any such modifications will be set forth in the solicitation document and will supersede this policy if a conflict exists. Failure to comply with these protest procedures will render a protest inadequate and non-responsive, and will result in rejection of the protest.

**1. Protest of Bid Specifications**

The deadline for the court to receive a solicitation specifications protest is the Bid Closing Time. Award protests must be filed in accordance with the timelines specified below.

Note: The Protester bears the burden of proof to show that the Solicitation Document contains a defective technical, administrative, or cost specification or requirement.

**2. Protest of Award of Contract**

For solicitations using a Bid or RFP, the deadline for the Court to receive an award protest is specified in the table below.

The Protester is solely responsible for ensuring that an award protest is received by the Court by the applicable due date. In no event will the Court consider a protest after the contract has been awarded.

<b>NON-IT GOODS</b>	<b>NON-IT SERVICES</b>	<b>IT GOODS AND/OR SERVICES</b>
The Court must receive the award protest within <b>24 hours</b> after the Court issues the intent to award.	The Court must receive the award protest within <b>5 court days</b> after the Court issues the intent to award.	The Court must receive the award protest within <b>5 court days</b> after the Court issues the intent to award.
The Protester will have <b>10 calendar days</b> after the Court receives the protest to submit all information required below to the Court.	The Protester will have <b>5 calendar days</b> after the Court receives the protest to submit all information required below to the Court.*	The Protester will have <b>10 calendar days</b> after the Court receives the protest to submit all information required below to the Court.

The Protester bears the burden of proof to show that (1) the Court has committed an error in the award process sufficiently material to justify invalidation of the proposed award, or (2) the Court's decisions are lacking a rational basis and are, therefore, arbitrary and capricious.

**3. Procedure**

A protest must include the following information:

- Contact information of the Protester or its representative (this must include name, address, telephone number, email address, and should include facsimile number);
- The title of the Solicitation Document to which the protest is related;

- ***For a solicitation specification protest***, the specific alleged deficiency in the solicitation's technical, administrative, or cost specifications or requirements;
- ***For an award protest***, the specific alleged error or irrational decision made by the Court;
- A detailed description of the specific legal and factual grounds of protest and any supporting documentation; and
- The specific ruling or relief requested.

A protest lacking any of this information may be rejected by the protest hearing officer [Chief Financial Officer ("CFO")].

The CFO may issue a written determination regarding the solicitation specifications protest without requesting further information from the Protester. Therefore, the solicitation specifications protest must include all grounds for the protest and all evidence available at the time the protest is submitted. If the Protester later raises new grounds or evidence that was not included in the initial protest submittal but which could have been raised at that time, the Court shall not consider the new grounds or new evidence.

#### **4. Submission of the Protest**

The Protester must send the protest to the individual identified in the solicitation document. The Protest must be in writing and sent by certified or registered mail or delivered personally to the address indicated in the solicitation. If the protest is hand-delivered, a receipt must be requested.