

## **SECTION 2-1.47 BID RELIEF**

### **Replace Section 2-1.47 Bid Relief with the following:**

The City may grant bid relief under Pub Contract Code § 5100 et seq. Submit any request for bid relief to the Director within five (5) calendar days after the opening of the bids.

## **SECTION 2-1.48 RESERVED**

### **Add Section 2-1.48 BID PROTESTS as follows:**

1. Any protest of the proposed Project award must be submitted in writing to the City no later than 5:00 PM on the third business day following the date of the bid opening.
2. The protest must contain a complete statement of the basis for the protest.
3. The protest must state the facts and refer to the specific portion of the document or the specific statute that forms the basis for the protest. The protest must include the name, address, and telephone number of the person representing the protesting party.
4. The party filing the protest must concurrently transmit a copy of the protest to the proposed awardee.
5. The party filing the protest must have submitted a bid for the Project. A subcontractor of a party filing a bid for the Project may not submit a bid protest. A party may not rely on the bid protest submitted by another bidder but must timely pursue its own protest.
6. The procedure and time limits set forth in these Instructions to Bidders are mandatory and are the bidders' sole and exclusive remedy in the event of a bid protest. Any bidder's failure to fully comply with these procedures shall constitute a waiver of any right to further pursue a bid protest, including filing of a challenge of the award pursuant to the California Public Contract Code, filing of a claim pursuant to the California Government Code, or filing of any other legal proceedings.
7. The City shall review all timely protests prior to award of the Project. The City shall not be required to hold an administrative hearing to consider any protests but may do so at its option. At the time of the City Council's consideration of the Project award, the City Council shall also consider the merits of any timely protests. The City Council may either reject the protest and award to the lowest responsible bidder or accept the protest and award the bid to the next lowest responsible bidder. Nothing in this section shall be construed as a waiver of the City Council's right to reject all bids.