



STATE PROPERTIES COMMISSION

270 Washington Street, Suite 2-129, Atlanta, Georgia 30334

POLICY

TITLE: SPC 10 – Transaction Management: Protest Policy

ADOPTED: May 9, 2013

REVISED: December 11, 2018

1. Definitions

- (a) Executive Director: The Executive Director of SPC, or his or her designee.
- (b) Interested Party: A person or entity that proposes to provide administrative space to SPC, or bids to acquire real property from SPC pursuant to a request for proposals or an invitation for bids.
- (c) Contract: Any agreement whereby SPC agrees to rent or lease administrative space or sell real property to an Interested Party pursuant to a request for proposals or an invitation for bids.
- (d) Board: The governing board of the State Properties Commission.

2. Purpose

The purpose of this Protest Policy (“Policy”) is to establish mandatory administrative procedures for the filing, administration, and adjudication of any protest, challenge or claim against any aspect of the State Properties Commission’s (“SPC”) competitive solicitation process for award of a Contract.

3. Policy Statement

- (a) Applicability of Policy: This Policy shall apply to and govern all disputes, complaints and protests of any kind arising out of or relating to SPC’s competitive solicitation process.
- (b) Filing of a Protest: Any Interested Party may protest a solicitation, the proposed award of a Contract, or the award of a Contract. The protest shall be in writing, shall be filed with the Executive Director and shall include the following information:
 - (i) The name, address and telephone number of the protesting Interested Party;
 - (ii) The signature of the protesting Interested Party or its authorized representative;

- (iii) Identification of the solicitation or contract number;
 - (iv) A statement of the legal and factual grounds surrounding the protest, including copies of all relevant supporting documentation; and
 - (v) The specific form of relief requested.
- (c) Time for filing protest
 - (i) Protests concerning a solicitation prior to award of Contract: Protests based upon the solicitation process or decision to name an apparent awardee shall be filed no later than five (5) days before the award of the Contract.
 - (ii) Protests concerning award of Contract: Protests concerning the decision to award a Contract shall be filed within seventy-two (72) hours after the posting of the Executive Director's or Board's decision to award.
 - (iii) Tolling of time to file protest: If the protest of an award of Contract depends upon information contained in public records pertaining to the award, then the seventy-two (72) hour time limit for a protest begins to run after the records are made available to the Interested Party for inspection, so long as the Interested Party's request to inspect the records is made within seventy-two (72) hours after the award is posted, whichever occurs first. No records related to the solicitation shall be made available prior to award of Contract.
- (d) Notice of Protest: In the event a protest is filed, the Executive Director shall immediately give notice of the protest to the Board and to the successful Interested Party, if an award has been made, or, if no award has been made, to all applicable Interested Parties.
- (e) Records: SPC shall, upon written request, make available records related to the solicitation in accordance with the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq.
- (f) Decision by the Executive Director: The Executive Director shall have the exclusive authority to decide all protests. The Executive Director shall issue a written decision within thirty (30) days after a protest has been filed and shall mail the decision to the protesting Interested Party by certified mail, return receipt requested. The time limit for decisions may be extended by the Executive Director for a reasonable time not to exceed thirty (30) days. The Executive Director shall notify the protesting Interested Party in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.
- (g) No Stay of Award: If a protest is filed with the Executive Director before the award of a Contract, the award of such Contract may be made before a decision is rendered on the protest.
- (h) Exclusive Remedy: These rules and regulations shall provide the exclusive procedure for asserting a claim against SPC arising out of or relating to any competitive solicitation and selection process for a Contract.