



MIDAMERICA ST. LOUIS AIRPORT

BID PROTEST PROCEDURE

PURPOSE: To establish a procedure for protests made by a respondent to any competitive selection process. A competitive selection process includes, but is not limited to, selections made pursuant to request for proposals, request for qualifications, and request for sealed bids.

LEGAL CONSIDERATION: St. Clair County Public Building Commission (PBC) on behalf of St. Clair County, Illinois owns and operates MidAmerica St. Louis Airport (BLV).

PROCEDURE:

A. General

1. Computation of time for purposes of this procedure, unless otherwise stated, excludes Saturdays, Sundays, and St. Clair County holidays.
2. Time periods contained in this procedure may be modified by the Director, if necessary, given the subject matter of the protest or other factors necessitating such modification.
3. Protests may not challenge the chosen procurement method, the evaluation criteria, the relative weight of the evaluation criteria or the formula specified for assigning points in any solicitation.
4. All solicitation documents, with respect to contract awards, will set forth the following statement:

"Failure to follow the procurement protest procedure set out in BLV's policies constitutes a waiver of your protest and resulting claims. A copy of the procurement protest procedure may be obtained by the Airport Representative and is also available on BLV's website (www.flymidamerica.com)."
5. Notwithstanding any deadlines set out in this procedure, all formal bid protests must be made prior to award of a contract at the Public Building Commission's monthly meeting. No bid protests shall be allowed after the award of a contract by the PBC.

B. Procedure

1. An Airport Representative will provide all respondents at least two business days' notice of its intent to award a contract prior to selection or award by the PBC.
2. Informal process – Prior to initiating any formal process under this Procedure, respondents must make a good faith attempt to resolve any disputes with the Airport Representative. Regardless of the informal process, respondents must meet the two-day deadline prescribed in this Procedure for filing a protest. If the informal process is unsuccessful, the respondent may make a formal protest under the procedures below.

3. Any respondent submitting a response to a solicitation and in its opinion is affected adversely by an intended decision with respect to the award of any bid or proposal that allows the filing of a protest, must file a written protest with the Airport Representative no later than two days prior to award of the contract by PBC.
4. Upon receipt of a bid protest, the Airport Representative will forward a copy of such protest to the legal department. The PBC attorney, together with necessary staff, will determine whether the bidder has standing to pursue a bid protest.
5. The formal written protest must contain the following:
 - a. BLV solicitation name and number.
 - b. The name and address of the protesting party of the bid or proposal.
 - c. The name, address, title, and position of the respondent filing the protest (protester).
 - d. A statement of all disputed issues of material fact. If there are no disputed issues of material facts, the written protest must so indicate.
 - e. A statement indicating the relief to which the protester deems they are entitled.
 - f. A concise statement of all the facts alleged and of all the rules, regulations, statutes, and constitutional provisions entitling the protester relief.
 - g. All other information as the protester deems to be material to the issue.
6. A protest may be amended no later than two days prior to the award of contract.

C. Fact-Finding Group

1. Any formal written protest filed in compliance with this Procedure will be reviewed by a fact-finding group whose duties are to gather all relevant materials, review the protest, and make a recommendation to the Director.
2. The fact-finding group will be made up of appropriate airport staff, including the PBC attorney.
3. The group will present all materials in the most efficient manner to the Director who after a thorough review of the relevant materials will notify the protestor of the Director's decision.

D. Final Decisions

Decisions of the Director shall be final and subject to review or appeal by appropriate court action, or in some instances by proceedings before federal administrative

agencies, in accordance with applicable law. No new facts or issues will be considered by the reviewing court or agency.

E. Federal Aviation Administration Review

In the event some or all of the cost of the contract will be paid or reimbursed by the Federal Aviation Administration (“FAA”), a protestor may further submit protests that involve violation of federal laws or regulations (including a protest that BLV did not follow its established protest procedures), to the FAA for consideration.

BLV will not make any award of the subject contract during the pendency of any protest.

F. Conflict with State or Federal Laws:

In the event that any of the policies and procedures stated herein conflict with any applicable laws of the United States or the State of Illinois, then State or Federal law shall prevail over such conflicting policies and procedures. In such an event, all remaining non-conflicting policies and procedures shall be deemed to continue in full force and effect.