

  
**LOS ANGELES FIRE DEPARTMENT**

SEP 16 2008

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FIRE CHIEF

September 2, 2008

BOARD OF FIRE COMMISSIONERS  
FILE NO. 08-130

TO: Board of Fire Commissioners  
FROM: Douglas L. Barry, Fire Chief *NB*  
SUBJECT: INVITATION FOR BID PROCEDURE MANUAL – REVISED PROTEST PROVISIONS

FINAL ACTION:  Approved  Approved w/Corrections  Withdrawn  
 Denied  Received & Filed  Other

**Recommendations:**

That the Board:

1. Approve the attached Revised Protest Provisions contained in the "Invitation for Bid Procedure Manual".
2. Instruct the Administrative Services Bureau staff to incorporate the revised provisions in the "Invitation for Bid Procedure Manual".

**Summary:**

The current protest provisions in the Los Angeles Fire Department's (LAFD) "Invitation for Bid Procedure Manual" does not allow an unsuccessful proposer to publicly protest the competitive process. The revised provisions will give an unsuccessful proposer the opportunity to be heard at a public meeting by the Department's Protest Review Committee before a contract is awarded. The Committee will consist of two members of the Department's senior management staff. A recommendation regarding the protest will be made by the Committee to the Board of Fire Commissioners.

**Discussion:**

All proposers are afforded the opportunity to protest the LAFD's competitive bid process. Under the current procedure, a protester must submit to the Bureau overseeing the Request for Proposal (RFP) or Request for Qualifications (RFQ) a written request that sets forth the legal and factual grounds of the protest. At the time the Bureau forwards its recommendation to the Board of Fire Commissioners regarding the award of a contract, it will also make a

determination regarding the protest. The Board of Fire Commissioners will then issue a decision on the protest.

Under the revised provisions, a protester to the competitive bid process will still submit a written protest to the LAFD, but will now be afforded an opportunity to be heard in a publicly noticed meeting by the LAFD's Protest Review Committee, a panel consisting of the LAFD's senior management staff who are independent to the subject RFP/RFQ. The Fire Administrator (or designee) will serve as the Chairperson of the Committee. The committee members will consist of the following individuals:

1. Fire Administrator, Bureau of Administrative Services, or a designee at the level of a Chief Management Analyst, not involved in the proposal evaluation, and
2. A member of the Chief of Staff's personnel at the level of a Battalion Chief or higher, not involved in the proposal evaluation.

The findings of the Committee regarding a protest will be presented to this Board of Fire Commissioners for its consideration at a scheduled public meeting.

**Conclusion:**

Adoption of the revised protest provisions will allow unsuccessful proposers to the LAFD's competitive bid process an opportunity to publicly air their protests to the RFP process before a contract is awarded.

Board report prepared by William Jones, Senior Management Analyst II, of the Administrative Services Bureau.

Attachment

## **Invitation for Bid Procedure Manual Revised Protest Provisions**

### **10.0 NOTIFYING UNSUCCESSFUL PROPOSERS**

After evaluation of the proposals has been completed, all Proposers will be notified in writing by mail of the name of the successful Proposer. A debriefing session will be held fifteen (15) calendar days after the mailing of the notices to the unsuccessful Proposers.

If a Proposer wishes to file a protest of the selection made by the Evaluation Committee, they are to follow the instructions outlined in Section 11 – Proposal Protest of this RFP/RFQ.

### **11.0 PROPOSAL PROTEST**

Protests concerning this RFP/RFQ process will be accepted by the Department based on either the RFP/RFQ content (terms and conditions as set forth in the RFP/RFQ) or the staff recommendation for contract award.

A protest based on the content (terms and conditions as set forth in the RFP/RFQ) of the RFP/RFQ must be filed within fifteen (15) calendar days after the RFP/RFQ is first advertised. The Department will respond in writing by mail to protestor(s) within fifteen (15) calendar days of receipt of the protest. Should the Department determine that a revision to the RFP/RFQ is appropriate, the Department will notify in writing by mail all firms in attendance at the Pre-Proposal Conference of any revisions to the RFP/RFQ process. The Department's final written report on the Department's RFP/RFQ process and staff recommendation of the contract award will contain an account of all protest(s) filed based on the RFP/RFQ content, and shall also include the Department's response(s) to the protest(s). The Department's report shall be forwarded to the Mayor and City Council, and/or the City's Board of Fire Commissioners (as appropriate), for their consideration.

A protest based on the specific selection process must be filed with the Department within fifteen (15) calendar days after staff recommendation for contract award has been made available to the public. The Department will notify Proposers in writing by mail of the Department's staff recommendation of contract award. Upon receipt of any protests on the specific selection process, a review of the protest(s) shall be conducted by the Protest Review Committee. A protest hearing will be convened at a publicly noticed meeting. Protesting parties will be notified

of the specific date, time and location that the protest will be discussed, and will be given the opportunity to present their arguments at the public session. The Department will conduct the hearing within thirty (30) calendar days of the protest submission deadline. The findings of the Committee will be presented to the City's Board of Fire Commissioners for consideration at one of its scheduled public meetings.

If the protest submission deadline falls on a weekend or a holiday, then the deadline will be extended to the next business day.

All protests regarding this RFP/RFQ must be in writing and sent by certified mail with return receipt to:

Department Contract Coordinator  
Los Angeles Fire Department  
Administrative Services Bureau, Contracts Unit  
200 N. Main St., 16<sup>th</sup> Floor, Room 1630  
Los Angeles, CA 90012

All protests must include the following information:

1. Name, address, and telephone number of the protester
2. Name and number of this RFP/RFQ.
3. A full and complete written statement specifying in detail the legal and factual grounds of the protest, including copies of relevant documents.
4. Statement as to the form of relief requested.
5. Request that the Protest Review Committee make a recommendation regarding the protest to the Board of Fire Commissioners.