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SUMMARY OF BID PROTEST RIGHTS UNDER FLORIDA STATUTE s. 120.57(3)

Question	Bid Protest Procedure
When do protest rights begin?	When agency posts notice of intended decision regarding solicitation.
How do I protest?	(1) File Notice of Protest within 72 hours from Agency's notice of intended decision (exclusive of Saturdays, Sundays, and state holidays). (2) File formal Bid Protest Petition within 10 days after Notice of Protest is Filed. *If Notice of Protest and Bid Protest Petition timely filed, Agency cannot execute contract for the solicitation until protest gets resolved (absent circumstances necessary to avoid immediate and serious danger to the public).
Is there opportunity to resolve protest?	Within 7 days after Bid Protest Petition is timely filed (exclusive of Saturdays, Sundays, and state holidays), Agency shall provide opportunity to resolve protest by mutual agreement. If protest does <u>not</u> get resolved, Agency needs to determine whether there are <u>disputed issues of material fact.</u>
What happens if Agency determines there are NO disputed issues of material fact?	An <u>informal</u> proceeding occurs within the Agency where Agency will decide bid protest.
What happens is Agency determines there are disputed issues of material fact?	The Agency must refer protest to DOAH (Florida's Division of Administrative Hearings) for a formal bid protest proceeding. An ALJ (administrative law judge) will be assigned to hear protest.
When is hearing held in front of ALJ?	A (evidentiary) hearing shall be commenced within 30 days after DOAH's receipt of the formal bid protest. *This can be waived / extended so more time is allowed to prepare for complex bid protest hearing.
When does the ALJ decide the bid protest hearing?	After the hearing, ALJ will enter a recommended order regarding the protest within 30 days after the hearing or receipt of the hearing transcript, whichever is later
Can parties take written exceptions to the ALJ's recommended order?	Yes, parties can take written exceptions to ALJ's recommended order within 10 days from the recommended order.
When is a final order entered regarding the bid protest?	Within 30 days from the ALJ's recommended order, Agency will enter its final order.

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