

General Protest Procedures

(December 2017)

There are two types of protests in Judicial Branch Entity procurements: solicitation specifications protests and award protests.

Solicitation Specifications Protests:

A solicitation specifications protest is a protest alleging that a solicitation document contains a technical, administrative, or cost specification or requirement that is defective. The specification or requirement may be defective because it is:

- Onerous, unfair, or illegal; or
- Imposes unnecessary constraints in proposing less costly or alternate solutions.

The prospective bidder is solely responsible for ensuring that a solicitation specifications protest is received by the Court by the specified deadline. The failure of a prospective bidder to submit a timely solicitation specifications protest constitutes a waiver of the prospective bidder's right to protest the solicitation's specifications or requirements.

Award Protests:

An award protest is a protest alleging that:

- The Court has committed an error in the award process sufficiently material to justify invalidation of the proposed award; or
- The Court's decisions are lacking a rational basis and are, therefore, arbitrary and capricious.

A bidder may submit an award protest if the bidder meets the following requirements:

- The bidder submitted a bid that the bidder believes to be responsive to the solicitation document; and
- The bidder believes that the Court has incorrectly selected another bidder for an award.

A person or entity who did not submit a Bid may not submit an award protest. In no event will the Court consider a protest if the Court rejected all bids, or the solicitation was canceled for any reason.

Additional information on these two types of protests and how they are handled by the Court may be found in Chapter 7 of the California [*Judicial Branch Contracting Manual \(JBCM\)*](#). Failure of a proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest.

Protests should be sent by certified mail, registered mail, or overnight courier to:

Superior Court of California, County of Sacramento
Attn: Rick Beard, Director of Budget and Finance
720 Ninth Street, Room 101
Sacramento, CA 95814