

RECENT CHANGES TO THE PROCUREMENT CODE RELATING TO BID PROTESTS AND HEARING PROCEDURE FOR DEBARMENT, DETERMINATIONS OF THE DIRECTOR OF PURCHASING AND STAY OF PROCUREMENTS DURING APPEALS

On March 9, 2010, the Board of County Commissioners of Broward County revised the County's Procurement Code relative to bid protests and hearing procedures for Broward County solicitations.

Effective March 9, 2010, Section 21.118 of the Procurement Code is changed to require the filing fees for all protests to be as follows:

<u>Estimated Contract Amount</u>	<u>Filing Fee</u>
\$30,000 - \$250,000	\$500.00
\$250,001-\$500,000	\$1,000
\$500,001 - \$5 million	\$3,000
Over \$5 million	\$5,000

The determination of the estimated contract amount shall be based upon the contract bid amount submitted by the protester. In cases, where no bid amount was submitted, the estimated contract amount shall be the County's estimated contract price for the project.

Effective March 9, 2010, Section 21.120 of the Procurement Code is changed to require the protest appeal bond amount for all protests to be as follows:

In an amount equal to one percent (1%) of the estimated contract amount or \$25,000, whichever is less, and conditioned upon payment of all costs and fees awarded the County. In protest appeals where the estimated contract amount is less than \$250,000, the appeal bond shall be in the amount of \$500 and conditioned upon payment of all costs and fees awarded the County.

Effective March 9, 2010, Section 21.120 of the Procurement Code is changed to reflect that the hearing officer shall be empowered, in the exercise of sound professional discretion, to award attorney fees to the County if the hearing officer finds that the protestor, or its counsel, knew or should have known that their claim was not supported by facts or law.