Lower Savannah Council of Governments
Appeal and Protest Procedure

The following procedures are for the purpose of addressing protest matters related to solicitation or award of contracts by the Lower Savannah Council of Governments (LSCOG). LSCOG is the sole responsible party for resolving all matters related to its procurements and contracts. These matters include pre-award issues that may be raised concerning a solicitation or a specific award of a contract.

1. **Timing**  
Any protest related to solicitation or award of a contract must be filed in writing, as required by paragraph 4 below, with the LSCOG at its offices located at 2748 Wagener Road (Hwy 302 N), Aiken, SC 29801, mailing address P.O. Box 850, Aiken, S.C. 29802, within ten (10) calendar days of the action taken by LSCOG that is the subject of the protest. The written protest document must be received by LSCOG at its offices no later than 5:00 P.M. (Eastern Time) on the tenth (10th) calendar day following the action taken by the LSCOG. Untimely protests will not be considered.

2. **Standing**  
In order to file a protest, a party must be aggrieved by the action of the LSCOG that is the subject of the protest and must be an organization or individual with a specific interest related to the procurement. Only organizations that can demonstrate that they are aggrieved by such action will be considered. A party is not aggrieved by an error in solicitation or award of a contract unless the party would have received the award but for the error.

The LSCOG will not consider protests from individuals or organizations that do not have such standing, nor from subcontractors of parties with which contracts have been placed.

The signature of a party on the protest document constitutes a certification by the signer (i) that the signer has read the document; (ii) that to the best of his/her knowledge, information, and belief after reasonable inquiry, the protest is well grounded in fact and is warranted by existing law or by a good faith argument, and (iii) that the protest is not submitted for any improper purpose such as to harass, limit competition, or cause unnecessary delay or needless increase in the cost of the procurement.
3. **Participation by Interested Parties**  The statements in this policy concerning standing do not exclude the participation in the process by an organization that is the apparent successful offeror. Such a party may participate in the protest to the extent that meetings or hearings take place between the LSCOG and the protestor. However, since the protest procedure primarily will involve the review of the documentary submissions, the interested party may not be specifically involved in the procedure. Interested parties may submit information on the record to support their contention that the procurement was properly carried out and the contract award is valid.

4. **Content of the Submission**  Protests must be in writing and must clearly state and include the following to be considered: state that the document constitutes a protest; state the specific issues, facts and grounds that the protestor believes support the protest and should be considered; and state the specific remedy that is requesting. Additional information in the form of documentary evidence may be submitted as part of the protest. However, all information and documents must be submitted to the LSCOG by the deadline for submission of protests set forth in paragraph 1 above. No additional opportunity to support, expand or change the issues or information to be reviewed will be accepted or allowed.

5. **Process Conducted by the Lower Savannah Council of Governments**  Upon receipt of the submission documents, the appropriate officials of the LSCOG (which may include staff and/or board members) will promptly review the protest and documents. No hearing will be granted unless, in the opinion of the LSCOG, such a hearing would substantially clarify the circumstances surrounding the protest. If a hearing is granted, it will be conducted at the offices of the LSCOG and a taped record of the hearing will be made. The protester may be represented by legal counsel at the hearing, but the responsible employee, officer or official of the protesting organization (the person signing the protest) must be present at all times at such hearings.

6. **The Effect of Protest**  Upon receipt of a qualified protest, the LSCOG will engage in an administrative stay with respect to all procurement activity and contract implementation affected by the protested procurement. Accordingly, if a contract award has not occurred, the LSCOG will not proceed with the award until a decision on the protest has been reached. If a contract has been awarded, the LSCOG may instruct the apparent successful contractor to suspend performance pending the issuance of a decision in the matter.
7. **Remedies** The conclusions, findings and remedies developed in response to a protest will be in the discretion of the LSCOG. It should be recognized that the award of contracts by the LSCOG is generally for the provision of designated services and disruption of the procurement process has the potential for placing at risk vulnerable members of the population living within the Lower Savannah Region. Accordingly, cancellation of contracts and re-procurement will only be considered by LSCOG in its discretion where circumstances strongly support such actions.

8. **Decisions** Decisions of LSCOG will be issued in writing within thirty (30) calendar days of the receipt of a protest. In accordance with Federal and State laws and regulations applicable to programs administered by the LSCOG, the decision of the LSCOG on a protest is final.

9. **Cost of Protest** The costs of a protest will be borne solely by the protester. No compensation of any kind will be paid to the protesting party or to any legal representative thereof. [Note: Cost principles applicable to the administration of Federal grants and contracts and sub awards thereunder (Office of Management and Budget Circular 2CFR 200 for governmental and non-profit organizations) provide that legal expenses involved in prosecuting a claim against an awarding agency are not an allowable cost for use of Federal funds.]

10. **Availability and Information** The documents and information submitted as part of a protest will be considered subject to the same rules for public access as are applicable to similar records of the LSCOG, including the South Carolina Freedom of Information Act. Protest documents will be considered to be part of grant records accessible by authorized representatives of Federal and State agencies and auditors acting on behalf of the agencies and the Inspectors General and the Comptroller General of the United States.

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