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EXECUTIVE ORDER #2/09

TO: Distribution
FROM: Robert D. LiMandri
DATE: May 20, 2009
SUBJECT: CONTRACT PROCUREMENT APPEALS

Effective: Immediately

Specifics:

The following is hereby delegated to Stephen Kramer, Senior Counsel:

(1) the authority of the Agency Head to make determinations in connection with appeals of determinations of non-responsiveness brought pursuant to Procurement Policy Board Rules (PPBR) Section 2-07, "Responsiveness of Bids/Proposals," including the authority to consider such appeal; to meet, in his sole discretion, with the vendor to discuss the merits of such appeal; and to make a determination with respect to the merits of such appeal. Those determinations shall be final;

(2) the authority of the Agency Head to make final determinations in connection with appeals of determinations of non-responsibility brought pursuant to PPBR Section 2-08, "Vendor Responsibility and Appeal of Determination of Non-Responsibility," including the authority to consider such appeal; to meet, in his sole discretion, with the vendor to discuss his/her appeal; and to make a determination with respect to the merits of the appeal. Those determinations shall be final unless further appealed to the Mayor; and

(3) the authority of the Agency Head to make final determinations in connection with protests filed with the Agency Head pursuant to PPBR Section 2-10, "Vendor Protest," including the authority to, in his sole discretion, invite written comment from the selected vendor (if any) or other interested party, and/or convene an informal conference with the protesting vendor, the selected vendor and/or any other interested party to resolve the protest by mutual consent; and including the authority to determine whether it is or is not in the City's best interest to delay the procurement action under the protest. Such determinations shall be final.