

Metro Denver WIRED Grant Program Complaints Process

Resolution of Controversies

The Executive Director of the Metro Denver WIRED project is authorized to investigate and resolve any questions regarding:

- 1) Any protest concerning the solicitation, evaluation process, and award of any grant funding or contracts;
- 2) Debarment or suspension from consideration for award of grant funds or contracts, including failures of proposals to pass the WIRED technical review or budget review processes;
- 3) Any controversy arising between Denver Metro WIRED and a contractor or grant awardee by virtue of a contract between them, including, without limitation, controversies based upon breach of contract, mistake, misrepresentation, or any other cause for contract modification, rescission, or recovery of paid funds.

Decisions may be informed by policies and practices of the Metro Denver WIRED Project, the City and County of Denver, the Colorado Department of Labor and Employment, the State of Colorado Procurement Code and Rules and related Federal Code and Rules (where applicable), and WIRED-specific determinations of the Federal Department of Labor. Decisions are subject to two levels of appeal as described below.

Protested Solicitations and Awards

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to:

Jerry McCarthy
Metro Denver WIRED
1445 Market Street
Denver, Colorado 80202
303-534-3200
Jerome.mccarthy@metrodenver.org

The protest must be submitted within ten working days after such aggrieved person knows or should have known of the facts giving rise to the complaint.

Filing of Protest

Subject: Protestors may file a protest on any phase of a solicitation or award, including solicitation specifications, application requirements, technical review, budget evaluation, final evaluation process, award, contracting and performance monitoring.

Form: The written protest shall include, as a minimum, the following:

- The name and address of the protestor;
- Appropriate identification of the solicitation in question;
- A statement of the reasons for the protest; and
- Any available exhibits, evidence, or documents supporting the protest.

Requested Information: Additional information may be requested regarding the protest. Any additional information regarding the protest should be submitted within the time period requested in order to expedite resolution of the protest. Time necessary for the request and receipt of additional information will be added to the projected response time for the protest. If the protestor fails to comply expeditiously with any request for information needed for the WIRED complaint process, the protest may be resolved without such information.

Decision

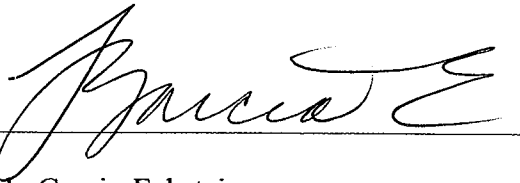
A written decision regarding the protest will be rendered within ten working days after the protest is received. The decision will be based on and limited to the review of the issues raised by the aggrieved bidder, offeror, or contractor and will describe each factor taken into account in reaching the decision.

Appeal

There are two levels of appeal. Protestors may appeal the initial response within seven working days of receiving written notice of decision. The process is identical to the initial protest process (including time limits) described above with one important difference: the request for appeal must describe the specific basis of the appeal and must explain how the decision received failed to address this concern.

The first level of appeal is to a representative of the City and County of Denver. The City's representative in the appeals process will be the Manager of Contracted Services, Office of Economic Development. In the event that the City may have a conflict of interest, the appeal will be referred to the Colorado Department of Labor. If the response from the appeal to the City does not resolve the issue, a second level of appeal, to a representative of the Colorado Department of Labor, is the final level of complaint and

decision. The Colorado Department of Labor may consult with the Federal Department of Labor on the determination of its appeal decision.

A handwritten signature in black ink, appearing to read "Ledy Garcia-Eckstein", is written over a horizontal line.

Ledy Garcia-Eckstein
Executive Director
Metro Denver WIRED Initiative

Date of Adoption: March 24, 2008