

VENDOR PROTEST PROCEDURES

Procedures:

1. Any actual or prospective bidder who is aggrieved in connection with the solicitation, evaluation or award of a contract/purchase order may formally submit a protest. Formal protests must conform to the requirements herein and shall be resolved in accordance with the procedure set forth in the paragraphs below.
2. Protests must be submitted to the Purchasing Director in writing and received by that office within ten (10) working days after such aggrieved bidder knows or should have known of the occurrence of the action which is protested. A formal protest must contain the following components:
 - a. A specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
 - b. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
 - c. A precise statement of the relevant facts;
 - d. An identification of the issue or issues to be resolved;
 - e. Argument and authorities in support of the protest.
3. If the protest is not resolved by mutual agreement, the Purchasing Director will issue a written determination per the following applicable guidelines:
 - a. If the Director determines that no violation of rules or statutes has occurred, he shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination.
 - b. If the Director determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
 - c. If the Director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract null and void.

The Purchasing Director's determination on a protest may be appealed by an interested party to the Superintendent of Schools. An appeal of the Director's determination must be in writing and received in the office of Superintendent of Schools no later than ten (10) working days after the date of the Purchasing Director's determination. A copy of the determination shall be mailed to the protestor and other interested parties involved in the procurement.

For the purposes of this procedure an "interested party" is defined to include any offeror or prospective offeror whose direct economic interest would be affected by the award or by failure to make the award.

The appeal shall be limited to a review of the Purchasing Director's determination. The decision issued by the Superintendent of Schools shall be considered as the final administrative action.