

VENDOR PROTEST

Overview

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the Director of Purchasing. Formal protests must conform to the requirements herein and shall be resolved in accordance with these procedures.

In the event of a timely protest or appeal under this section, the agency shall not proceed further with the solicitation or with the award of the contract unless the Superintendent or designee makes a determination that the expeditious award of the contract is necessary to protect substantial interest of the District. A copy of this determination shall be mailed to the protestant.

Procedures

Protests must be submitted to the Director of Purchasing or his designee in writing and received in the director's office within 10 working days after such aggrieved person knows, or reasonably should have known, of the occurrence of the action which is protested.

A formal protest must contain:

- 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 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

Authority to Resolve Protests

The Director of Purchasing, Chief Financial Officer and the District Superintendent have the authority to settle and resolve the dispute concerning the solicitation or award of a contract. However, the formal protest must follow the appropriate channels as stated below.

Determination and Appeal

The Director of Purchasing shall promptly issue a determination relating to the protest. The determination shall:

- a) state the reasons for the action taken; and
- b) inform the protesting party of the right to appeal the determination to the Chief Financial Officer within 10 working days after the date of the director's determination. An appeal of the determination shall be limited to those issues raised in the protest petition and the determination letter.

- c) If the protesting party wishes to appeal the decision of the Chief Financial Officer, it may do so by following the instructions stated above (a & b), but submitting it to the District's Superintendent following the same timeline.

A decision issued in writing by the Superintendent shall be the final administrative action of the District.

A copy of the determination shall be mailed immediately to the protesting party and other interest 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.