

Procedure 3200-PR(2): Procurement Policy - Protest of Solicitations and Contract Awards

Original Adopted Date: September 17, 2025

Status: Approved

FORMAL PROTEST

Any participating bidder may file a protest of a contract award or proposed contract award. The protest or appeal must be in writing and contain at least the following information:

- The name, address, and telephone number of the protester;
- The signature of the protester;
- The bid number and date of bid closing;
- A statement of the legal and/or factual grounds on which the protest or appeal is based, including copies of information relevant to the bid; and,
- The form of relief requested.

Protests are to be filed with the CFO within 10 calendar days of the Notice of Award. Failure to timely protest shall be deemed a waiver of all rights to protest. If a protest is filed before the award of a contract, no award shall be made until the protest has been administratively resolved, unless the CFO or designee makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the District. A written decision will be made within 10 calendar days after the protest has been filed. The decision shall contain an explanation of the basis of the decision. The CFO shall furnish a copy of the decision to the protester by certified mail, return receipt requested, or by any other method that provides evidence of receipt. The time limit for a decision may be extended by the CFO for a reasonable time not to exceed 30 calendar days. The CFO shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

Remedies

If the CFO sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with District policies or procedures, the CFO shall implement an appropriate remedy. In determining an appropriate remedy, the CFO shall consider all the circumstances surrounding the procurement or the proposed procurement, including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, cost to the government, the urgency of the procurement, and the impact of relief on the District's mission. An appropriate remedy may include one or more of the following:

- Decline to exercise an option to renew under the contract;
- Terminate the contract;
- Reissue the solicitation;
- Issue a new solicitation;
- Award a contract consistent with District policies and procedures;
- Reject all bids or proposals without further actions; and/or,
- Other relief as determined necessary to ensure compliance with District policies and procedures.

APPEAL LETTER

Written appeals are to be filed with the CFO within five calendar days of the receipt of the decisions. The notice of appeal shall contain the information from the original protest letter, a copy of the District's decision, and the basis for the appeal.

The CFO shall immediately give written notice of the pending appeal to the successful contractor if award has been made or, if no award has been made, to interested parties. Any party so notified shall, upon request, be furnished with a copy of the notice of appeal filed in the matter. The CFO shall notify the Governing Board of the appeal. Any hearing of appeal shall be conducted by the Governing Board. A written decision will be made within 14 calendar days after the appeal has been filed. The time limit for a decision may be extended by the Governing Board for a reasonable time not to exceed 30 calendar days. The Governing Board shall notify the protester in writing that the time for issuance of a decision has been extended and the date by which a decision will be issued.

If an appeal is filed before an award of contract and the award of the contract was stayed by the CFO, the filing of an appeal shall automatically continue the stay unless the Governing Board conducting the appeal makes a written determination that the award of the contract without delay is necessary to protect the substantial interest of the District.

Dismissal Before Hearing

The Governing Board conducting the appeal shall dismiss, upon a written determination, an appeal before scheduling of hearing if the appeal does not state a valid basis for protest; or the appeal is untimely.

Remedies

If the Governing Board sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with District policies or procedures, the hearing officer shall implement an appropriate remedy. An appropriate remedy may include one or more of the following:

- Decline to exercise an option to renew under the contract;
- Terminate the contract;
- Reissue the solicitation;
- Issue a new solicitation;
- Award a contract consistent with District policies and procedures;
- Reject all bids or proposals without further actions; and/or,
- Other relief as determined necessary to ensure compliance with District policies or procedures.