

VENDOR PROTEST PROCEDURES

This procedure outlines the process for a vendor to protest an invitation to bid or a request for proposal. Any questions regarding the procedures should be directed to the Superintendent.

- I. Eligible Party**
 - a. Any bidder or prospective bidder who is aggrieved in connection with the invitation to bid or award of the contract solicitation or award of the contract or termination of a contract may file a protest. A bidder is a person that submits a bid in response to the request for bid/proposal or termination of contract. A prospective bidder is a person that has not submitted a bid in response to the request.
- II. Filing Timeline**
 - a. The bidder must file a written protest with the Superintendent within five (5) working days after receipt of notification of the bid award/contract termination.
 - b. The district will disregard any untimely filed protests.
 - c. A bidder's failure to file the protest documents in the given time period will constitute a waiver of his/her right to protest the award of a bid/termination of contract.
- III. Form of Protest**
 - a. A protest must be in writing and filed with the Superintendent, Floydada Independent School District, 226 W California St, Floydada, TX 79235
 - b. A protest must state all grounds upon which the protesting party asserts that the solicitation or award was improper or that the termination of the contract was based on improprieties in the administration of the contract. Issues not raised by the protesting party in the protest are deemed waived and may not be raised on appeal.
 - c. The protesting party may submit with the protest any documents or information deemed relevant.
- IV. Notice of Protest**
 - a. The Superintendent will review the protest and supporting documents and render a written decision within five (5) working days. The Superintendent may arrange a meeting with the protester to attempt to resolve the issue.
 - b. The bidder may submit a written appeal of the Superintendent's decision to the Floydada ISD Board of Trustees. The Board will provide reasonable notice to the bidder of the Board's timeline for consideration of the appeal.
 - c. If an appeal is not received by the Superintendent within five (5) working days of the date of the Superintendent's written decision, the bidder's protest shall be deemed waived.
 - d. The Board's decision will be final.
 - e. TDA will be notified of all protests regarding child nutrition.
- V. Stay of Procurement**
 - a. The Superintendent may immediately decide, upon receipt of the protest, whether or not the award shall be stayed, or if the protest is timely received after the award, whether the performance of the contract should be suspended. The district may not proceed further with the invitation to bid or with the award of the contract, and shall suspend performance until the contract is awarded, unless the Superintendent makes a determination that the protest is clearly without merit or that award of the contract/purchase order without delay is necessary to protect the substantial interests of the district.