

Muscogee County School District (MCSD)

Formal Protest Process for Bids and Proposals

Filing for Formal Protests for Solicitations \$15,000 or more

1. Protests concerning a recommended award must be filed no later than ten (10) calendar days following the issuance of the notice of the recommendation.

2. Protests based on, pertaining to, or arising out of events or facts arising during the solicitation process, including but not limited to specifications, must be filed no later than two (2) business days prior to the public bid closing or proposal due date.

3. Vendors who do not submit a timely proposal may not protest the contract award.

4. A protest is deemed filed when it is in writing, is signed by a company officer authorized to sign contracts on behalf of the bidder/proposer, and on the date that it is received by the Muscogee County School District Purchasing Department. Protests sent by mail, fax or email will be accepted.

Mail: Attention: Muscogee County School District, Director of Purchasing, P.O. Box 2427, Columbus, GA 31902, 2960 Macon Road, Columbus, GA 31906, Fax: 478-223-0199, Email: joseph.edwin@muscogee.k12.ga.us.

5. If a bidder/proposer fails to file a protest by the time required, the MCSD may, at its discretion, deem the failure to file as a waiver with prejudice of any grounds the bidder/proposer may have for a protest.

6. The MCSD may, at its discretion, deem issues not raised in the initial protest as waived with prejudice by the Protestor.

Form of Protest

At a minimum, the protest must include the following:

1. The name and address of the Protestor (signed by a company officer authorized to contract on behalf of the vendor)

2. Appropriate identification of the solicitation to include Bid/RFP number, and, if a contract has been awarded, its number

3. A statement of reasons for the protest

4. Supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated

5. The relief sought

The Muscogee County School District may add to these requirements at its discretion.

Stay of Procurement During Formal Protests for Solicitations \$15,000 or more

1. When a protest pertaining to events or facts arising during the solicitation process, such as protests concerning specifications and evaluation criteria, has been timely filed, no award of a contract shall be made until a final decision has been issued, unless the Superintendent makes a written determination that the award of the contract without delay is recommended in the best interests of the school district.
2. When a protest has been filed within ten (10) calendar days following the issuance of a recommended award, the Superintendent shall determine if the performance of the contract without delay is recommended to protect the interests of the school district. If it is determined that it is recommended to proceed with the issuance of the contract and contract performance without delay, the bidder/proposer may proceed with performance and receive payment for work performed in strict accordance with the terms of the contract. The provisions of the paragraph are not applicable to a protest pertaining to events or facts arising during the solicitation process.

Decision by MCSD Superintendent

The MCSD Superintendent shall make a decision on the protest as expeditiously as possible after receiving all relevant requested information. If the protest is sustained, the available remedies include:

1. If a protest is sustained prior to the bid closing or proposal due date, the remedy is the modification of the solicitation document, including but not limited to specifications, terms and conditions, and evaluation criteria; and extension of the opening date if appropriate.
2. If a protest is sustained after the relevant bid has been awarded, the remedies include but are not limited to, suspension or cancellation of the award, re-evaluation, re-award, or re-solicitation with appropriate changes to the new solicitation document.

Costs

In no event shall a Protestor be entitled to recover any costs incurred in connection with the filing of a Protest, including bid/proposal preparation costs or attorneys' fees.

Request for Formal Review and Time for Filing

If a Protestor disagrees with the decision of the Superintendent, the Protestor must request a formal review of the decision by the School Board within three (3) business days of the date of the Superintendent's decision. Such a request must be mailed to Karen Jones, Board Secretary at P.O. Box 2427, Columbus, GA 31902 and will be deemed filed upon receipt by Karen Jones.

The request for formal review shall meet all the requirements for a Protest and shall also contain a detailed statement of the factual, legal, and other grounds upon which reversal or modification is deemed warranted, specifying any errors in the Superintendent's decision. The School Board may, in its sole discretion, allow the Protestor to make an oral presentation, and may solicit, at its discretion, whatever other information it deems appropriate. However, issues not raised in the

initial protest may at the discretion of the School Board be deemed waived with prejudice by the Protestor. The Protestor will receive notice of the Board's decision in a reasonable time.

Final Decision

The decision of the Muscogee County School District School Board is final.