

FEDERAL PROGRAMS PROCUREMENT PROTEST PROCEDURES

Any actual or prospective bidder, offeror, or contractor who considers himself to have been aggrieved in connection with the solicitation, evaluation, or award of a contract by Commerce Public School District may formally protest to the Superintendent of Commerce Public School District. Such protests must be made in writing and received by the Superintendent of Commerce Public School District. The protesting party must mail or deliver copies of the protest to the Commerce Public School District, the State Agency, and other interested parties.

In the event of a timely protest, the Commerce Public School District shall not proceed further with the solicitation or award of the contract.

A. A formal protest must be sworn and contain:

1. A specific identification of the statutory or regulatory provision that the protesting party alleges has been violated.
2. A specific description of each action by Commerce Public School District that the protesting party alleges to be a violation of the statutory or regulatory provision that the protesting party has identified.
3. A precise statement of the relevant facts.
4. A statement of any issues of law or fact that the protesting party contends must be resolved.
5. A statement of the argument and authorities that the protesting party offers in support of the protest.
6. A statement that copies of the protest have been mailed or delivered to the State Agency and all other identifiable interest parties.

The Commerce Public School District may settle and resolve the dispute over the solicitation or award of a contract at any time before the matter is submitted on appeal. The Commerce Public School District may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the Commerce Public School District shall issue a written determination that resolves the protest.

If the Commerce Public School District determines that no violation of statutory or regulatory provisions has occurred, then the Commerce Public School District shall inform the protesting party, the State Agency, and other interested parties by letter that sets forth the reasons for the determination.

If the Commerce Public School District determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has not been awarded, then the Commerce Public School District shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination and the appropriate remedy.

If the Commerce Public School District determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has been awarded, then the Commerce Public School District shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination. This letter may include an order that declares the contract void.

The Commerce Public School District shall maintain all documentation on the purchasing process that is the subject of a protest or appeal in accordance with the retention schedule of Commerce Public School District.