

SHENANGO AREA SCHOOL DISTRICT BID PROTEST PROCEDURE

This document describes the procedure for protesting or complaining about any procurement of services, materials or supplies by the SHENANGO AREA SCHOOL DISTRICT (hereinafter "SASD").

A protest or complaint may be filed by a party who has responded to an invitation for bids (IFB), a request for proposals (RFP) or a request for quotes (RFQ).

Protests must be filed within seven days after the protesting party knew or should have known of the facts giving rise to the protest. However, no protest will be accepted that is filed more than seven days after the date the contract is awarded. All parties who submitted a bid will be notified of the award via email at the same time. Untimely protests will be dismissed.

The date of filing is the date the protest is received by SASD. A protest must be in writing and must be sent to Michael Schreck, Superintendent, (herein after "Superintendent"), Shenango Area School District, 2501 Old Pittsburgh Road, New Castle, PA 16101.

Each protest must specify the reasons the protesting party believes that the solicitation or award was improper. Issues not raised in the written protest are deemed waived and may not be raised on appeal. The protesting party may submit with the protest any documents or information deemed relevant. If the contract has been awarded, the Superintendent shall notify the successful bidder or contractor of the protest. If the protest is received before the contract is awarded and substantial issues are raised by the protest, all bidders who appear to have a substantial and reasonable prospect of winning the award shall be notified of the protest and the reasons for the protest and they may file their position on the issues with the Superintendent, in writing, within five days after receipt of notice of the protest.

Within 15 days of the receipt of a protest, the Superintendent must submit a written response to the protesting party. The response may include any documents or information that the Superintendent deems relevant to the protest. He may also request any additional documents or information deemed necessary in regard to the protest. Within 10 days of the date of the response, the protesting party may file a written reply.

In his sole discretion, the Superintendent may conduct a hearing. If additional time is required to investigate the protest, he shall inform the protesting party of the additional time needed to render a determination and obtain the protesting party's consent. Unless an extension of time has been agreed to, the Superintendent shall issue a written determination stating the reasons for the decision within 60 days of the date the protest was filed.

If it is determined that the solicitation or award was contrary to the provisions as set forth by the Department of Food and Nutrition of the Pennsylvania Department of Education the Superintendent may as part of his decision and order, cancel the solicitation; change the solicitation to comply with law; reject all bids or proposals or those parts of the bids or proposals which were affected by the violation; or change or cancel the award to comply with the law.

If the determination is made after execution of the contract and the contractor did not act fraudulently or in bad faith, (1) the contract may be ratified and affirmed provided it is determined by the Superintendent, that to do so is in the best interest of SASD; (2) the contract may be modified to comply with the law with the consent of all parties; (3) the contract may be cancelled.

If it is determined the contractor has acted fraudulently or in bad faith, the contract may be (1) declared void; (2) modified to comply with law with the consent of all parties; or (3) ratified and affirmed, provided the Superintendent determines that action is in the best interests of SASD and without prejudice to SASD's right to damages, as may be appropriate.

Shenango Area School District shall send a copy of the decision to the protesting party and any other person determined to be affected by the decision.