

CHAPTER 7.00 - BUSINESS SERVICES

BID PROTEST RESOLUTION

7.142

The following procedures shall govern the resolution of protests from contract bidding procedures prior to initiation of formal or informal proceedings pursuant to Chapter 120, Florida Statutes.

- I. The School Board shall provide notice of its decision or intended decision concerning a bid solicitation or contract award as follows:
 - A. For bid solicitation, notice of a decision or intended decision shall be sent by United States mail or by hand delivery.
 - B. For any other Board decision relating to contract bidding procedures, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened, or by certified mail, return receipt requested. This notice shall contain the following statement: "Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."
- II. Any person who is affected adversely by the Board decision or intended decision shall file with the Board a notice of protest in writing within seventy-two (72) hours after the posting of the bid tabulation or after receipt of the notice of the Board's decision or intended decision, and a formal written protest within ten (10) days after the date he filed the notice of protest. Failure to file a formal written protest shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.
- III. Upon receipt of a notice of protest which has been timely filed, the Board shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by final School Board action, unless the Board sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process without delay to avoid an immediate and serious danger to the public health, safety or welfare.

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- IV. The Board, on its own initiative or upon the request of a protestor, shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days of receipt of the formal written protest.
 - A. If the subject of a protest is not resolved by mutual agreement within seven (7) days of receipt of the formal written protest, and if there are not disputed issues of material fact, an informal proceeding shall be conducted pursuant to Section 120.57, Florida Statutes, and of these rules.
 - B. If the subject of a protest is not resolved by mutual agreement within seven (7) days of receipt of the formal written protest, and if there is a disputed issue of material fact, the Board shall refer the matter to the Division of Administrative Hearings of the Department of Administration for a formal hearing pursuant to Section 120.57, Florida Statutes, and these rules.

- V. Construction bids protested shall be in accordance with the policy on the topic found in the section of these policies dealing with construction.

STATUTORY AUTHORITY: **1001.42, 1001.43, F.S.**

LAW(S) IMPLEMENTED: **120.53(2), 120.57, F.S.**

HISTORY: **ADOPTED: _____**
REVISION DATE(S): _____
FORMERLY: NEW