

**FOOD SERVICE PROCUREMENT BID PROTEST PROCEDURE**

The following procedure is designed to resolve any disputes made by the bidder, vendor, or entity relating to the food service procurement process, in a prompt and equitable manner. Board policy requires all staff to fully cooperate when asked to participate in a procurement investigation.

Any bidder, vendor, or entity who desires to protest the award of a food service procurement bid shall, within 15 business days after award of the bid, file a notice of their protest in writing, or by completing Exhibit HCAF-E, and submit it to the Business Manager. The notice shall state the basis of the bid protest, including:

1. Complainant's name;
2. Complainant's address;
3. Date of the complaint;
4. Description of the bid protest;
5. Solution desired; and
6. Contact information in case more details are needed (email and phone.)

**Investigation**

The chief procurement officer shall investigate the bid protest and issue a written decision to the complainant within 15 business days after receipt, unless factors beyond reasonable control prevent such a resolution, in which event such decision will be issued as expeditiously as circumstances reasonably permit. The decision shall state the reasons for the action taken by the District. A copy of this decision will be furnished to the complainant and any other parties affected.

**Appeal**

The complainant may appeal the decision to the Board if they are not satisfied with the decision of the chief procurement officer. The notice of appeal shall be filed with the Board within 15 business days after issuance of the decision being appealed. The appeal shall state the basis of the appeal and provide to the board the original bid protest, together with a copy of the decision being appealed. The appeal shall not include additional claims or information not provided with the original bid protest.

The Board at the next regular board meeting following the receipt of the appeal shall either hear the appeal or set a time to consider the appeal. The Board may, in its discretion, render a decision based upon the information, or request the complainant and a representative of the school district to present information pertaining to the bid protest. The board shall render its decision either at that meeting or at the next regular board meeting.

**Notice of Outcome**

The complainant must be provided written notice of the outcome of the bid protest.

**RECOMMENDED**

Descriptor Code: HCAF-BR

Nothing in board policy or this procedure shall prevent an individual from pursuing redress through state and/or federal law.

**End of McClusky School District #19 Board Reg. HCAF-BR..... Approved: March 11, 2019**

**[06/18]**