

Cleveland Metropolitan School District Competitive Bidding Protest Process

Protest Procedures

Any bidder (proposer) who is not in agreement with the competitive bidding process may file a protest. If protesting a bid (ITB, RFP or RFQS), the protest must be filed within five (5) days after the scheduled date and time of bid opening. If protesting a contract award, the protest must be filed within five (5) calendar days after the date of the non-award notice is issued by the District. The protest is to be filed with the Executive Director of Financial Operations.

In the event of a timely filing of a protest, the Executive Director of Financial Operations will review the bid file and make a determination as to the validity of the protest. If the bid is under evaluation and the Executive Director of Financial Operations determines that the protest merits further investigation, proceedings of the evaluation of the bid or awarding of the contract will be stayed until a final decision is made, unless the Executive Director of Financial Operations determines that completing the evaluation or award process is necessary to protect the interests of the District. If there is merit to the protest, a protest meeting will be held between the proposer and District representatives within a reasonable time after receipt of the protest letter.

The District has sole authority, prior to commencing any action in law, to resolve and settle a protest filed by a proposer. This authority will be exercised pursuant to relevant section of the Ohio Revised and Administrative Codes where applicable. The Executive Director of Financial Operations, with assistance from Chief Financial Officer (CFO), will issue a decision stating the position of the District and reasons for action taken. The decision will be considered final and conclusive. When deemed necessary, the Executive Director of Financial Operations will discuss the issues and the proposed resolution with the Chief Financial Officer prior to issuance of the finding.

Who May File the Protest?

A bidder or prospective bidder or prospective vendor who is aggrieved in connection with the bid or award of the contract may file a protest. No protest may be filed if the bid is cancelled or if all proposals received in response to the bid are rejected.

Place for Filing.

A written protest must be filed with the Issuing Office identified in the bid. Bid protests must be emailed to: Purchasing@clevelandmetroschools.org.

The protest letter should include the following information:

- Company name, address, and telephone number.
- The name and contact information of the company representative filing the bid award protest.
- CMSD Bid (ITB, RFP, RFQ) number
- A detailed statement explaining the basis for the bid award protest.
- The signature of the company representative filing the bid award protest.

Time for Filing.

A. (bid protest) A prospective bidder who is considering filing a proposal must file the bid protest within five (5) days after the prospective bidder knew or should have known of the facts giving rise to the protest, but in no event later than the proposal submission deadline specified in the bid.

B. (contract award protest) A protest filed by a bidder who submits a proposal must be filed within five (5) days after the protesting bidder knew or should have known of the facts giving rise to the protest, but in no event may an offeror file a protest later than five (5) days after the date the notice of non-award of the contract is issued.

C. The date of filing is the date of receipt of the written protest.

D. The District shall not consider any Protests received beyond the deadlines established in this section.

Contents of Protest.

A. A protest must be in writing.

B. A protest must state all grounds upon which the protesting party asserts the RFP or contractor selection was improper.

C. The protesting party may submit with the protest any documents or information it deems relevant.

Notice of Protest.

A. The Purchasing Department will notify the successful proposer of the protest if contractor selection has already been made.

B. If the Procurement Department receives the protest before selection, and it determines that substantial issues are raised by the protest, the Procurement Department will notify all proposers who appear to have a substantial and reasonable prospect of selection.

C. Any bidder notified of a protest pursuant to this Section may file its agreement/disagreement with the Procurement Department within the time period specified in the acknowledgement of protest letter sent.

Stay of Procurement.

A determination to stay the proceedings or reverse the award determination will be at the sole discretion of the Executive Director of Financial Operations.

The Executive Director of Financial Operations will promptly decide upon receipt of a timely protest whether or not the award of a contract shall be delayed, or if the protest is timely received after the award, whether the performance of the contract should be suspended.

The Executive Director of Financial Operations shall not proceed further with the bid unless the CFO or designee, in consultation with District representatives where applicable, makes a determination that the protest is clearly without merit or that award of the contract without delay is necessary to protect the interests of the District.