Bid Protest Procedures
Titusville Area School District

1. **WHO MAY FILE THE PROTEST**: Any bidder or prospective bidder who is aggrieved in connection with an Invitation for Bid (IFB) or Request for Proposal (RFP) from Titusville Area School District or the award of a contract obtained through such a process may file a protest. Protests relating to cancellation of IFBs and RFPs and protests relating to the rejection of all bids are not permitted. A bidder is a person or organization that submits a bid in response to the IFB/RFP. A prospective bidder is one who has not submitted a bid.
2. **TIME FOR FILING**:
   A. If a protest is submitted by a prospective bidder, it must be filed within five business days after the prospective bidder knew or should have known of the facts giving rise to the protest. In no event may a prospective bidder be allowed to submit a protest after bid opening time.
   B. If a protest is filed by a bidder, the protest must be filed within five business days after the protesting bidder knew or should have known of the facts giving rise to the protest. Once the bid opening has occurred, the bidder has five business days to file a protest. The date of filing is the date of receipt of the protest by the School District.
   C. Any protests not filed on a timely basis will be disregarded.
3. **FORM OF PROTEST**:
   A. All bid protests must be in writing and filed with the Superintendent at the Titusville Area School District Administration Office, 301 E Spruce Street, Titusville, PA 16354.
   B. The protest must state all grounds upon which the protesting party asserts that the solicitation or award was improper. Issues not raised by the protesting party in the protest are deemed waived and may not be raised on appeal.
   C. The protesting party may submit with the protest any documents or information deemed relevant.
4. **NOTICE OF PROTEST**: If award has been made, the Superintendent shall notify the successful bidder or contractor of the protest. If the protest is received before award 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 and may file their agreement/disagreement with the Superintendent within three days after receipt of notice of the protest.
5. **STAY OF PROCUREMENT**: The Superintendent shall immediately decide, upon receipt of the protest, whether or not the solicitation or award should be stayed, or if the protest is timely received after the award, whether the performance of the contract should be suspended. If it is deemed that the protest has merit, the Superintendent shall not proceed further with the bid process or award of the contract, and shall suspend performance under the contract if awarded, unless the award of the contract without delay is necessary to protect the substantial interests of the School District.

6. **PROCEDURES**:

A. Within five days of receipt of the protest, the Superintendent shall submit to the protesting party a response to the protest. The protesting party then has five days to file a response.

B. The Superintendent shall review and decide the merits of the protest based on all documentation and information, including the initial protest, subsequent responses, and any additional documentation provided. The Superintendent may, in his sole discretion, conduct a hearing.

C. If the protest occurred prior to the bid opening date, the Superintendent shall decide on the merits of the protest within a reasonable time period, and, if necessary, reschedule the bid award accordingly. If the protest occurred subsequent to the bid opening, the Superintendent shall decide on the merits of the protest prior to the final vote of award by the Board of Directors.

D. Within five days of making his decision, the Superintendent shall notify all affected parties in writing of his determination. The determination shall state the reason for the decision, and if the determination is a denial of the protest, inform the protesting party of its right to file an action in the Commonwealth Court within fifteen days of the determination mailing date.