



**NOTICE OF PROTEST/APPEAL TO A RECOMMENDATION
OF AWARD FOR PUBLIC WORKS (CAPITAL) AND
NON-CAPITAL SOLICITATION CONTRACTS**

Responsible: Purchasing Department

PURPOSE

This Administrative Procedure shall provide guidance for Washoe County School District's (District) Purchasing Department when processing a Notice of Protest/Appeal (protest/appeal) to Recommendations of Award (ROA) for a solicitation contract pursuant to Nevada Revised Statutes (NRS) [Chapter 338 for Public Works](#) and [Chapter 332 for Purchasing: Local Governments](#).

PROCEDURE

1. Specific to Public Works (Capital) as governed by [NRS 338.142](#) or specific to the procurement of goods and services (Non-Capital) as governed by [NRS 332.068](#):
 - a. A person (Appellant) who submits a bid or response to a solicitation for a contract may file a protest/appeal regarding the awarding of the contract with the District's Director of Procurement and Contracts, as the authorized representative designated by the District, within five (5) business days after the date the ROA is issued by the District.
 - b. The protest/appeal must be filed and received by the date and time specified by the District to be considered an official submission of a protest/appeal.
 - c. The protest/appeal must include a written statement setting forth with specificity the reasons the Appellant filing the protest/appeal believes the applicable provisions of law were violated by the District.
 - d. The Appellant filing a protest/appeal is required by the District, at the time the protest/appeal is filed, to provide a Protest/Appeal Bond or other security in a form approved by the District (Bond/Security), with a good and solvent surety company authorized to do business in the State of Nevada, to the Director of Procurement and Contracts, who shall hold the Bond/Security until a final decision is made.
 - e. Unless the pending ROA is for the selection of a professional engineer, professional land surveyor, or registered architect to perform services pursuant to [NRS Chapter 625 for Professional Engineers and Land Surveyors](#) which must be made on the basis of the competence and qualifications of the engineer, land surveyor, or architect for the type of services to be performed and not on the basis of competitive fees, a Bond/Security filed with a protest/appeal must be in an amount equal to the lesser of:

- i. Twenty-five percent (25%) of the total value of the bid or proposal to a solicitation submitted by the Appellant filing the protest/appeal;
or
 - ii. Two hundred fifty thousand dollars (\$250,000).
 - f. A protest/appeal filed in accordance with the provisions of [NRS 338.142](#) or [NRS 332.068](#) operates as a “stay of action” in relation to the awarding of any contract until a final decision on the protest/appeal is made by the District.
 - g. An Appellant who submits an unsuccessful bid or proposal to a solicitation may not seek any type of judicial intervention until the District has made a decision on the protest/appeal and has awarded the contract.
 - h. Neither the District nor any authorized representative of the District is liable for any costs, expenses, attorney’s fees, loss of income or other damages sustained by an Appellant who submits a bid or proposal to a solicitation, whether or not the Appellant files a protest/appeal pursuant to [NRS 338.142](#) or [NRS 332.068](#).
2. District’s Process Management for a Notice of Protest/Appeal
- a. Once a letter of protest/appeal is received in compliance with Section 1 above, the Director of Procurement and Contracts will review the protest/appeal, determine the validity of the claim(s), and render a decision as the District’s first level of the protest/appeal evaluation process. The Appellant will be notified in writing of the determination.
 - b. If the Appellant is not satisfied with the Director of Procurement and Contracts’ determination, the Appellant may then appeal the determination to an appeals committee designated by the District as the second level of the District’s protest/appeal evaluation process.
 - i. The appeals committee will review the Director of Procurement and Contracts’ determination, read and evaluate the Appellant’s protest/appeal, determine the validity of the claim(s), and then render a determination. The Appellant will be notified in writing of the appeal committee’s determination.

- c. If the Appellant is not satisfied with the appeals committee’s determination, the Appellant may then appeal the determination to the District’s Board of Trustees (Board), who will render a final decision on the protest/appeal.
 - i. If the protest/appeal is upheld, the Bond/Security filed must be returned to the Appellant.
 - ii. If the protest/appeal is rejected, a claim may be made against the Bond/Security by the District in an amount equal to the expenses incurred by the District because of the unsuccessful protest/appeal.
 - iii. Any money remaining after the claim has been satisfied must be returned to the Appellant who posted the Appeal Bond or other security.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

- 1. This Administrative Procedure reflects the goals of the District’s Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. [Board Policy 3320 – Procurement](#)
 - b. [Board Policy 3321 – Contract Review and Approval](#)
 - c. [Administrative Regulation 3321 – Contract Review and Approval](#)
- 2. This Administrative Procedure aligns with Nevada Revised Statutes. To include:
 - a. [NRS Chapter 338 – Public Works](#)
 - b. [NRS Chapter 332 – Purchasing: Local Government](#)

REVISION HISTORY

Date	Revision	Modification
08/05/2024	1.0	Adopted