

Ms. Maria Teresa Rojas, Board Member

**SUBJECT: PENDING BID PROTESTS**

**COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

**LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

Section 120.57(3) of the Florida Statutes (2017), establishes a process for an agency's handling of bid protests from the commencement of the process through the filing of a "Notice of Protest," and through its culmination in a formal evidentiary hearing before an Administrative Law Judge of the Division of Administrative Hearings. At the School Board meeting of June 20, 2018, the School Board was presented with the prospect of approving an Agenda item while the subject solicitation was simultaneously being challenged through a Notice of Protest. Although at the time of the meeting the Notice of Protest had yet to be perfected through the filing of a "formal written protest" as required by law, had the protester eventually filed the formal protest, the whole process would have been stayed and the Board's action would have been a nullity. In regard to the Agenda item referred herein, such a regrettable result did not occur because the protester did not perfect his protest within the period prescribed by law. However, these potential pitfalls can be avoided with more prudent and efficient planning of the bidding and solicitation process; it also serves to protect the Board from taking action that may later be invalidated or stayed.

This item is presented for the Board to consider amending relevant Board policies to clarify that when a Notice of Protest is filed, a copy will be forwarded to the Board by the Board Clerk. Additionally, when there is no formal written protest filed, the Board will be notified as well. If a formal written protest is filed, the Board will be notified upon receipt and the Board will be notified of the final resolution of the formal written protest.

This item was approved by the School Board Attorney's Office as to form and legal sufficiency.

**ACTION PROPOSED BY**

**MS. MARIA TERESA ROJAS:** That The School Board of Miami-Dade County, Florida, direct the Superintendent, with the assistance of the School Board Attorney to recommend Board policy amendments to include language that when a Notice of Protest is filed, a copy will be forwarded to the Board by the Board Clerk; when there is no formal written protest filed, the Board will be notified as well. If a formal written protest is filed, the Board will be notified upon receipt; and the Board will also be informed of the final resolution of the formal written protest.