

Corry Area School District  
Bid Protest Procedures

A bidder who wishes to file a protest pertaining to a bid must file such notice in writing. All protests must be filed with the Superintendent of Schools. A protest is officially filed when it is received in the Superintendent's office.

1. Any person who is adversely affected by the District decision or intended decision shall file with the Superintendent of Schools a notice of protest in writing within 5 business days after the posting of the intent to award or after receipt of the notice of the district decision to award the bid. With respect to a protest of the specifications contained in an invitation to bid or in a request for proposals, the notice of protest shall be filed in writing within 72 hours after receipt of the notice of the project plans and specifications. Saturdays, Sundays and legal holidays shall be excluded in the computation of the 72 hour time period provided by this paragraph.
2. A formal written protest must be filed with the Superintendent of Schools within 10 calendar days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based.
3. Upon receipt of the formal written protest which has been timely filed, the District shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by the final District action, unless the Superintendent sets forth in writing particular facts and circumstances which require the continuation of the bid solicitation process or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare.
4. The District will follow a three step process for the resolution of a formal written protest:
  - a. The District shall provide an opportunity to resolve the protest by mutual agreement between the parties within 14 days, excluding Saturdays, Sundays and legal holidays, after receipt of the formal written protest.
  - b. If the subject of a protest is not resolved by mutual agreement within the 14 days as prescribed in subparagraph 4(a), a Board Hearing will be held to determine the merits of the formal written protest and a decision rendered in consultation with the School Solicitor.
  - c. In its sole discretion, the District reserves the right to enter into arbitration or litigation in Erie County Court of Common Pleas to resolve the protest. In the event the District selects binding arbitration as the means to resolve the dispute, the parties agree that the dispute shall be submitted to one arbitrator in binding arbitration administered by the American Arbitration Association pursuant to its appropriate rules and procedures. Any arbitration shall be held in the District offices. The arbitrator's award shall be final and binding on the parties, and may be entered and enforced in any court of competent jurisdiction.
5. In a competitive procurement protest, no submissions made after the bid or proposal opening amending or supplement the bid or proposal shall be considered. Unless otherwise provided by statute, the burden of proof shall rest with the party protesting the proposed District action. The standard of proof for such proceedings shall be whether the proposed District action was clearly erroneous, contrary to competition, arbitrary, or capricious. In a bid protest proceeding contesting an intended District action to reject all bids, the standard of review shall be whether the District's intended action is illegal, arbitrary, dishonest or fraudulent.