## CITY OF ONIDA BID PROTEST PROCEDURES

- 1. Any bidder who is adversely affected by the intended decision of the City to award a contract may protest the award of a contract by filing a notice of protest with the City Finance Officer.
- 2. A notice of protest must be filed with the City Finance Officer within five (5) calendar days after the bids are read, stating with particularity the facts and the law upon which the protest is based.
  - a. The Notice of Protest must include the following:
    - i. Name, address, phone number, and email of the protesting party.
    - ii. A concise statement of all the material facts alleged and all the rules, regulations, statutes, and legal provisions entitling the protesting party relief.
    - iii. A concise statement indicating the relief to which the protesting party deems they are entitled.
    - iv. Any other information the protesting party deems material to the issue.
- 3. If a contract has been awarded, the City Finance Officer shall give notice of such protest, within twenty-four (24) hours, to the awarded contractor.
- 4. If the protest cannot be resolved by mutual agreement, the City Finance Officer, with concurrence of the City Attorney, shall, within fourteen (14) calendar days after receipt of the notice of protest, issue a final decision in writing. The decision shall:
  - a. State the basis for the final decision; and
  - b. Be sent to the protesting party by certified mail.
- 5. Any bidder who is aggrieved in connection with the award of a contract may appeal the decision. Venue and jurisdiction for any appeals of the final decision are in the South Dakota Circuit Court in Sully County. Such protests and appeals regarding the request for bids and bid proposals are governed under South Dakota law.
- 6. Failure to follow the City's bid protest procedures constitutes a waiver of protest and resulting claims.