
PUBLIC-PRIVATE PARTNERSHIPS - PENNSYLVANIA

Clearwater Construction, Inc. v. Northampton County General Purpose Authority

Commonwealth Court of Pennsylvania - July 10, 2017 - A.3d - 2017 WL 2913791

Unsuccessful offeror filed petition protesting under the Public-Private Transportation Partnership Act (P3 Act) a county's award of contract for replacement and rehabilitation of bridges to competitor.

The Court of Common Pleas dismissed. Offeror appealed.

As matter of first impression, the Commonwealth Court held that only a development entity within meaning of P3 Act could file claim regarding dispute not involving the Commonwealth.

Only parties meeting the statutory definition of "development entity," i.e., parties to a public-private transportation partnership agreement, were permitted to file claim regarding controversies not involving the Commonwealth under the Public-Private Transportation Partnership Act (P3 Act), and thus unsuccessful bidder for county project involving replacement and rehabilitation of bridges was not entitled to file claim under P3 Act; prospective offerors and offerors were explicitly permitted to file claims under P3 Act for controversies involving the Commonwealth, whereas subsection governing controversies not involving the Commonwealth permitted only a "development entity" to file a claim.

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