

Bid Protest Procedures for Lee-Russell Public Transit/Phenix City Express

The following bid protest procedures have been written in compliance with the Federal Transit Administration (FTA) Third Party Contracting Guidelines (Circular 4220.1E). Parties that wish to file a bid protest should review these procedures in conjunction with FTA's Circular 4220.1E. These procedures also address complaints or appeals regarding the funding of unsolicited proposals and other protests unrelated to the solicitation process and contract award decisions. Lee-Russell Public Transit/Phenix City Express protest procedures will be referenced in the bid documents in order that interested parties will know their rights under these protest procedures. Protests Pertaining to the Contract Solicitation Process or Contract Award Decision

The following procedures and time requirements shall be applied uniformly in processing all protests. Protests may be made by active or prospective bidders whose direct economic interest would be affected by a solicitation, proposed award, or award of a contract. Protests must be submitted in writing to:

Transit Director
Lee-Russell Council of Governments
2207 Gateway Drive
Opelika, AL 36801
334-749-5264 Ext. 205

Lee-Russell Public Transit/Phenix City Express will consider all written protests made within the timelines stated in this document. Protest submissions should be concise, logically arranged, clearly state the grounds for the protest, and must include at least the following information:

1. Name, address, and telephone number of protestor.
2. Solicitation or contract name and/or number.
3. A detailed statement of the legal and factual grounds for the protest, including copies of all relevant documents or information.
4. A statement of relief requested.

Only written protests received within the timelines stated in these procedures will be considered. Upon receipt of a protest, Lee-Russell Public Transit/Phenix City Express will notify the protestor that the protest has been received by mail within five (5) working days. Lee-Russell Public Transit/Phenix City Express may request additional information from the protesting party, which must be submitted in writing to Lee-Russell Public Transit/Phenix City Express within five (5) working days from the date of Lee-Russell Public Transit/Phenix City Express's request.

Within twenty (20) working days of receipt of a written protest, Lee-Russell Public Transit/Phenix City Express shall either:

1. Issue a final written decision which responds in detail to each issue raised in the protest and includes a rationale for the decision rendered, or
2. Conduct, at Lee-Russell Public Transit/Phenix City Express's discretion, an informal hearing to allow the interested participating parties an opportunity to present their positions and supporting facts, documents, justification, and technical information. Lee-Russell Public Transit/Phenix City Express will advise all interested parties of the final decision in writing no later than five (5) working days from the date of the informal hearing.

Protests before Proposal Solicitation

Bid protests alleging restrictive specifications or improprieties, which are apparent prior to bid or proposal opening, must be submitted in writing to Lee-Russell Public Transit/Phenix City Express and must be received at least five (5) working days prior to bid/proposal opening. Bids will not be opened until five (5) working days after resolution of the protest unless Lee-Russell Public Transit/Phenix City Express determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to Lee-Russell Public Transit/Phenix City Express.

If the written protest is not received by the time specified, bids or proposals may be received, opened and awarded in the normal manner unless Lee-Russell Public Transit/Phenix City Express determines that it is in the best interest of all concerned to delay any step.

Protests after Opening of Proposal Solicitation and Prior to Award

Protests against the making of an award may be made after bid opening and prior to award. Such protests must be submitted in writing to Lee-Russell Public Transit/Phenix City Express and must be received by Lee-Russell Public Transit/Phenix City Express five (5) working days of the bid opening. If Lee-Russell Public Transit/Phenix City Express decides to withhold the award pending resolution of the protest, Lee-Russell Public Transit/Phenix City Express will notify all bidders whose bids or proposals might become eligible for award, and offer them the option to extend or withdraw the bid or proposal beyond the 120-day validity period. Awards will not be made until at least five (5) working days after resolution of the protest unless Lee-Russell Public Transit/Phenix City Express determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to Lee-Russell Public Transit/Phenix City Express or the federal government.

Protests after Award

Protests received after announcement of an award or after a contract has been executed will only be considered if Lee-Russell Public Transit/Phenix City Express determines that the matter is in the public interest or the protest presents clear and convincing evidence of fraud, misrepresentation, other illegality, or gross impropriety in the selection of a bid/proposal. If a protest is under consideration, Lee-Russell Public Transit/Phenix City Express shall evaluate the bid/proposal a second time in its entirety and use the same evaluation criteria and rating factors applied in the initial review of the bid/proposal. The bid/proposal will be evaluated by a panel designated by the Lee-Russell Public Transit/Phenix City Express.

If a protest involving an executed contract is under consideration, Lee-Russell Public Transit/Phenix City Express will notify the selected contractor of the protest and its basis and may, at its discretion, order the contractor to suspend all Lee-Russell Public Transit/Phenix City Express work activities. If the awarded contractor has not executed the contract as of the date

the protest is received by Lee-Russell Public Transit/Phenix City Express, the contract will not be executed until five (5) working days after resolution of the protest unless Lee-Russell Public Transit/Phenix City Express determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to Lee-Russell Public Transit/Phenix City Express.

Protests Pertaining To the Funding Of Unsolicited Proposals

The submission of unsolicited proposals is inconsistent with Lee-Russell Public Transit/Phenix City Express's policy to promote a full and open competition among interested parties for FTA contract funds. The filing of unsolicited proposals, therefore, will be deemed inappropriate by Lee-Russell Public Transit/Phenix City Express and returned to the sender; complaints or appeals calling for reconsideration of such proposals will not be accepted.

