

## Protest Procedures

- a. RMTD's Role and Responsibilities. RMTD has the initial responsibility to resolve protests of third party contract awards.
  - i. Protest Procedures. RMTD has adopted the following procedures for the resolution of protests and complaints during the procurement process:
    1. During the bid process for products and/or services with a value that warrants publication of a public advertisement, the bidder or provider shall have a minimum of ten work days following publication in the local newspaper of the Invitation for Bid (hereinafter referred to as "IFB"), the Request for Proposals (hereinafter referred to as "RFP"), or the Request for Statements of Qualifications (hereinafter referred to as "RFQ") to request clarifications, changes, or approval of equal products and/or services.
      - a. The request for clarification, change, or approval of equal products and/or services shall be submitted in writing to the RMTD contact identified in the IFB, RFP, or RFQ. For changes of any type, the bidder or provider must include sufficient documentation to clearly define the advantages and disadvantages to RMTD of the changes to the products and/or services.
      - b. In the case of a clarification or of an approved change to the product and/or service being procured, the RMTD contact identified in the IFB, RFP, or RFQ will respond in writing within five work days of the final date for submitting such requests with an addendum or amendment to the IFB, RFP, or RFQ that clearly identifies the clarification or change.
      - c. The decision of the RMTD contact to provide the clarification or to accept or reject the requested change is final.
    2. In the event a vendor of products or services wishes to protest the award of a contract:
      - a. The Vendor shall make such protest within ten working days of selection of the successful bidder/proposer. Such protest shall be sent by certified mail to the RMTD contact identified in the IFB, RFP, or RFQ and shall specify at a minimum:
        - i. Name and Title of Protester
        - ii. Name and Address of Business
        - iii. Telephone Number where the Protester can be reached
        - iv. Nature and Extent of the Protest
        - v. Action Requested
      - b. The RMTD contact will review the protest and respond within ten working days of the receipt of the protest. A copy of this response must be provided to the Executive Director and to the Grants Specialist.
      - c. If the protester is not satisfied with the response rendered by the RMTD contact, the protester may request a review by the Executive Director of RMTD. Such request must be received in

writing by certified mail, no less than ten working days after the date on the RMTD contact's protest response.

- d. If the protester is not satisfied with the response rendered by the Executive Director, the protester may request a review by the Board of Trustees of RMTD. Such request must be received in writing by certified mail, no less than ten working days after the date on the Executive Director's protest response.
  - i. The protester will be notified in writing of the date, time, and location of an RMTD Board of Trustees Protest Committee meeting and shall be entitled to make either an oral or written presentation to the Protest Committee at the meeting. A copy of the Protest Committee's recommendation will be sent to the protester and to all Trustees on the RMTD Board of Trustees.
  - ii. Enclosed with a copy of the Protest Committee recommendation shall be notice of the time, date, and location of the regular meeting of the Board of Trustees during which the Protest Committee recommendation shall be acted upon. The protester shall be granted time, not to exceed 15 minutes during this meeting, prior to the vote, to make a presentation to the Board.
- e. The Board of Trustees' decision shall be final in terms of action by RMTD. A protest may be filed with the FTA as defined in Part "b. FTA's Role and Responsibilities" below following the final decision of the Board of Trustees.

- 3. Additional information or clarification of RMTD's protest procedures can be obtained from the Executive Director of RMTD.

*REFERENCE: FTA C 4220.1F, VII, 1, a, 1*