



PROCUREMENT PROTEST PROCEDURES

(Section 3.8, Procurement Policy Manual)

Any actual or prospective bidder, proposer, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may file a protest with the Island Transit Executive Director. The Island Transit Executive Director will inform FTA immediately of a protest received by Island Transit that involves a procurement funded by FTA and keep the FTA apprised of the 'status' of any protests.

The procedures for submitting protests are as follows:

If a bidder/proposer perceives that a segment of the specifications is either too restrictive for competition or if the bidder/proposer perceives any improprieties in the solicitation or specifications, a written protest must be filed with the Island Transit Executive Director at least five (5) business days prior to bid opening or the due date for proposals. Any protests concerning the award of a contract after the bid opening, or after a public announcement by Island Transit of a contractor selection decision, or after an evaluation of proposals submitted under an RFP, must be made within five (5) days after the bid opening, or public announcement in the case of an RFP, in order to permit Island Transit the opportunity to resolve the issue prior to contract award.

Contents of Protest to Island Transit

A bidder or proposer filing a protest with Island Transit must submit the protest in writing, via certified United States mail with a return receipt request, to Island County Public Transportation Benefit Area (Island Transit) c/o Executive Director, 19758 SR20, Coupeville, WA 98239. The protest must include:

- (1) The name and address of the bidder;
- (2) Project number and the number of the solicitation;
- (3) A detailed and factual statement of the grounds for protest and any supporting documentation. The documentation submitted to Island Transit must be fully supported to the extent possible; and
- (4) The desired relief, action, or ruling from Island Transit.

Following an adverse decision by the Executive Director, the bidder or proposer may file a protest with FTA Regional Office 10 for resolution.

FTA Review of Protest

A protester must exhaust all administrative remedies with Island Transit before pursuing a protest with FTA. Review of a protest by FTA will be limited to:



- (1) Island Transit's failure to have or follow its protest procedures, or its failure to review a complaint or protest; or
- (2) Violations of Federal law or regulation.

Following any adverse decision by the Executive Director, the bidder may file a protest if there has been a violation in connection with 1 and 2 above. An appeal to FTA must be received by the U. S. Department of Transportation, Federal Transit Administration (FTA), Region 10, 915 2nd Avenue, Suite 3142, Seattle, WA 98174- 1002, within five (5) working days of the date the protester learned or should have learned of an adverse decision by the Executive Director or other basis of appeal to FTA.

Contents of Protest to FTA

A bidder filing a protest with FTA must submit the protest in writing, via certified United States mail with a return receipt request, to the U. S. Department of Transportation, Federal

Transit Administration ("FTA"), Region 10, 915 2nd Avenue, Suite 3142, Seattle, WA 98174-1002. The protest must include:

- (1) The name and address of the bidder;
- (2) Identification of the grantee (Island Transit), project number and the number of the solicitation;
- (3) A detailed and factual statement of the grounds for protest and any supporting documentation; the documentation submitted to FTA must be fully supported to the extent possible;
- (4) A copy of the protest filed with Island Transit, and a copy of the Island Transit decision, if any; and
- (5) The desired relief, action, or ruling from FTA.

FTA will not consider any data that was not submitted to Island Transit. If new data becomes available after the exhaustion of administrative remedies with Island Transit, that data should be submitted to Island Transit with a request for reconsideration. If the request is denied or if the protestor's administrative remedies with Island Transit are again exhausted, the protestor may then submit the new data to FTA.

No formal briefs or other technical forms of pleading or motion are required, but a protest and other submission should be concise, logically arranged, and clear.

Bid protests must be filed with FTA no later than five (5) days after the exhaustion of administrative remedies with Island Transit is known or should have been known, whichever is earlier.