



Bay Area Transportation Authority

# **Transit Technology Review, Evaluation and Acquisition Plan**

Request for Proposal # BATA-2-2020

**Due: March 20, 2020 at 4:00 PM EST**

**Revised: 04.30.20 @ 4 p.m.**

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# 1 Statement of Work

## 1.1 Background

Services: The Bay Area Transportation Authority (BATA) operates public transportation services throughout Grand Traverse and Leelanau Counties in Northwest Lower Michigan. The service area population is roughly 100,000 persons, with 40,000 of these living within the core urbanized area. BATA offers transportation through two distinct types of services. Service information is available on the BATA website at [www.BATA.net](http://www.BATA.net). At this time, all services of BATA are directly operated by the transit system.

The primary service provided by BATA consists of fixed route bus service in the urban area and rural areas of the two counties of service. Service is provided on five urban routes, which are branded as 'City Loops' from 6:00 a.m. to 10:00 p.m. on weekdays. Saturday service is provided beginning at 9:00 a.m. and ending by 9:00 p.m. Saturday service is provided beginning at 9:00 a.m. and ending by 8:00 p.m. Our other fixed route bus service in the rural area is branded as 'Village Loops', with service from 5:00 a.m. to 9:00 p.m. on weekdays, with weekend service from 9:00 a.m. to 7:00 p.m. Our third fixed route service is our Bayline route. The Bayline is a free route, with frequency every 12-15 minutes, with service hours of 7 a.m. to 11 p.m. daily.

In addition to fixed route service, BATA provides a demand/response curb-to-curb transportation service known as Link. BATA's this service operates during the same hours and days as the fixed route service, with both an urban-area 'City Link' and a rural area 'Village Link'. Between 10-15 vehicles are typically operated in the Link service at peak and reservations are accepted up to two weeks in advance

BATA services are provided with the support of federal, state, and local revenues, with an annual operating budget of approximately \$8,164,000.

Facilities: BATA operates three primary facilities. First, an administration and maintenance facility, located in the Township of Garfield, provides support services, and serves as a bus stop or transfer location. Second, an intermodal passenger facility is located in the City of Traverse City's downtown area. This facility serves as a fixed route bus hub and as a Indian Trails waiting and ticketing location for two daily intercity bus departures. Our third facility is located in the Township of Garfield and serves as our training facility and maintenance storage facility.

## 1.2 Project Summary

BATA seeks to obtain proposals from a single firm/institution or collaboration of consulting firms specializing in the areas of Public Transportation System Technology Implementation, Data Systems Management, and Customer Information System Deployment. Experience in Information Technology Systems (ITS) Infrastructure and current public transit technology trends is desired. This solicitation will result in a firm, fixed price purchase order or contract.

The results of this evaluation and planning project shall provide necessary information for the BATA Board of Directors and BATA staff to use in addressing any baseline technology system gaps and, use recommendations to determine suitable and sequential technology implementation steps to be taken

toward the deployment of public transit management systems and customer information systems as resources permit.

### 1.3 Project Scope and Specifications

This project will assist BATA in understanding the information technology infrastructure and capabilities currently available. It will further identify technology solutions available to public transit systems in the marketplace, including a review of employee and asset management solutions, data collection and analysis solutions, customer information solutions, and others. Finally, the study will make technology recommendations and identify incremental acquisition steps that BATA can take to implement new technologies that can build upon each other over time with minimal occurrence of incompatibility or lost investment as technologies are deployed.

The scope of service consists of the following tasks:

Component	Requirements
Task 1	Thorough interviews and other consultation with BATA, and other partners, come to an understanding of BATA’s operations, technology-related desires and priorities, pain-points and the current status of technology implementation and technology support services in the system. Collect and analyze data and other information to understand the baseline capacity and interests of BATA. (Minimum of two in-person meetings with BATA staff in Traverse City, MI)
Task 2	Based on the areas of technology-related interests and abilities identified in Task 1, research available technologies in the Transit Industry, or in other industries that can be successfully adapted to transit implementation, particularly as applicable to BATA. Such research should include review of the offerings of numerous technology product vendors, but with a generalized approach to the available technologies, unless name-brand specific discussions are necessary in the course of differentiating technology features. Look for technology integration between various options. Possible areas of exploration include, at a minimum, available technologies in the following areas: <ul style="list-style-type: none"> <li>• Automated vehicle location systems</li> <li>• Computer aided dispatching systems</li> <li>• Real-time next-bus information for internal and external use</li> <li>• Online or mobile ride scheduling and reminders</li> <li>• On-demand ride scheduling capabilities</li> <li>• Mobile display terminals or tablets</li> <li>• Employee time and attendance management systems</li> <li>• Employee shift scheduling and automated notification systems</li> <li>• Fleet management and maintenance systems</li> <li>• Audio/visual stop announcements, marquees and information</li> <li>• Automatic passenger counters</li> <li>• On-board wi-fi systems</li> <li>• Customer trip planning applications</li> <li>• Fare collection and validation systems and online/mobile fare purchasing</li> <li>• Camera and sensor safety technologies</li> </ul>
Task 3	Having summarized the results of Task 1 and Task 2 in Project Deliverables as discussed below, develop a matrix of technology implementation steps that BATA can consider undertaking as resources are available. Clearly differentiate what areas of system management or system enhancement each technology will address, the

Component	Requirements
	core system features that should be included in that technology solution in order to achieve the desired impact, along with any pre-requisite technologies or tech support arrangements that should be in place prior to considering implementation of a selected technology project.
Task 4	For each item in the matrix in Task 3, include an estimated price (for budgetary purposes) in today's dollars for the implementation and the ongoing support of that technology or technologies, based on a reasonable estimation of BATA's deployment on ongoing needs for that solution.
Note:	The successful consultant should indicate in its proposal the scheduling and methodology for completing the above tasks, including: milestones, delivery schedule for all items and what type of information and assistance will be sought from the BATA to perform these tasks.

**Deliverables**

The following deliverables shall be provided as part of the project.

- Summarized results of meetings and interviews with BATA staff and partners – minimum of 2 in-person meetings in Traverse City, Mich.
- Report detailing the current status of BATA technology implementation and analyzing the technology support services available to the system.
- Report identifying transit industry technologies and cross-over technologies from other sectors that can improve the BATA program, with descriptions of the purpose/potential impact of each. This report should include a discussion of prioritization, pre-requisite technologies, and budgetary price estimates for various technologies and possible vendors.
- Contractor shall provide two electronic copies (one Word document file and one Adobe Reader file) and five paper copies of each deliverable. Draft documents shall be in sufficient quantity as required by the BATA project team. The project team will work with the successful contractor to review each deliverable prior to its completion.

In addition to continual contact with BATA staff, the contractor shall provide a final presentation to the BATA Board of Directors as may be determined necessary by the BATA project team.

**Timetable**

BATA anticipates that Tasks 1 through 4 and all deliverables can be completed within 5 months of project award. During this time, it is expected that the contractor will remain in regular contact with the BATA project team, soliciting input and reviewing progress.

## 2 Procurement Process

### 2.1 Issuing Office

This Request for Proposal (RFP) is issued by the Bay Area Transportation Authority (BATA), 3233 Cass Road, Traverse City, Michigan, 49684.

All communications regarding this project during the procurement process must be in writing and addressed to the Director of Communications and Development.

Eric Lingaur  
 Director of Communications and Development

Bay Area Transportation Authority  
3233 Cass Road  
Traverse City, Michigan, 49684  
E-mail: [LingaurE@bata.net](mailto:LingaurE@bata.net)

## 2.2 Project Oversight

The oversight of this BATA Project is the responsibility of the BATA Project Manager or his/her designee. The person designated to perform as BATA's Project Manager AFTER AWARD of the Project is named below.

Eric Lingaur  
Director of Communications and Development

The Vendor will be required to work with BATA staff and other agencies as directed by BATA throughout the duration of the Contract and attend Progress Meetings as required by the BATA Project Manager.

## 2.3 Proposal Requirements

To be considered for award, each respondent must submit a complete response to the RFP, using the designated format and accepting all federal and state requirements. Proposals are to be submitted only to BATA. No other distribution of proposals is to be made. Before submitting a proposal, firms shall carefully examine the scope of work and shall fully inform themselves as to all existing conditions and limitations and shall indicate in the proposal all items requested.

An official authorized to bind the respondent to the proposal must sign the Signature Page of the proposal in ink. It is to this person and at this email address that BATA will provide notices and other matters regarding this RFP after submission. Submission of a proposal shall bind the respondent to all provisions of the proposal, including costs, for a period extending not less than 90 days following the Proposal Due Date, which is stated in *Section 2.6: Schedule of Activities*.

Respondents shall submit five proposal copies and one electronic (PDF) copy on a flash drive. Update: Due to coronavirus impacts, electronic submission is acceptable - hard copy/USB submission not required. Additional instructions for submission are included in *Section 2.9: Submission*. **Proposals, including the Price Proposal, must be submitted to BATA by the Proposal Due Date.** The respondent is solely responsible for the timely delivery of the proposal to BATA. Late proposals will not be considered.

Proposals shall be organized as follows:

- Section 1: Cover Letter
- Section 2: Signed Signature Page (Attachment A)
- Section 3: Project Methodology and Approach: Including sections addressing each of the **tasks and evaluation criteria** as identified in the RFP. Detailed description of project team and organization, interviewing approach, and data collection and recommendation efforts. Also include timeline and milestones.
- Section 4: Qualifications, Related Experience and References: Including examples of and references for at least three similar projects.
- Section 4: Price Proposal Form (Attachment B)
- Section 5: Signed copy FEDERAL CONTRACT CLAUSES – Professional and A&E Less than \$150,000 (Attachment D)

The proposal shall include descriptions and documents that respond to the requirements in *Section 1.3: Project Scope and Specifications* and meet or exceed these requirements. BATA will be the final authority

in determining the responsiveness of submittals, including whether all sections described above have been included. All materials submitted become the property of BATA. After selection, proposals shall be a matter of public record available for review, unless an exemption is requested and approved, in advance, for protection of trade secrets.

Each proposal should be prepared simply and economically, providing a straightforward, concise description of the respondent's ability to meet the requirements and objectives of this RFP. Emphasis should be on completeness and clarity of content.

BATA is not liable for any cost incurred by any party prior to signing of a contract with that party and then only upon written authorization from BATA to proceed with the project.

## 2.4 Price Proposal Form

Submit the Price Proposal Form which is included in this RFP.

- An itemized, detailed cost breakdown must be attached to the Price Proposal Form. The cost breakdown must include labor costs and time by staff, as well as overhead, travel, and other costs for completing the work outlined in this RFP. The Price Proposal Form and attached cost breakdown must be submitted with the proposal.
- Price proposals submitted on any other form than the Price Proposal Form may be considered non-responsive. Proposer shall not alter or qualify the Price Proposal Form unless authorized by BATA in writing.
- BATA is exempt from Federal Excise Tax and State sales tax and taxes shall not be included in the price proposal.
- All travel costs billed will follow the State of Michigan's vehicle and travel rates. Current travel rates can be found on the Department of Technology, Management and Budget's website at: [http://www.michigan.gov/dtmb/0,5552,7-150-9141\\_13132---,00.html](http://www.michigan.gov/dtmb/0,5552,7-150-9141_13132---,00.html).

## 2.5 Primary Vendor Responsibilities

The Vendor will be required to assume responsibility for all products and services offered in its proposal whether or not the Vendor performs them. Further, BATA will consider the Selected Vendor to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

If any part of the work is to be subcontracted, the prime contractor must provide a complete description of work subcontracted and descriptive information about the subcontractor's organization and capabilities. The prime contractor is totally responsible for adherence by the subcontractors to all provisions of the contract. All subcontractors must be included in the proposal and are subject to BATA review and written approval prior to their participation in the project. The selected firm may have to have a third party subcontract approved by the Michigan Department of Transportation. Federal requirements for this project include FEDERAL CONTRACT CLAUSES – Professional and A&E Less than \$150,000 (Attachment D).

The Vendor may be asked to provide additional goods or services that have not been outlined in this RFP. When additional goods or services beyond those outlined in this RFP and in the Vendor's proposal are identified, BATA and the Vendor will discuss the Vendor's ability to complete this work. If BATA determines the Vendor should provide such additional goods or services, the Vendor will provide a Request for a Task Order describing the goods or work to be done and all associated costs and prices. A written task order will then be issued by BATA. Task orders may have to be reviewed by the Michigan Department of Transportation (MDOT) before issuance, and cannot constitute a cardinal change.

## 2.6 Schedule of Activities

<b>Activity</b>	<b>Date</b>
RFP Released	February 21, 2020
Written Questions to BATA Due By	March 4, 2020 by 4:00 PM EST
BATA's Responses to Questions Released	March 9, 2020
<b>Proposals Due</b>	<b>March 20, 2020 by 4:00 PM EST</b>
Anticipated Award Date	May 2020
Project Start Date	May 2020

## 2.7 Contract Term

The term of the proposed contract will commence once both parties have signed the agreed upon legal document(s).

BATA reserves the right to extend the term of the contract resulting from this RFP if additional support is deemed to be required beyond the pilot period. Any extension will be in writing and may include additional funding. The Vendor's obligations concerning indemnity and any and all warranties shall remain in effect after termination of the contract.

## 2.8 Pre-Proposal Assistance

BATA will provide the same information to all interested parties to ensure fairness and impartiality in the procurement process. To that end, BATA will not respond to telephone inquiries or personal visits.

Submit written questions (via U.S. postal service or email) to BATA at the addresses below no later than January 10, 2020 at 4:00 PM EST.

Eric Lingaur  
Director of Communications and Development  
Bay Area Transportation Authority  
3233 Cass Road  
Traverse City, Michigan, 49684  
E-mail: LingaurE@bata.net

Any clarifications or changes made to this RFP, in response to the questions or concerns raised through correspondence received by BATA, will be posted in writing on BATA's website at <http://www.bata.net/>. It is the Vendor's responsibility to acquire knowledge of any changes, modifications or additions to the proposal document. No changes will be made to the RFP after January 15, 2020.

## 2.9 Submission

Proposals may be hand delivered, mailed, or sent via an overnight courier. All Proposals must be delivered to the following address:

Bay Area Transportation Authority  
Attn: Eric Lingaur  
3233 Cass Road



Traverse City, Michigan, 49684

**Update: Due to coronavirus impacts, electronic submission acceptable - hard copy/USB submission not required.**

The proposal must be received by BATA by the date and time set forth in the Schedule of Activities. A postmark date on a mailed proposal will not be considered as being received. If a proposal is hand delivered, it must be delivered to the front desk at the above address. Late proposals will not be considered.

All proposals submitted in response to this RFP will become the property of BATA and will not be returned to the respondent. Proposals may be withdrawn in writing at any time prior to the due date and time. A proposal may also be withdrawn in person by a proposing firm, provided the withdrawal is made prior to the due date and time. The proposing firm must sign a receipt of withdrawal. No proposal may be withdrawn after the due date unless there is a material error in the proposal. Withdrawn proposals may be resubmitted, with or without modifications, up to the due date and time. BATA shall require proof of agency from person withdrawing proposal.

## 2.10 Acceptance of Proposal Content

The contents of this RFP, its attachments, and the proposal will become contractual obligations if a contract ensues. Failure of the successful respondent to accept these obligations may result in elimination of the respondent from the selection process. BATA reserves the right to waive any minor informalities or irregularities.

## 2.11 Evaluation Procedures and Criteria

Submittals will be evaluated on the basis of the factors presented in this section, which are listed in order of importance. The review committee members are:

- Director of Communications and Development
- Facilities and Fleet Manager
- Transportation Services Managers
- IT Coordinator

They may be assisted by non-scoring technical advisors as needed.

All proposals received will be scored by the evaluation committee according to the evaluation criteria. After the initial scoring, the committee may choose to interview the top proposers in a competitive range. The purpose of the interviews will be to clarify any information or questions the evaluation team may have concerning the proposal. Original scoring may be modified based on the results of the interview.

BATA will only award to a responsive and responsible Proposer.

### Evaluation Criteria

The evaluation criteria are equally weighted and listed below. BATA reserves the right to award to other than the lowest priced proposal.

- **Qualifications, Related Experience, and References:** The qualifications of the Proposer will be evaluated in terms of relevant experience in performing work of a similar nature, experience with a minimum of two projects, strength and stability of the firm; capacity to perform the required services, and assessment by client references.
- **Proposed Project Team and Organization:** The organizational structure of the Proposer will be evaluated in terms of its effective use of personnel, relevant experience and time commitment of key personnel, especially the designated Project Manager and sub-consultants (if applicable), logic of project organization; adequacy of labor commitment and resources; capability to reallocate resources as needed to meet project schedules.
- **Methodology and Approach:** The narrative of the Proposer's methodology and approach will be evaluated to determine the Proposer's understanding of project scope and ability to execute and complete this project.
- **Project Schedule and Deliverables:** The project schedule with key deliverables will be evaluated to determine the Proposer's understanding of project scope; work schedule; logic, clarity, specificity, and overall quality.
- **Price:** Price will be evaluated using the following formula: lowest proposal price divided by the proposal price being evaluated times available points.

Proposals must remain valid for a period of 90 days after the Proposal Due Date

## 2.12 Award

Based upon the Evaluation Criteria described above, a Review Committee will evaluate submitted proposals. BATA will award the contract to the most responsive, responsible proposer having proven experience as described herein.

BATA may select respondents that are determined to be within the competitive range to participate in additional discussions and in further negotiations regarding their proposals. Original scoring of non-price criteria may be modified based on the results of the discussions. All firms within the competitive range will have equal participation in the discussions.

A response to any RFP is an offer to contract with BATA based upon the terms, conditions, and specifications contained in the RFP. Proposals do not become contracts unless and until BATA executes them. A contract has its inception in the award, eliminating a formal signing of a separate contract. For that reason, all of the terms and conditions of the contract are contained in the RFP, unless any of the terms and conditions are modified by an RFP amendment, a contract amendment, or by mutually agreed terms and conditions.

## 2.13 Payment and Contract Type

This solicitation will result in a firm, fixed price contract. Invoices are to be mailed to BATA department on the resulting purchase order. All invoices must include the purchase order number. Failure to comply may result in delayed payments. The Authority payment terms are Net 30 days unless a cash discount is allowed for payments within not less than fifteen (15) days. The payment term shall begin on the date the deliverable is inspected, delivered and accepted by the Authority and the correct invoice is received in the office specified on the purchase order.

## 2.14 Compliance with Laws and Regulations

The Vendor shall render the services required by this RFP in complete compliance with all applicable Federal, State, and local laws, ordinances, rules, and regulations. It shall be the responsibility of the Vendor to be familiar and comply with said regulations and policies. The Vendor shall also provide the BATA with satisfactory evidence of the Vendor's ability to obtain the required insurance and bonds from a company licensed by the Insurance Commissioner of the State of Michigan to transact surety business in the State of Michigan. The Vendor shall maintain insurances in force at all times during the term of this agreement, including comprehensive liability insurance at a minimum of \$1,000,000 per occurrence.

## 2.15 Independent Price Determination

By submission of a proposal, the respondent certifies that in connection with this proposal:

- The prices in the proposal have been determined independently and without consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such prices with any other respondent or with any competitor.
- Unless otherwise required by law, the prices that have been quoted in the proposal have not been knowingly disclosed by the respondent prior to award directly or indirectly to any other respondent or to any competitor.
- No attempt has been made or will be made by the respondent to induce any other persons or firm to submit or not submit a proposal for the purpose of restricting competition.

The person signing the Price Proposal Form certifies that she/he:

- Is the person in the respondent's organization responsible within that organization for the decision as to the prices being offered in the proposal and has not participated (and will not participate) in any action contrary to the requirements indicated in the bullets above.

## 2.16 Reservation of Rights

BATA reserves its rights to cancel, amend, or reissue this RFP or the project at any time and may cancel any award pursuant to this RFP or seek amended or new proposals for a sound, documentable, business reason.

BATA further reserves the right to:

- Reject all proposals and re-solicit or cancel the RFP for sound, documentable business reasons;
- Enter into a contract with any respondent, based upon the initial proposal, with or without conducting written or oral discussions;
- Award a contract to a respondent other than the respondent that submitted the lowest price proposal.

The Vendor agrees to indemnify and hold the agency, its officers, agents, employees and/or trustees, harmless from and against any and all claims or causes of action brought against the agency and from any and all damages, losses, expenses, attorney fees, costs and liabilities sustained by the agency arising out of any claimed defect in the goods and services provided by the Vendor. The Vendor's obligation under this paragraph shall include the obligation to indemnify and hold the agency harmless for negligence, whether active, passive, or concurrent, in the performance of the agency's duties and obligations pursuant to this project and agreement.

## Attachment A: Signature Page

Company Name:	
Address:	Telephone Number:  Fax Number:
Email Address:	Federal Tax ID Number:
<p>Check <b>ONE</b> of the following:</p> <p style="text-align: center;">Partnership                  Non-Profit Corporation                  Profit Corporation</p> <p>Check <b>ONE</b> of the following. If you have a DBE status, submit current certificate with proposal:</p> <p style="text-align: center;">DBE                                  Non-DBE</p> <p>Other, Specify:</p>	
<p><b><i>I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder.</i></b></p> <p>Signature of Person Authorized to Sign:</p>	Title of Authorized Signatory:
Name of Authorized Signatory (print):	Date:
<p><i>The above individual is authorized to sign on behalf of the company submitting this proposal. Proposals must be signed by an official authorized to bind the provider to its provisions for a period of at least 90 days.</i></p>	
<p><b>EXCLUSIONS</b>          Please list any exclusions for this RFP: <i>(Check here if a separate page is necessary, please indicate these are exceptions to any portion of this solicitation)</i></p>	

## Attachment B: Price Proposal Form

**Bay Area Transportation Authority**  
Technology Evaluation and Acquisition Plan  
Request for Proposal # BATA-1-2020

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Company

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Name of Authorized Representative

Title

---

Address

---

City

State

Zip

---

Email Address

Telephone Number

Fax Number

---

Signature of Authorized Representative

Date

Lump Sum Price\* for completion of project as specified in RFP \$ \_\_\_\_\_

*Lump Sum Price includes all services, labor, expenses, travel, overhead, material production and other costs to complete the project. Proposer **must** attached a detailed, itemized, cost breakdown. Price Proposal Form and attached cost breakdown **must** be submitted with the proposal.*

## Attachment C: Bid Protest Procedures

All protests lodged by potential or actual bidders, contractors, vendors, or proposers must be made in writing and contain the following information:

- Name, address, and telephone number of the protester.
- Identification of the solicitation or contract number and title.
- A detailed statement of the protest's legal and factual grounds, including copies of relevant documents.
- Identification of the issue(s) to be resolved and statement of what relief is requested.
- Argument and authorities in support of the protest.
- A statement that copies of the protest have been mailed or delivered to all interested parties in the Invitation for Bid or Request for Proposal process. In the case of Requests for Proposals, the BATA Procurement Officer shall direct the protester to mail or deliver the protest to relevant parties.

The protest should be mailed or hand-delivered to:

Bay Area Transportation Authority  
Attn: Eric Lingaur  
3233 Cass Road  
Traverse City, Michigan, 49684

Faxed or e-mailed protests will not be accepted.

BATA's Program Manager will respond, in written detail, with counterclaims to each substantive issue raised in the protest. BATA will also perform the following analysis:

- Price Analysis or Cost Analysis for each claim.
- Technical Analysis to determine the validity of the claim(s) and determine the appropriate response(s).
- Legal Analysis to consider all the factors available after the price, cost and technical analyses have been conducted to determine the contractor's, BATA's, and FTA's legal positions.

The Executive Director has the authority to render the final determination regarding the protest. Any determination rendered by BATA will be final. The Federal Transit Administration will entertain appeals only in cases stated below:

- If the Protester has exhausted all administrative remedies with BATA, and
- If BATA has failed to follow its protest procedures or failed to review a complaint or protest.

The Protester's appeal must be received by the FTA Region V Office within five (5) working days of the date the Protester knew or should have known of the violation.

Office of Operations and Program Management  
U.S. Department of Transportation  
Federal Transit Administration Region V  
200 West Adams Street, Suite 320  
Chicago, Illinois 60606  
Phone: (312) 353-2789

### **PRE-BID OR SOLICITATION PHASE PROTEST**

A Pre-Bid or Solicitation Phase Protest must be received in writing by BATA Program Manager a minimum of five (5) full working days prior to the bid opening or proposal due date. If the written protest is not received in the time specified, the award may be made following normal procedures, unless the Program Manager, upon investigation, determines that remedial action is required on the grounds of fraud, gross abuse of the

procurement process, or otherwise indicates substantial prejudice to the integrity of the procurement system, and said action should be taken. Within three (3) working days from the time the protest is received, the BATA Program Manager will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest. The Program Manager will respond to the protest in writing within five (5) working days from the time the protest was received. If the Program Manger decides to withhold the award pending the resolution of the protest, the Program Manager may request a time extension for award acceptance from those bidders, contractors, or proposers whose bids or proposal might become eligible for award. This extension for award acceptance must be with the consent of sureties, if any, in order to avoid to the need for re-advertising.

BATA will not make an award prior to five (5) working days after the protest is resolved, or if the protest has been filed with FTA during the protest negotiation period, unless BATA determines that:

- The items or services to be procured are urgently required;
- Delivery or performance will be unduly delayed by failure to make the award promptly; or
- Failure to make the award will otherwise cause undue harm to BATA or the federal government.

The Program Manager will document this action and give written notice of the decision to proceed with the award to the Protester, and to other parties where deemed necessary.

### **PRE-AWARD PROTEST**

Protests may be lodged after the Bid Opening or Close of Request for Proposal deadline and prior to Notice of Award. Within three (3) working days from the time the protest is received, BATA's Program Manager will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest. The Program Manager will respond to the protest in writing within five (5) working days from the time the protest was received. If the Program Manager decides to withhold the award pending the resolution of the protest, the Program Manager may request a time extension for award acceptance from those bidders, contractors, or proposers whose bids or proposal might become eligible for award. This extension for award acceptance must be with the consent of sureties, if any, in order to avoid the need to re-advertise.

BATA will not make an award prior to five (5) working days after the protest is resolved, or if the protest has been filed with FTA during the protest negotiation process, unless BATA determines that:

- The items or services to be procured are urgently required;
- Delivery or performance will be unduly delayed by failure to make the award promptly; or
- Failure to make the award will otherwise cause undue harm to BATA or the Federal Government.

The Program Manager will document this action and give written notice of the decision to proceed with the award to the Protester, and to other parties where deemed necessary.

### **POST-AWARD PROTEST**

The BATA Program Manager must receive protests in writing within three (3) working days after the Notice of Award and letters of notification should have been received by bidders or proposers. Upon receipt of a protest, the Procurement Officer shall notify the bidder or proposer awarded the contract. The Procurement Officer will render a determination to proceed with the contract or suspend the project until the protest is resolved. The Procurement Officer will respond to the protest in writing within five (5) working days after receipt of the protest.

## Attachment D: FEDERAL CONTRACT CLAUSES – Professional and A&E Less than \$150,000