



Protest Procedures

Updated on September 19, 2019

Any concerns regarding the awarding of a contract or acceptance of a bid will first be addressed by the concerned party to the Director of Administration or designee. If a resolution cannot be established, an appeal can be made to the General Manager. Protests will be accepted only from Bidders/Proposers whose direct economic interest has been adversely affected by those alleged actions/omissions of the District that form the basis of the protest. Protests will be determined in accordance with the laws of the State of Utah including, without limitation, the Utah Procurement Code, the Utah Government Records Access and Management Act, and with the District's Procurement Policies and Procedures, as amended from time to time. All protests shall be in writing and shall be submitted to the District as directed in these protest procedures. Protests that are not delivered to the appropriate persons or not delivered within the appropriate time limits (all as set forth in these procedures) shall be null and void and will not be considered by the District. A protest shall be deemed to be delivered pursuant to these procedures when actually received by the designated District recipient by hand delivery, by recognized overnight courier service or by certified or registered mail. All protests shall include:

1. The name and address of the individual or organization filing the appeal.
2. A detailed statement as to the nature and basis of the protest including, without limitation, the factual and legal basis for the protest.
3. A reference to the specific section of the policy in dispute and the context for the reason of the protest is required.

Protests Prior To Award Of Contract

All protests made prior to the opening of bids or proposals, including protests based upon alleged restrictive specifications or alleged improprieties in any type of solicitation, shall be delivered to the District's Director of Administration (DA) or designee not less than seven (7) calendar days prior to the date of the bid/proposal opening (as designated by the IFB or RFP) as follows:

Cache Valley Transit District

754 West 600 North

Logan, UT 84321

Attn: Director of Administration, Time Sensitive Protest Materials

The DA, or an agent designated by the DA, will promptly make a determination in writing regarding the validity of the protest and whether or not the bid/proposal process should be delayed beyond the scheduled date for bid/proposal opening. If the DA determines that the scheduled date for bid/proposal opening should be delayed, all respondents to the solicitation who have furnished their name and address to the District shall be notified (through an addendum to the IFB/RFP) of the delay and the reason for the delay. If the protest, or any portion thereof, is determined by the DA to have merit, the DA will take all necessary action to address each alleged restrictive specification, alleged impropriety or other meritorious objection in a manner consistent with applicable law and District policy and will provide notice of actions taken to all respondents to the solicitation who have furnished their name and address to the District. In such cases, the District shall not proceed with the bid/proposal process until it has remedied such issues to the satisfaction of the DA.

Protests To Award Of Contract

All protests made to the award of the Contract pursuant to an IFB/RFP shall be delivered to the DA not less than five (5) calendar days after the protestor received notice of the award. All protests made to the award of Contract shall be delivered as follows:

Cache Valley Transit District

754 West 600 North

Logan, UT 84321

Attn: Director of Administration, Time Sensitive Protest Materials

If the protest has been timely filed, the DA, or an agent designated by the DA, will promptly make a determination in writing regarding the validity of the protest and whether the District's decision regarding the award should be reconsidered. The District shall provide notice of the protest to all Bidders/Proposers who submitted a proposal pursuant to the IFB/RFP. The DA, or his or her designee, will respond to the protestor in writing and address each material issue raised in the protest within 15 business days. If the protest, or any portion thereof, is determined by the DA to have merit, the DA will take all necessary action to address the protested issues in a manner consistent with applicable law and the District's policy including, without limitation: (1) canceling the procurement; (2) canceling

the procurement and reissuing a new procurement; (3) rescinding the award and requesting “best and final offers” from all Bidders/Proposers; (4) determining that the objections, although meritorious, were immaterial to the decision to award; or (5) taking such other actions as may be appropriate under the circumstances. Once the DA becomes aware of a protest to the award, the District will not take any further action to execute a Contract pursuant to the IFB/RFP until seven calendar days after the award is upheld by the DA (or the appeal committee, if the DA’s determination is appealed as set forth in the following section), unless the DA shall make a written determination that proceeding with the bid/proposal process is necessary to protect a substantial interest of the District. The FTA will be notified and kept up to date on the status of all protests.

Appeals

In the event that a protestor receives an unfavorable decision from the DA to its protest of Contract award, the protestor shall have the right to appeal the DA’s decision by submitting a written appeal to the General Manager of the District, addressed as follows:

Cache Valley Transit District

Attn: General Manager

754 West 600 North

Logan, UT 84321

Any appeal must be delivered within fifteen (15) business days of the date of the DA’s decision. The General Manager will appoint a committee (the “Protest Committee”) of at least three (3) members to review the appeal and the decision of the DA. The General Manager will determine the specific procedures that will be followed by the Protest Committee, including the date of any hearing deemed necessary. The Protest Committee will notify the appellant and the DA in writing within 60 days of receiving the appeal. The decision of the Protest Committee is a final administrative decision of the District.

If the appeal committee upholds the decision of the DA, the protestor may continue its protest only by filing an action in the District Court of the State of Utah. In accordance with FTA policy, a protestor may not appeal to the FTA unless the protestor claims that the District has failed to follow these protest procedures. Any appeal to the FTA alleging that the District

has failed to follow these procedures must be filed with the FTA no later than five (5) federal government working days after the decision is rendered by the appointed Protest Committee in accordance with FTA C 4220.1F.