

Protest Procedures

I. Written Protest Procedures

Protests may only be made by an Interested Party. This is defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of or failure to award the third-party contract at issue.

A. Types of Protests

1. A **Pre-bid** or **Solicitation Phase Protest** is received prior to the bid opening or proposal due date. Pre-bid protests are those based on the content of the initial notice and/or solicitation published by Recipient requesting bids from vendors or other interested parties.
2. A **Pre-award Protest** is a protest against making an award and is received after receipt of proposals or bids, but before award of a contract.
3. A **Post-award Protest** is a protest received after award of a contract. A post-award Protest must be received within 5 business days of the making of the award. A post-award Protest generally alleges a violation of applicable federal or state law and/or Ride Connection policy or procedures relative to the seeking, evaluating and/or awarding of the contract.

B. Contents and Standards of Protests

The Protester is responsible for adhering to the following requirements:

1. Protests must be filed in writing with Ride Connection's Chief Quality Assurance & Compliance Officer, 9955 NE Glisan St., Portland, OR 97220;
2. Protests must set forth the specific grounds of the dispute and shall be fully supported with technical data, test results, or other pertinent information related to the subject being protested; and
3. Protests must include the name and contact information of the Protester, solicitation/contract number or description, and what remedy the Protester is seeking.

C. Determination of Protest

Ride Connection's Executive Committee shall make a determination on the Protest generally within ten (10) working days from receipt of the Protest. The decision of the Executive Committee must be in writing and shall include a response to each substantive issue raised in the Protest.

D. Protest Appeal to Ride Connection's Board of Directors

1. Any decision by the Executive Committee may be appealed to the Board of Directors.

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2. The Protester has the right within five (5) business days of receipt of the Executive Committee's decision to file an appeal restating the basis of the Protest and the grounds of the appeal.
3. In the appeal, the Protester is only permitted to raise information and issues previously provided in the Protest or discovered after the Protest was submitted to the Chief Quality Assurance & Compliance Officer for Decision and directly related to the grounds of the Protest.
4. The Protester shall be provided with at least 72-hour notification of when the Board of Directors will hear the Appeal.
5. The Protestor may appear, be represented and present evidence and testimony at the Appeal Hearing.
6. The Board of Directors' decision shall constitute Ride Connection's Final Administrative Determination.
7. At any time, the Protester may request reconsideration of Ride Connection's Final Administrative Determination if data or information becomes available that was not previously known, or there has been an error of law or regulations.
8. Protester may withdraw its appeal at any time prior to Ride Connection's issue of a Final Administrative Determination.

E. Postponement Procedure

If Ride Connection postpones the date of proposal submission because of a Protest or Appeal of the solicitation specifications, addenda, dates or any other issue relating to the procurement, Ride Connection will notify, via addendum, all parties who are on record as having obtained a copy of the solicitation documents that a Protest/Appeal had been filed, and the due date for proposal submission shall be postponed until Ride Connection has issued its Final Decision.

F. Protest Appeal to Funding Agency

1. A Protest Appeal to Funding Agency must be filed in accordance with the provisions of FTA Circular 4220.1F.
2. Reviews of Protests by ODOT are limited to 1) Ride Connection'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.
3. Any appeal to Funding Agency shall be made not later than five (5) business days after the Final Decision is rendered under Ride Connection's protest procedure.

II. Ride Connection's Responsibility to Funding Agency

- A. Ride Connection's Chief Quality Assurance & Compliance Officer will notify funding agency when it receives a third-party contract protest to which the FTA Circular (4420.1F) Third Party Contracting Guidance applies and will

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- keep funding agency informed about the status of the Protest including any appeals.
- B. Ride Connection’s Chief Quality Assurance & Compliance Officer will provide the following information to funding agency:
 1. **Subjects:** A list of Protests involving third party contracts and potential third-party contracts that have a value exceeding \$100,000, or involve a controversial matter, irrespective of amount, or involve a highly publicized matter, irrespective of amount.
 2. **Details:** The following information about each Protest: a brief description of the Protest, the basis of disagreement, and if open, how far the Protest has proceeded, or if resolved, the agreement or decision reached, and whether an appeal has been taken or is likely to be taken.
 - C. Ride Connection will notify Funding agency/Funder Officials: When Ride Connection’s Board of Directors denies an Appeal, Ride Connection’s Chief Quality Assurance & Compliance Officer will disclose information about any third party procurement Protest to FTA upon request. FTA reserves the right to require Ride Connection to provide copies of a particular Protest or all Protests, and any or all related supporting documents, as FTA may deem necessary.

III. Post-Award Contractual Disputes

After the award of a contract, should any dispute arise between the subcontractor and Ride Connection, the following actions must occur prior to engaging in mediation:

- A. Ride Connection will request that the subcontractor submit a complaint in writing to Ride Connection’s Chief Quality Assurance & Compliance Officer outlining the subcontractor’s positions.
- B. The Chief Quality Assurance & Compliance Officer will review the complaint or dispute with members of the Executive Team.
- C. Ride Connection will issue a formal, written response to the subcontractor.
- D. If, in good faith, an agreement between the two parties is not reached at this point the Executive Team will schedule meeting with the subcontractor to attempt to come to an agreement.
- E. If the Executive Team and subcontractor are still unable to reach an agreement, mediation should then be used to facilitate a mutually agreed upon resolution.