



Bay Area Transportation Authority

# **Vehicle Collision Avoidance System**

Request for Proposal # BATA-1-2019

**Due: April 3, 2019 at 4:00 PM EST**

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# 1 Statement of Work

## 1.1 Background

The Bay Area Transportation Authority (BATA) is the public transit provider for Grand Traverse (pop. 86,986) and Leelanau (pop. 21,708) Counties, including Traverse City (pop. 15,479), in Northern Michigan. As part of a research project to assess the benefits of early connected and automated vehicle (CAV) technologies for transit agencies, BATA intends to deploy an advanced driver assistance system on a subset of their vehicle fleet. This pilot project will be carefully documented in order to provide guidance to other transit agencies exploring similar technology solutions. Goals of the pilot include:

- Assist drivers in increasing spatial awareness while limiting driver distraction.
- Reduce the incidence of minor BATA bus collisions with fixed objects, between fellow BATA buses, and with other vehicles and moving objects on the roadway.
- Demonstrate how a transit agency can integrate new technologies into its vehicle fleet.
- Validate a scalable solution to improve safety for transit agencies across the State of Michigan and beyond.

This pilot will require installing sensors and other supporting equipment on vehicles in BATA's fleet to create a full 360-degree Vehicle Collision Avoidance System. A vendor will be selected through this Request for Proposal (RFP) to provide and install this technology. A Request for Proposal differs from a Request for Bid/Quotation in that BATA is seeking a solution as described herein that represents the best value to the agency. As a result, BATA reserves the right to award to other than the lowest price proposal.

## 1.2 Project Summary

Advances in electronics and their application to sensing stationary and moving objects for vehicular applications has increased significantly in the past five years. Blind spot detection on passenger cars is almost a standard feature and, starting in 2018, rear cameras and proximity warning systems are now required on all US light-duty vehicles. Many heavy-duty vehicles such as trucks now offer a suite of advanced detection systems for lane departure, collision avoidance, and blind spot detection as standard features.

The scope of this project is to acquire driver assist sensors and supporting equipment for a subset of BATA's transit vehicle fleet. The purpose of this procurement is to obtain commercially available safety systems designed to detect and warn operators of hazards to the front, sides, and rear of a bus while it's in motion. The responder's proposal should include the supply of equipment, as well as delivery, installation, configuration, warranty, and licensing. All equipment must be new, able to perform to the manufacturer's specifications, and must be warranted against defects in material and workmanship with the product warranty fully described. Proposals must also include any training provided to agency staff and training manuals for both operational and maintenance tasks. The solution must be reliable and able to support BATA's needs, including safe use when the bike rack is deployed, as shown in the following picture.



BATA operates a mixed fleet of about 75 vehicles of varying manufacturers, makes, models, and sizes. BATA is procuring the sensors and other equipment to fully outfit a minimum of 25 vehicles, with the option to procure up to 25 more for a maximum of 50 vehicles total. The project will prioritize (generally with the newest highest) the following subset of BATA's fleet:

Make/Model	Length	Year	Quantity
Ford E-450	25'	2016-2018	14
Ford E-450	24'	2012-2016	9
Ford E-450	23'6"	2012	2
Ford E-450	25'6"	2012	2
Ford E-450	22'6"	2010	2
Ford E-450	25'	2010	2
Ford E-550	19'	2018	2
Ford Transit 350HD	22'	2018	2
Champion Challenger	25'	2008	5
Champion Challenger	27'	2008-2010	4
Thomas Built MVP EF	32'7"	2011-2012	8

### 1.3 Project Specifications

The following is a list of *minimum* requirements.

Component	Requirements
Equipment	<ul style="list-style-type: none"> <li>• Sensors that can detect hazards to the front, side, and rear of a bus in varying speed, weather, traffic, and other environments                             <ul style="list-style-type: none"> <li>○ Sensing technology could include but is not limited to, proximity sensors, RADAR, LiDAR, and cameras</li> <li>○ Vendors with solutions that can only provide partial functionality, such as detecting hazards on just the side and rear of the bus, are welcome to apply. However, these limitations will be considered in proposal evaluation (see <i>Section 2.10: Evaluation Criteria</i>).</li> </ul> </li> <li>• Functional during daylight, low light, and nighttime conditions</li> <li>• Proper performance at all travel speeds commonly operated by BATA buses, from low speeds for precision docking to up to at least 55 miles per hour for some operations</li> <li>• Capable of operating consistently in BATA's service area, including the cold and snowy winter months and hot summer months                             <ul style="list-style-type: none"> <li>○ Include the operating temperature range and any other weather-related limitations in the Project Approach</li> </ul> </li> </ul>
Installation/ Labor	<ul style="list-style-type: none"> <li>• Proposal includes all labor and appropriate materials to install the equipment</li> <li>• Proposal includes ongoing technical and product support and guidance as needed for the duration of the agreement</li> </ul>
Miscellaneous Vehicle	<ul style="list-style-type: none"> <li>• Spare parts list or bill of materials</li> </ul>
Data Sharing	<ul style="list-style-type: none"> <li>• Willingness to share data received and utilized by the system to inform research tasks and assessment of overall project goals</li> <li>• While not required, a strong Project Approach will include integration with other telematics such as GPS and AVL to provide real-time feedback to a control center when warnings are generated and for incident review.</li> </ul>
BATA Staff Training	<ul style="list-style-type: none"> <li>• Training includes up to five hours total of group instruction (webinar or in person) as well as printed user guides, training manuals, or other references, and covers the following topics:</li> </ul>

Component	Requirements
	<ul style="list-style-type: none"> <li>○ For management: how the system works</li> <li>○ For operators: how to understand and successfully use the system</li> <li>○ For maintenance: how to maintain the sensors and other equipment</li> </ul>
Driver Interface	<ul style="list-style-type: none"> <li>● Vehicle operators will likely first receive an audible alert, and then be able to use a visual system to obtain more information. Locations have been identified in the operator area for a monitor or any other equipment to be mounted.</li> </ul>
Connectivity	<ul style="list-style-type: none"> <li>● All input and output cables must be supplied</li> </ul>
Mounts	<ul style="list-style-type: none"> <li>● All external equipment will need to be installed without removing the existing bike racks</li> <li>● The Vendor should propose external mounting locations that minimize incidence and severity of damage due to contact</li> <li>● The Vendor should also consider internal mounting locations for any support equipment</li> </ul>
Power Supply	<ul style="list-style-type: none"> <li>● Replaceable</li> </ul>
Warranty	<ul style="list-style-type: none"> <li>● Minimum of 2 years</li> <li>● Parts and labor included</li> <li>● Next business day or mail-in repair service</li> </ul>

## 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

### 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 2.5: Schedule of Activities*.

Respondents shall submit five proposal copies and one electronic (PDF) copy on a CD/DVD or flash drive. Additional instructions for submission are included in *Section 2.8: 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 Approach (including examples of and references for at least two similar projects)

Section 4: Price Proposal Form (Attachment B)

Section 5: Signed Federal Certifications (Attachment D)

The proposal shall include descriptions and documents that respond to the requirements in *Section 1.3: Project 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 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 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.

## 2.5 Schedule of Activities

Activity	Date
RFP Released	Thursday, March 14, 2019
Written Questions to BATA Due By	Thursday, March 21, 2019 by 4:00 PM EST
BATA's Responses to Questions Released	Monday, March 25, 2019
<b>Proposals Due</b>	<b>Wednesday, April 3, 2019 by 4:00 PM EST</b>
Anticipated Award Date	Wednesday, April 17, 2019
Project Start Date	June 2019

## 2.6 Contract Term

The term of the proposed contract will commence once both parties have signed the agreed upon legal document(s). The contract will continue for a pilot period of one year. The Vendor will be responsible for installing the equipment on BATA's vehicles, providing any necessary training to BATA's staff on the appropriate use and everyday maintenance of the equipment, and supporting the initial set up of a data interface. Once these preliminary steps are complete, the Vendor will provide additional support as needed to address any issues with the use of equipment and provide general technical support for the remainder of the contract term.

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.

## 2.7 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 Thursday, March 21, 2019 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 March 25, 2019.

## 2.8 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

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.

## 2.9 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.

## 2.10 Evaluation 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:

- Communications and Development Director, BATA
- Fleet and Facilities Manager, BATA
- Transportation Services Manager, BATA
- Associate Consultant, WSP
- Senior Project Manager, Center for Automotive Research

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

BATA will award to the Vendor with the highest-scored proposal that represents the best value. Price is relatively less important than the other criteria as a whole. Award will only be made to a responsive and responsible firm.

- Qualifications and Experience
  - Describe the qualifications of the firm, including years in business and successful experience with at least two similar projects.
  - Provide a minimum of three references, preferably public transit or government agencies, to which the firm has provided similar services. Include the address, phone number, email address, and contact name for each reference.
- Project Approach
  - Explain the general approach to meet this project's goals, including technical capabilities, installation, employee training, warranty, and ongoing technical support.
  - Describe your understanding of the requirements presented in this scope of work and your firm's demonstrated capability to perform the type of work requested.
- Price
  - The price per unit (to outfit a minimum of 25 vehicles and a maximum of 50 vehicles), provided in the Price Proposal Form, will be evaluated based on the following formula: lowest proposal price divided by the proposal price being evaluated times available points.

## 2.11 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 reserves the right to award this contract not necessarily to the proposal with the lowest price but to the proposal that demonstrates the best value by the process described in *Section 1.1: Background*.

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. BATA's goal is to obtain final and best offers from each of the firms from which it may then make a selection for final negotiations and award.

The final selection shall be made on a best value basis at the conclusion of negotiations, and may be based upon evaluation of the best and final offers unless a determination has been made instead to make an award on the basis of initial proposals without conducting 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, a Best and Final Offer, or by mutually agreed terms and conditions.

## 2.12 Payment and Contract Type

This solicitation will result in a firm, fixed price contract. Each respondent shall propose a per unit cost for between 25 and 50 units. This per unit cost will be evaluated for selection. BATA will determine the total number of units upon selection and prior to contract execution, resulting in a total fixed price contract calculated by the following formula: number of units procured multiplied by the proposal unit price.

The Vendor shall provide all labor, equipment, and materials required for installation. The vendor shall also provide training for BATA staff to operate and perform routine maintenance after installation is complete. The Vendor may continue to support maintenance, including tasks covered by the warranty.

Progress payments for completed work may be made based upon milestones agreed to by the Project Manager. Recommended milestones are:

1. Equipment has been successfully installed.
2. At the conclusion of the initial twelve-month contract.

Upon completion of a milestone, the Vendor will submit an itemized invoice to BATA.

## 2.13 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.

## 2.14 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.

## 2.15 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, or on the basis of a Best and Final offer, 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  
Vehicle Collision Avoidance System  
Request for Proposal # BATA-1-2019

BATA is procuring the sensors and system, including installation, to fully outfit a minimum of 25 vehicles with a collision avoidance system, with the option to procure up to 25 more. The price used for evaluation scoring will be the per unit price for 25 to 50 vehicles, evaluated by the following formula: lowest per unit proposal price divided by the per unit proposal price being evaluated times available points. Please present this unit price to be evaluated.

**Unit price (per vehicle outfitted) = \$ \_\_\_\_\_**

Provide a signed and completed copy of this page as your Price Proposal.

Company Name: \_\_\_\_\_

Printed Name and Title of Signer: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 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 Clauses – Materials and Supplies More Than \$150,000