



Bay Area Transportation Authority

**ADA Program
Assessment and Evaluation**

Request for Proposal # BATA-1-2020

Application Deadline

Wednesday, April 1, 2020 @ 5:00 PM EST

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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. All public transportation services are directly operated by BATA.

The primary service provided by BATA consists of fixed route bus service in both city and rural areas of our two counties of service.

- 1) Fixed route 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. Sunday service is provided beginning at 9:00 a.m. and ending by 8:00 p.m.
- 2) Fixed route 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.
- 3) Fixed route high frequency service is branded as the Bayline route. The Bayline is a free route, with stop service every 15 minutes, with service hours of 7 a.m. to 11 p.m. daily.

In addition to fixed route service, BATA provides demand/response curb-to-curb transportation service. Known as Link, BATA 'City Link' service operates during the same hours and days as City Loop service, and in our rural areas, 'Village Link' operates Monday through Friday at variable hours. Between 10-15 vehicles are operated in Link service at peak times and reservations are accepted up to two weeks in advance.

BATA Link service also functions as our complementary paratransit service for people with disabilities. We do not have a dedicated paratransit program nor do we have a formal process to determine eligibility for paratransit, other than a basic application with provider verification of the disability.

BATA Ridership 2019:	Regular Passenger Trips	463,003
	Senior Passenger Trips	37,953
	<u>Disability Passenger Trips</u>	<u>90,351</u>
	Total Trips for FY 2019	591,307

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:

- 1) Administration and maintenance facility, located in the Township of Garfield, provides support services, and serves as a bus stop/transfer station.
- 2) Intermodal passenger facility is located in the City of Traverse City's downtown area. This facility serves as our primary fixed route bus hub and also as an Indian Trails waiting and ticketing location for two daily intercity bus departures.
- 3) Training facility and maintenance/storage is located in the Township of Garfield.

1.2 Project Summary

BATA seeks to obtain proposals from a consultant or consulting firm specializing in the area of transit service development relative to the Americans with Disabilities Act (ADA). This Request for Proposal (RFP) will result in a fixed price contract.

The purpose of this contract is an ADA assessment and evaluation of BATA operations. A comprehensive review will be administered through the lens of the ADA requirements as well as that of the individuals with disabilities who are transit dependent. The outcome of this contract will be a detailed summary of each transit component identifying their ADA supports and services, their compliance with the ADA, and their potential to go beyond the ADA in the provision of best practice that improves the transit experience beyond basic expectations.

1.3 Project Scope, Specifications and Deliverables

The ADA Program Assessment and Evaluation will deliver a critical review of BATA operations to verify compliance with ADA requirements, as mentioned above. The deliverable components will identify services with innate potential for best practice development as well as voids for which best practices should be adapted or designed to resolve unmet needs. This will include but not be limited to BATA transit service and supporting programs, BATA facilities and field-based structures, community-based infrastructure connecting communities through public transportation, options for multi-modal transit expansion, BATA policies and practices that impact the provision of equal access and administrative functions that support and promote equity at all levels.

In-person meetings, field work and Electronic Meeting Systems (EMS) will be utilized to implement the assessment process. The consultant may set up meetings using the web-conferencing application of their choice. The consultant may include their projected calendar for in-person and EMS meetings. All informative interactions/meetings should be documented and summarized.

The scope of service and deliverables include the following components:

Component	Requirements
<p>Task 1 ADA Baseline</p>	<p>Interviews with management and staff for comprehensive understanding of BATA's general operations and the level of competence to align operations with ADA requirements. All interactions documented and summarized. Review to include ADA-related training components and efficacy, management and front-line awareness and understanding of ADA practice, status of demonstrable application of ADA requirements in departmental guidelines and goals, and measure of inclusive practices. <i>This task requires a minimum of one to two-days on-site with multiple EMS follow-up.</i></p>
<p>Task 2 Facility Compliance</p>	<p>Assessment of BATA's three structural sites for facility compliance: <u>3233 Cass Road</u>: BATA's administration and maintenance facility is located in Garfield Township providing support services and a transfer station south of town. <u>115 Hall Street</u>: BATA operates an intermodal passenger facility located in the city of Traverse City's downtown Warehouse District. This facility serves as a fixed route hub and as an Indian Trails Bus waiting room and ticketing location. <u>2470 Diamond Drive</u>: Our third location serves as a training facility, mobility management center and maintenance storage facility. All facilities have been built and renovated within ADA guidelines and pass ongoing inspections by MDOT. NOTE: BATA is currently in negotiation of a new facility site in the Traverse City area which may redefine the parameters for the consultation regarding facility review. <i>This task may require a one-day on-site visit for facility reviews guided by BATA staff.</i></p>
<p>Task 3 Field Access</p>	<p>Assessment of BATA's field-based structures for disability access such as bus stops, shelters and access pathways. Documentation to include results from route ride-alongs and field observations of accessibility on both public and private land. Utilize a consultation with BATA Transportation Managers to understand the rural reach and seasonal weather impacts on access in our two-county rural catchment area.</p>

Component	Requirements
	<i>This task may require a one-day off-site visit for field-based assessment.</i>
<p>Task 4: Policy, Procedure & Practice</p>	<p>Assessment of BATA’s ADA compliance in service delivery including but not limited to: Customer service and dispatch, reservation and cancellation practices, alignment of complementary paratransit with general public services, bus operator practices and vehicle accessibility. Policy and procedure related to ADA sensitive areas such as service and support animals, physical and mental health issues, situational interactions with persons that may have a disability, behavioral intervention and addressing non-compliance with Code of Conduct ridership policies. <i>This task may require multiple EMS meetings.</i></p>
<p>Task 5: Media & Technology</p>	<p>Assessment of BATA media applications such as web-based, brochure, and street signage. Also review BATA technology such as ADA related scheduling, manifest detail of disability, reduced fare ID, relevant reports. Review status of relevant data collection and measurement of customer experience. <i>This task may require multiple EMS meetings.</i></p>
<p>Task 6: Community & Constituency</p>	<p>Interviews and meetings with relevant community partners and constituents to garner a well-rounded picture of what accessible service in our rural area means to our riders and our advocates – what’s working, what’s not. Document and summarize. This effort will include meeting with BATA’s Local Advisory Council representing relevant stakeholders in our community: Disability Network Northern Michigan, Area Agency on Aging, Grand Traverse Commission on Aging, Leelanau County Senior Services, Goodwill, Senior Center Network and constituent representatives. (The next LAC meeting is 5/11/20) Follow up meetings with agencies and community groups may be scheduled as needed. <i>This task may require a one-day schedule of in-person community meetings and/or multiple EMS meetings.</i></p>
<p>Task 7: Paratransit Service</p>	<p>Assessment will include a component outlining the developmental process for a BATA-specific transition towards formal stand-alone paratransit services. After the 2020 census figures are released, BATA’s MDOT designation may change from Rural Bus Authority to Small-Urban Bus Authority. This may require a transition from complementary paratransit (Link service) to formal paratransit service. <i>This task may require one or more EMS meetings.</i></p>
<p>Task 8 Presentations</p>	<p>Presentation of the final ADA Assessment and Evaluation Summary to the BATA Management Team, to the Local Advisory Council, and to BATA Board of Directors. <i>This task will require one day for in-person presentations.</i></p>

Deliverables

The following deliverables shall be provided as part of the project. With mutual agreement by both parties, project adherence regarding in-person meetings, web conferencing, interim reports and supportive communications throughout the consulting process must be met.

- Comprehensive summaries of assessment components Tasks 1 through 7 including detailed breakouts of ADA related strengths and deficits with potential areas for ADA improvements
- Final summary and in-person presentations to BATA management team and BATA Local Advisory Council as well as the BATA Board of Directors covering the consultant’s process of discovery, major findings and recommendations of areas for focus and improvement with new ideas for ADA services – Presentations will highlight recommended ADA best practices relevant to BATA operations
- Consultant shall provide two electronic copies (one Word document file and one Adobe Reader file) of all final summaries and paper copies as needed for all in-person meetings

Timetable

BATA anticipates all deliverables can be completed within 6 months of the project award.

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 Project Manager:

Alan VanderPaas
Project Manager
Bay Area Transportation Authority
3233 Cass Road
Traverse City, Michigan, 49684
E-mail: vanderpaasa@bata.net

2.2 Project Oversight

The internal oversight of this project is the responsibility of the BATA Project Manager, as above.

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, applicants 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 complete and sign the Signature Page of the proposal in ink. It is to this person and to 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 in their Proposal Packet: 1) five hard copy proposals and 2) one electronic (PDF) copy on flash drive. Additional instructions for submission are included in *Section 2.9: Submission*. **Proposals, including Attachments A, B, C & D, 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 with detailed descriptions of: project team and organization, site visit and interviewing approach, data collection and recommendation efforts. Also, expected timeline and milestones must be included.
- Section 4: Qualifications, Related Experience and References: Including examples of and references for at least three similar projects.
- Section 5: Price Proposal Form (Attachment B)
- Section 6: Signed Federal Contract Clauses Professional and A&E Less Than \$150,000 (Attachment D)

The proposal shall include descriptions and documents that correspond to the task 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 included in this RFP:

- 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.
- **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.
- 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.

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 identified in the proposal and are subject to BATA review and written approval prior to their participation in the project. The selected consultant firm may need to have a third-party subcontract approved by the Michigan Department of Transportation.

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

Activity	Date
RFP Released	February 17, 2020
Written Questions to BATA Due By	March 6, 2020
BATA's Responses to Questions Released	March 13, 2020
Proposals Due	April 1, 2020 @ 5pm
Anticipated Award Date	May 1, 2020
Project Start Date	May 4, 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 the Project Manager, to be received no later than March 6, 2020.

Alan VanderPaas
Project Manager
Bay Area Transportation Authority
3233 Cass Road
Traverse City, Michigan, 49684
E-mail: vanderpaasa@bata.net

Modifications: Modifications made to this RFP, in response to questions or concerns raised through RFP correspondence received from vendors, or due to internal discovery, will be posted on BATA's website at: <https://www.bata.net/news/bata-business.html> . **It is the Vendor's responsibility to view the BATA website on 3/6/20 and address changes accordingly, if posted.**

2.9 Submission

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

Alan VanderPaas / Project Manager
Bay Area Transportation Authority
3233 Cass Road
Traverse City, Michigan, 49684

Proposals 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 BATA front desk at the above address. Late proposals will not be considered. BATA will email a confirmation to consultants upon receipt of ADA Program Assessment and Evaluation Proposals.

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

The proposal review committee members are:

- Project Manager / Mobility Management Coordinator
- Director of Communications and Development
- Facilities and Fleet Manager
- Transportation Services Managers

Review committee members may be assisted by non-scoring technical advisors as needed.

All proposals will be scored by the evaluation committee according to the evaluation criteria.

Evaluation Criteria

The evaluation criteria are equally weighted and listed below.

- **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 three 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 their 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

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 receives the highest cumulative score of the equally weighted five criteria.

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, 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 ONE of the following:</p> <p style="text-align: center;">Partnership Non-Profit Corporation Profit Corporation</p> <p>Check ONE 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><i>I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder.</i></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>EXCLUSIONS 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
ADA Assessment and Evaluation
Request for Proposal # BATA-1-2020

Company

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** attach a detailed, itemized, cost breakdown.*

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: Alan VanderPaas
3233 Cass Road
Traverse City, Michigan, 49684

Faxed or e-mailed protests will not be accepted.

BATA's Project 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 Project 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 Project 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 Project Manager will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest. The Project Manager will respond to the protest in writing within five (5) working days from the time the protest was received. If the Project Manger decides to withhold the award pending the resolution of the protest, the Project 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 Project 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 Project Manager will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest. The Project Manager will respond to the protest in writing within five (5) working days from the time the protest was received. If the Project Manager decides to withhold the award pending the resolution of the protest, the Project 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 Project 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 Project 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 Project Manager shall notify the bidder or proposer awarded the contract. The Project Manager will render a determination to proceed with the contract or suspend the project until the protest is resolved. The Project Manager 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

(Provided as a separate attachment)