



## **Yuma County Intergovernmental Public Transportation Authority**

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### **BID PROTEST PROCEDURES**

**Adopted: November 1, 2011**

#### **1. BACKGROUND**

The following procedures have been developed to provide the sole remedy for supplier protests that cannot be informally resolved.

The procedures are time limits set forth in this document are mandatory and are the interested party's sole and exclusive remedy in the event of a protest. The interested parties' failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including, but not limited to, filing a claim or legal proceedings. An interested party may not rely on a protest submitted by another interested party, but must timely pursue its own protest.

#### **2. PROTEST PROCEDURES**

The procedures below apply to all Yuma County Intergovernmental Public Transportation Authority (YCIPTA) procurements and conform to Federal Transit Administration (FTA) Circular 4220.1F. These procedures will be included or referenced in all solicitation documents for FTA funded projects. If they are referenced, the reference will include information on how a copy of the procedures may be acquired by any interested party. YCIPTA will disclose information regarding protests on FTA funded projects to the FTA upon receipt.

#### **3. DEFINITIONS**

The following definitions apply to these procedures:

“Days” means working days. (i.e., any day except Saturday, Sunday or YCIPTA holidays).

“Interested Party” is an actual or prospective offeror whose direct economic interest would be affected by the award of a Contract or by the failure to award a Contract. (Interested parties do not include subcontractors or suppliers of an actual or prospective offeror).

“Protest” Is a written objection or complaint by an interested party to the terms, conditions or form a proposed procurement or the proposed or actual award of a

contract.

“Protestor” is an interested party that has properly filed a timely protest.

“Timely Filed Protest” is a written document filed by a protestor that meets the requirements outlined in this procedure.

## **4. FILING AND PROCESSING OF PROTESTS**

### **4.1 Protest Content and Submission**

An interested part wishing to protest a matter involving a proposed procurement or contract award shall file with YCIPTA a written submission which must include at a minimum:

- Name, address and telephone number of the protestor;
- Protestor’s relationship to the procurement sufficient to establish that the protest is being filed by an interested party;
- Identification of the proposed procurement or contract;
- A complete statement of the basis of the protest, and all supporting documentation;
- A reference to the specific portion of the solicitation document which forms the basis for the protest

All protests must be filed with:

Yuma County Intergovernmental Public Transportation Authority  
Attn: Transit Director  
2715 East 14<sup>th</sup> Street  
Yuma, AZ 85365  
Fax to: (928) 783-0309  
Email to: [jandoh@ycipta.org](mailto:jandoh@ycipta.org)

### **4.2 Subject of the Protest, Timing and Process**

Upon timely receipt of a protest, YCIPTA will notify the protestor and may, where appropriate, request additional information from the protestor. YCIPTA may, at its discretion will meet the protestor to review the matters raised in the protest.

Decisions on all protests will include a response in detail to each substantive issue included in the protest submitted. YCIPTA’s decision shall be final unless a timely request for reconsideration is filed pursuant to these provisions.

YCIPTA reserves its rights to take any and all appropriate action, as solely determined by YCIPTA, regarding the solicitation and/or award of contract prior to resolution of, or upon or after the time of decision on any protest, including but not limited to rejection of all bids or responses.

- **Pre-Bid or Solicitation Protest- received prior to bid opening or proposal due date**

Any protest regarding the pre-bid or solicitation phase must be filed no later than five (5) days before the opening of the bids (if bid) or the due date for submittals or proposals (if RFQ/RFP) as applicable. Any protest filed after that date which raises issues regarding the solicitation will not be considered.

Pre-bid and solicitation protests will be decided by the Transit Director, or his/her designee, within 20 days of YCIPTA's receipt of the protest.

- **Pre-Award Protest-protest against making an award- received after Marin Transit receipt of proposals or bids, but before award of a contract**

Any protest regarding the evaluation of bids, qualifications or proposals by YCIPTA must be filed with YCIPTA no later than five (5) days after the opening of bids (if bid) or 48 hours after publication of recommendation for award (if RFQ/P). Any protest filed after such date which raises issues regarding the evaluation will not be considered. Pre-Award protests will be decided by the Transit Director, or his/her designee, within 20 days of receipt of the protest by YCIPTA.

- **Post- Award Protest- received after award of a contract**

Any protest regarding the award of the contract must be filed no later than five (5) days after the date of the award. Any protest regarding the award of the contract filed after such date will not be considered. Post- Award protests will be decided by the Transit Director or his/her designee, within 20 days of receipt of the protest, if any, by YCIPTA.

## **5. REQUESTS FOR RECONSIDERATION**

A protestor may request reconsideration of a protest decision only if the information becomes available that was not previously known, or could have reasonably become known, or there has been an error of law or regulation.

A request for reconsideration must be submitted in writing to YCIPTA within five (5) days of the date of issuance of the initial decision. The request must include a detailed explanation of the basis for reconsideration and remedy requested. The Transit Director shall review the request for reconsideration and may determine that there is no basis for modifying the decision, or may refer the request for reconsideration to the YCIPTA Board of Directors, at the Transit Director's sole discretion.

**6. APPEAL TO THE FEDERAL TRANSIT ADMINISTRATION (FTA)**

If the work or services to be procured under the Bid/Proposal is FTA funded, and all YCIPTA administrative remedies described above have been exhausted; a protestor may file an appeal with the FTA in accordance with FTA Circular 4220.1. FTA will only entertain a protest that alleges the grantee failed to follow their protest procedures and which is filed in accordance with FTA Circular 4220.1.

All appeals to the FTA must be submitted within five (5) working days after the date the protestor knew or should have known of the alleged YCIPTA violation.

Approved:



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John Andoh, Transit Director

\_\_\_\_10-24-2011\_\_\_\_\_  
Date

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**Yuma County Intergovernmental Public Transportation Authority Board Of Directors**  
Robert L. Pickels, Chairman - Yuma County, Greg Wilkinson, Vice Chairman - City of Yuma,  
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John Andoh, Transit Director