

REQUEST FOR PROPOSALS

Shasta County Regional Travel Data Collection Program

SRTA Solicitation Number: S-00030

Issued:	Monday, August 5, 2024
Contract Capacity:	Estimated budget of \$120,000 – \$140,000
Performance Period:	Up to five (5) years
Payment Method:	Fixed price
Submissions Due:	3:00 p.m. PST on Friday, September 6, October 4, 2024
Contact Person:	Mehdi Moeinaddini, Associate Transportation Planner

Interested applicants must [subscribe](#) to SRTA's bid posting webpage to receive notices when information and possible RFP addenda become available.

Shasta Regional Transportation Agency
1255 East Street, Suite 202
Redding, CA 96001
(530) 262-6190



Table of Contents

<i>Procurement Summary</i>	<i>3</i>
<i>About the Shasta Regional Transportation Agency (SRTA)</i>	<i>4</i>
2023 SRTA Board of Directors	4
About the Shasta Region	4
Agency Partners	4
<i>Project Background.....</i>	<i>5</i>
<i>About Your Proposal</i>	<i>6</i>
Project Scope of Work.....	6
Project Schedule/Timeline	7
Proposal Contents.....	7
Addenda and Questions About This RFP	9
Procurement Schedule.....	9
Proposal Submittal	10
Proposal Evaluation.....	10
Contract Amount and Award	12
<i>Additional Information and Terms</i>	<i>12</i>
<i>Appendix</i>	<i>14</i>
PROTEST PROCEDURES FOR PROCUREMENTS.....	14

Procurement Summary

SRTA seeks proposals from qualified consultants to conduct and report traffic counts in support of maintaining relevant and current information for our regional travel demand model, developing a 20-year Regional Transportation Plan (RTP), providing required data to the federal Highway Performance Monitoring System (HPMS), and investing various transportation funds to achieve regional mobility goals.

The estimated contract award budget is \$120,000 – \$140,000. Work on the Shasta County Regional Travel Data Collection Program is expected to be completed by December 2028. This request for proposals (RFP) describes the requested scope of work, the minimum information that must be included in the proposal, and the consultant selection process.

About the Shasta Regional Transportation Agency (SRTA)

2024 SRTA Board of Directors

Board Member	Affiliation
Mark Mezzano, Chair	City of Redding
Tena Eisenbeisz, Vice Chair	City of Shasta Lake
Tenessa Audette	City of Redding and Redding Area Bus Authority
Kevin Crye	Shasta County, District 1
Mike Gallagher	City of Anderson
Chris Kelstrom	Shasta County, District 5
Patrick Jones	Shasta County, District 4

Shasta Regional Transportation Agency (SRTA) is the designated Metropolitan Planning Organization (MPO) for the Shasta County region. Member agencies are the cities of Anderson, Redding, and Shasta Lake; the county of Shasta; and the Redding Area Bus Authority (RABA). Information regarding SRTA, regional plans and programs, and this procurement are available online at www.srta.ca.gov.

About the Shasta Region

Shasta County is located at the geographic center and transportation crossroads of California's North State. The nearest large city is Sacramento, 150 miles to the south on the Interstate 5 corridor, while the Oregon state line lies 100 miles due north. The county occupies the northern part of the Sacramento Valley and includes southern portions of the Cascade Mountains. The county has an area of 3,785 square miles. Shasta County has an urbanized area which contains the cities of Anderson, Redding, and Shasta Lake. The county is home to approximately 182,000 residents, about 80% of which live in the south-central urbanized area along I-5. Redding is the county seat and the region's primary socio-economic center.

The region is largely rural in character and geographically separated from other California metropolitan regions. Its population is one of the most dispersed in the state, having just 48 persons per square mile compared to the statewide average of 253.

Along with the primary I-5 corridor, state highways in the county include State Routes (SRs) 36, 44, 89, 151, 273 and 299.

Agency Partners

Caltrans, District 2
City of Anderson
City of Redding
City of Shasta Lake
County of Shasta
Redding Area Bus Authority (RABA)
Dignity Health Connected Living (DHCL)
Healthy Shasta
North State Super Region (NSSR)
Pit River Tribe
Redding Rancheria (Yana, Wintu, Pit River)

Geographic elevations range from 425 feet on the valley floor to over 10,000 feet in Lassen Volcanic National Park. The region is surrounded by mountains to the west, north, and east. The Sacramento River flows through the center of the county and down the Sacramento Valley to the south. These attributes have contributed to the region's establishment as a center for recreation and tourism.

Figure 1 shows the topography and state highway/interstate layout of Shasta County.

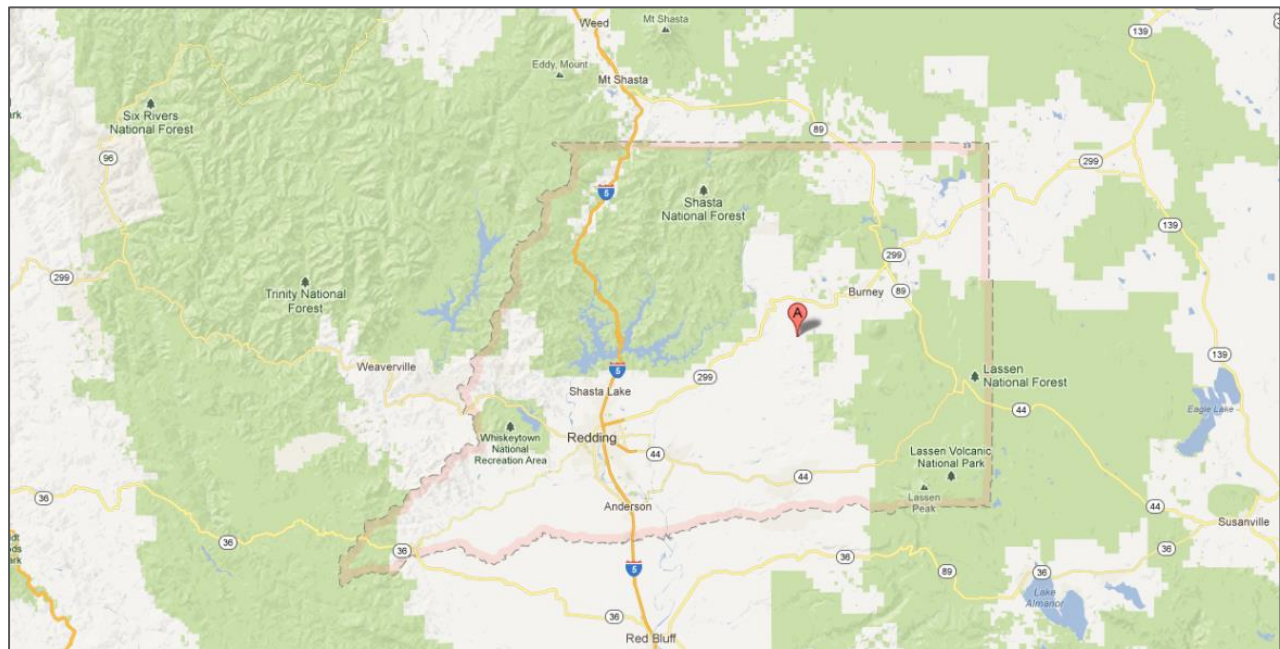


Figure 1 – General Map of the Shasta Region

Project Background

As the designated Metropolitan Planning Organization (MPO) for the Shasta Region, Shasta Regional Transportation Agency (SRTA) is responsible for maintaining a regional travel demand model, developing a 20-year Regional Transportation Plan (RTP), and investing various transportation funds to achieve regional mobility goals. Traffic count data is essential to these activities. Specific applications include but are not limited to:

- Performance-based transportation planning and project prioritization;
- Grant-applications;
- Regional travel forecasting; and
- Reporting to state and federal funding partners.

Specifically, SRTA needs the following:

- Motor vehicle travel data from 215 Highway Performance Monitoring System (HPMS) locations as shown in Attachment A (map of corridors on the HPMS network) and Attachment B (table with coordinates and attributes for each individual county locations).
- Motor vehicle travel data at a maximum of 65 additional, to-be-determined locations based on project-level needs.
- Bicycle and pedestrian travel data (not more than 50 to-be-determined locations).
- Conducting two cycles of data collection for the proposed locations described above. (Attachment C)

SRTA intends to enter into a technical services agreement with one or more vendors to meet these needs.

Additional information regarding SRTA, the agency's work program, and documents referenced in this RFP are available online at www.srta.ca.gov.

About Your Proposal

Project Scope of Work

The 215 HPMS count locations (see Attachments A and B) constitute the base scope of work. Minor and reasonable modifications to the exact location of the counts in response to interagency technical review may be made without affecting the cost. All data collection points shall be reviewed by the Consultant and verified with Caltrans HPMS Branch and SRTA prior to collection.

Methodology for collecting and reporting traffic data shall adhere to HPMS data guidance and Traffic Monitoring Guide [see <https://www.fhwa.dot.gov/policyinformation/hpms/fieldmanual/> and <https://www.fhwa.dot.gov/policyinformation/tmguid/>], including the following standards: Vendor will collect classified (axle class) traffic count data each year. Counts will be for 48-hours, conducted during normal work weeks unless otherwise specified. Counts will be conducted Tuesday through Thursday when school is in session, not during holidays, and not on days when special events are taking place near the count locations.

Consultant is responsible for the following during data collection:

- Obtaining any necessary encroachment permits (if required) with local jurisdictions or Caltrans for working within rights-of-way;
- Implementing appropriate traffic safety measures for working within rights-of-way. This includes following the most current MUTCD or other applicable standards.
- Notifying school districts and public schools when conducting traffic counts within one mile or less of a public-school facility.
- Determining the AM and PM peak hour for traffic analysis purposes.

Counts will include all of the necessary HPMS data reporting requirements, as well as the following attributes (to the extent possible):

- Total vehicle counts (ADT, AADT)
- Truck counts and percentage of total traffic

- Peak hours volume
- Directional split
- Speed data
- GPS coordinates (latitude and longitude) for GIS mapping purposes

Raw count data should be collected and reported in 15-minute intervals. Counts should be broken into the following periods:

- Daily
- AM Peak (6:00-9:00 am)
- Off Peak – Mid day
- PM Peak (3:00-6:00 pm)
- Off Peak – Evening

Table 1 shows the required tasks and deliverables.

Table – Tasks and deliverables

Task	Description	Deliverable
Task #1	Motor vehicle travel data from 215 Highway Performance Monitoring System (HPMS) locations.	In addition to text data, raw count data shall be provided in Microsoft Excel format and in accordance with HPMS data collection standards and the Data Collection Plan approved by SRTA. GIS maps and shapefiles shall be provided showing data and count locations. Quarterly progress reports shall be provided by the consultant during data collection.
Task #2	Motor vehicle travel data at a maximum of 65 additional, to-be-determined locations based on project-level needs.	Travel data counts in same format as Task #1
Task #3	Bicycle and pedestrian travel data (not more than 50 to-be-determined locations).	Travel data counts shall be provided in the format agreed upon in the SRTA-approved Data Collection Plan.

Project Schedule/Timeline

An anticipated/estimated project schedule is provided at the end of this document in Attachment C.

Proposal Contents

Written proposals submitted in response to this request for proposals (RFP) shall not exceed 35 pages (excluding attachments). The following information must be included and clearly labeled as follows:

Introduction

- A transmittal letter should be included, signed by an officer who may contractually bind the firm or joint venture. The signature of the authorized representative attests that the information contained in the proposal is truthful, accurate, and complete at the time of submittal. The letter should include how the respondent heard of the procurement. The introduction should include a description of the firm containing the firm's name, address, legal form of the company (e.g., partnership, corporation, joint venture, etc.), status as a Disadvantaged Business Enterprise DBE or non-DBE, North American Industry Classification System (NAICS) code, Tax Identification Number (TIN), annual gross receipts (may be a range), and the number of years the firm has been in business.

Proposal and Work Plan

- Statement of understanding of the scope of work of this RFP.
- Work plan and schedule to complete the project scope of work identifying milestones and deliverables. See Attachment C for an estimated project schedule.

Project Team

- An organizational chart showing the firm's approach towards the staffing and management of the project shall be provided. Titles, roles, and the number of staff required to fill those roles should be shown on the chart. The proposed relationships between staff should be shown as well.
- A staffing plan identifying the approximate number, expertise, and experience level of staff by role and responsibility based on anticipated work.

Resumes

- List of the personnel on the project team, including a summary of their qualifications and work experience (resumes may be included as an attachment). Resumes should include persons' active professional registrations and registration number, including expiration date. This includes any sub-consultants proposed for use.

Team Experience

- This segment should highlight or expand upon project experience. Elaborate on the proposed team's previous work as a team with other key staff and proposers listed.
- Describe staffing capability, workload, and record of meeting schedules on similar projects. Also describe ability to adapt to unexpected work. Finally, describe the feasibility of oversight, ability, and willingness to respond to SRTA requirements for this procurement.

Example Projects

- A representative list of similar projects completed within the last five years including:
 - Contracting firm

- Contracting firm project manager
- Contracting firm contact information
- Contract amount
- Date of contract
- Date of completion
- Consultant project manager and contact information
- Project description

Additional Information

- Proposer should explain its approach and strategy for successfully completing similar projects. The project approach should be sufficient in detail to demonstrate the proposer's understanding of the project, its unique challenges, and the processes and procedures that must be followed. The proposer should identify the most critical steps in the successful completion of similar projects.
- Proposer should describe its tools, procedures, and techniques used to keep projects within budget and schedule.
- Proposer should provide a summary of experience.
- Proposer should explain why their team should be selected and include any other information they feel is relevant.

Cost Proposal

- The proposal shall be a firm offer for a minimum of 90 days and contain a statement to that effect. The proposal shall contain a statement that all activities performed within the proposed scope of work will be performed at a not-to-exceed price.
- Cost proposal worksheet, including: fee schedule by task, including estimates of personnel time and materials; and total cost to complete the project. The cost proposal shall be fully inclusive of all services, overhead, and direct expenses.

Addenda and Questions About this RFP

Interested applicants must subscribe to SRTA's bid posting webpage at <http://www.srta.ca.gov/bids.aspx> so that they are notified of any addenda to the RFP or responses to questions received. All questions regarding this RFP will be responded to collectively and made available for all interested applicants via the bid posting webpage on SRTA's website.

Questions may be submitted via email to srta@srta.ca.gov until 3:00 p.m. PDT on Monday, ~~August 19,~~ September 16, 2024. All responses to questions will be posted on the [SRTA website](#) no later than 5:00 p.m. PDT on Monday, ~~August 26,~~ September 23, 2024.

Procurement Schedule

The anticipated procurement schedule is shown below in Table 2 on the following page. Firm deadlines are shown in bold text.

Table 2 – Procurement Schedule

Tasks	Deadline
Release RFP	Monday, August 5, 2024
Interested Vendor Questions Due	3:00 p.m. PDT, Monday, August 19, September 16, 2024
SRTA Response to Vendor Questions	No later than 5:00 p.m. PDT on Monday, August 26 , September 23, 2024
Vendor Proposals Due	3:00 p.m. PST, Friday, September 6 , October 4, 2024 (no postmarks accepted)
Evaluation and Ranking of Proposals	September 6 – 13 , October 7-11, 2024
Interviews (if necessary)	September 6 – 13 , October 7-11, 2024
Contract negotiation, including budget and scope of work	September 13 – 19 , October 14-18, 2024
SRTA Board of Directors Approval	September 26 , October 31, 2024
Anticipated Contract Start	October November 1, 2024

Proposal Submittal

Please submit consultant proposals via email, USPS, or delivery to:

Shasta Regional Transportation Agency
Attn: Mehdi Moeinaddini
1255 East Street, Suite 202
Redding, CA 96001
srta@srta.ca.gov

Proposal submittals must be received at the SRTA office before 3:00 p.m. PST on ~~September 6~~, October 4, 2024. No proposals will be accepted after this time. **Postmarks are not acceptable.** Proposal receipt will be acknowledged by email.

The cost of preparing and submitting a proposal, pre-contract meetings, and participating in an interview—if held—are at the sole expense of the proposer. SRTA reserves the right to reject any or all proposals, and to waive any informality, technical defect, or clerical error in any proposal at SRTA’s discretion. Solicitation of proposals in no way obligates SRTA to contract with any firm or individual. The decision to approve and award a contract is at the discretion of SRTA.

Proposal Evaluation

A panel will be formed to evaluate the proposals via consensus scoring and make a recommendation in consultation with the executive director, which will then go to the SRTA Board of Directors for approval. The proposal evaluation will be based on the scoring criteria presented in Table 3 on the following page.

Table 3 – Proposal Scoring Criteria

Proposal Evaluation Criteria	Maximum Points
Clarity in addressing both the project's scope of work and its objectives	20
Qualifications and similar experience of the consulting firm and project team, including sub-consultants	25
Cost and value of services to be provided	20
Ability to fulfill the work within the requested timeframe and in accordance with the given requirements	30
DBE participation level	5
Total	100

In circumstances where a recommendation cannot be made based on the proposals alone, the highest ranked consultants may be invited to an interview where they may give a brief presentation of no more than 15 minutes followed by up to 15 minutes of Q&A. The evaluation panel will evaluate the interview using the criteria presented below in Table 4, and the interview score will then be added to the proposal score above to determine the final ranking. The evaluation panel will then make a recommendation based upon the final cumulative ranking in consultation with the executive director, which will go to the SRTA Board of Directors for approval.

Table 4 – Interview Scoring Criteria (if conducted)

Interview Scoring Criteria	Maximum Points
Quality of consultant's presentation (content and visuals)	20
Quality of responses to interview questions	20
Qualifications and experience of the consultant team	10
Total	50

Contract Amount and Award

The anticipated start date is October 1, 2024, with a December 30, 2028 contract expiration. Consultant(s) selection will be based on a combination of funding availability and the value of the services to be provided. The estimated consultant budget is \$120,000 - \$140,000.

Barring any delays (e.g., the need for a budget amendment, extension of the RFP response date, etc.), the SRTA Executive Director will schedule the proposed technical services agreement for consideration by the SRTA Board of Directors on ~~September 26~~, October 31, 2024. The agreement is not in force until approved by the SRTA Board of Directors and written authorization to proceed is provided to the selected consultant.

Additional Information and Terms

Standard Consulting Agreement

SRTA's standard Technical Services Agreement (TSA) will be used for the agreement between SRTA and the selected consultant. SRTA's TSA template is provided by separate attachment (Attachment D) to the RFP distribution.

Protest Procedure

All protests will follow the SRTA protest procedures for procurements as delineated in the appendix.

Debriefing

SRTA will provide an informal debriefing to interested consultants not selected for this contract upon request once a final contract has been negotiated and executed.

Public Records Act

All proposals submitted in response to the RFP will become the exclusive property of SRTA. At such time as a contract is executed, all bids and proposals related to that contract become a matter of public record and will be regarded as public records and subject to the Public Records Act (Gov. Code Section 6254 et. seq.).

If consultant feels that any information in their proposal is "proprietary" in nature, then consultant must provide a second proposal (clearly labeled) with that information removed, which would be shared in the event of any Public Records Act request. Otherwise, their submitted proposal will be provided in the event of a Public Records Act request and consultant, by submitting a proposal to this RFP, waives any claims against and hold SRTA harmless for the release of their proposal.

In the event of litigation concerning the disclosure of any records, SRTA's sole involvement will be as a stakeholder, retaining the records until otherwise ordered by a court. The proposer, at its sole expense and risk, shall be fully responsible for any, and all, fees for prosecuting or defending

any action concerning the records and shall indemnify and hold SRTA harmless from all costs and expenses, including attorney's fees, in connection with, any such action.

Modification or Withdrawal of Proposal

Any proposal received prior to the deadline may be withdrawn or modified either personally, through e-mail, or by written request of the consultant. To be considered, the modification must be received in writing (email acceptable) prior to the deadline. Proposals may be withdrawn following the proposal deadline for good cause; please consult with the RFP contact person to discuss this.

RFP Addendum or Addenda

Any changes to the RFP will be made by written addenda issued by SRTA and shall be considered part of the RFP. The RFP deadline may be extended dependent upon the nature of the changes issued. Upon issuance, such addenda shall be incorporated into the agreement documents, and shall prevail over inconsistent provisions of earlier issued documentation. Any addenda will be posted on-line only. It will be the consultant's responsibility to assure that all addenda are incorporated into the proposal as required according to all the terms and conditions for submittal of the proposal. In no event will SRTA modify the RFP with less than five (5) days remaining to the deadline, without extending the RFP deadline.

Verbal Agreement or Conversation

No prior, current, or post-award verbal conversations or agreement(s) with any officer, agent, or employee of SRTA shall affect or modify any terms or obligations of this RFP, or any contract resulting from this procurement.

Special Funding Considerations

Any contract resulting from this RFP will be financed with funds available to SRTA. The contract for this service is contingent upon the provision of these funds to SRTA. In the event these funds are reduced or eliminated, SRTA reserves the right to terminate or revise any contract.

Alternatives

Consultants may not alter objectives and deliverables of the RFP in the response to the RFP. If the consultant brings to SRTA's attention, at least ten (10) days before the RFP deadline, an alternative end product than the RFP delineates, SRTA reserves the right to cancel the RFP and re-bid the project.

DBE Requirement

SRTA has determined that disadvantaged business enterprises, as defined in 49 CFR Part 26, will have the opportunity to compete fairly for contracts financed, in whole or in part, with federal funds. For this procurement, SRTA has a disadvantaged business enterprise (DBE) goal of 22.2% SRTA encourages respondents to include the participation of DBE businesses within your proposal.

Equal Employment Opportunity/Affirmative Action

In awarding a contract to a consultant, SRTA includes language within the contract which requires the consultant to certify their compliance with federal regulations.

PROTEST PROCEDURES FOR PROCUREMENTS

I. PROTESTS

The following procedures shall be used by Shasta Regional Transportation Agency (SRTA) to fairly and promptly respond to any protests received regarding third-party contracts or the contracting process. SRTA will consider all protests or objections regarding the contracting process or the award of an Agreement received by SRTA by 4 p.m. on the deadlines discussed below. SRTA will review only protests submitted by an actual or prospective Proposer. Protests by prospective subcontractors will be rejected. A protest by any adversely affected Proposer must be made in writing and must be mailed or hand delivered to SRTA. A protest which does not strictly comply with the SRTA protest procedures will be rejected.

A. Protests Before Bid/Proposal Opening

Protests relating to the content of the solicitation (i.e., RFP, IFB, RFQ), including protests related to DBE/UDBE requirements, must be filed within five (5) business days after the date the solicitation or addendum with the revised content is released to the public by SRTA. Failure to file a protest concerning the content of the solicitation or addendum prior to this deadline constitutes a waiver of any protest on these grounds.

B. Protests Related to Determination of Responsiveness

In the event the RFP contains a DBE/UDBE goal and SRTA makes a determination that Proposer has not met the goal or good faith effort requirements set forth in this RFP, SRTA will send the Proposer a Notice of Non-Responsiveness. Protests relating to any Notice of Non-Responsiveness must be filed within five (5) business days after the date of such notice. Failure to file a protest concerning the non-responsiveness determination prior to this deadline constitutes a waiver of any protest on these grounds and SRTA shall not be obligated to send Proposer any further notices.

C. Protests After Bid/Proposal Due Date

After Proposers are shortlisted and/or selected for negotiations, notices will be sent to all relevant Proposers. Protests relating to failure to make the shortlist must be filed within five (5) business days following protester's receipt of a notice regarding the shortlisting. Protests relating to the intent to make an award must be filed within five (5) business days following protester's receipt of the notice regarding the intent to negotiate. The date of filing shall be the date SRTA receives the protest. Untimely protests will be rejected. If deemed necessary, SRTA shall notify all Proposers of record that a protest has been filed and the award has been postponed until further notice. If necessary, Proposers will be asked to extend the time for acceptance of their proposal in order to avoid the need for readvertisement of the solicitation.

D. Protest Contents

A letter of protest must set forth detailed grounds for the protest and be fully supported with technical data, documentary evidence, names of witnesses, and other pertinent information related to the subject being protested. The protest also must state the law, rule, regulation, or policy upon which the protest is based. Protests concerning the relative weight of the evaluation criteria or the formula used in assigning points to make an award determination will be rejected. The protester must allege or establish a clear violation of a specific law, rule, regulation, or policy. If the protester considers that the protest contains proprietary material that should be withheld, a statement advising of this fact must be affixed to the front page of the protest document, and alleged proprietary information shall be so identified wherever it appears. Protests shall be mailed to:

The Protest Administrator

Reference: SRTA Contract Solicitation No. S-00030

E. Role Of The Protest Administrator

If a protest raises solely a question of law, the Executive Director shall retain the services of SRTA Legal Counsel to serve as the Protest Committee. SRTA Legal Counsel will prepare a recommendation regarding the protest, in writing, to the SRTA Executive Director within ten (10) business days.

The Protest Administrator shall review each protest to determine if it is in compliance with the deadline, format, content, and notice requirements set forth in this Section. If a protest does not meet such requirements it may be rejected without further consideration. A written notice of such rejection shall be sent to the protester.

If the protest requires resolution of questions of fact, the Protest Administrator, his/her designee will appoint individuals to participate on a Protest Committee. The Protest Administrator will endeavor to appoint at least one of the Protest Committee members from an outside agency, and no one may sit on the Protest Committee that has a known and direct connection to the procurement that is the subject of the protest. The Protest Administrator also will appoint a chairperson for the Protest Committee. The Protest Administrator will gather the documents that the Protest Committee will need for its investigation and prepare a memo to the Protest Committee containing background information regarding the protest. Any communication regarding the protest between the protester and SRTA shall be through the Protest Administrator during the protest proceedings. Protesters may not contact anyone at SRTA other than the Protest Administrator. Protest Committee

The Protest Committee shall ensure the protest was received within the timeline specified and review the protest to determine if it itemizes in appropriate detail each matter contested as well as any factual reason(s) for the requested protest. The Committee chairperson shall schedule the date of the Protest Committee meeting, contact the Committee panel members, and distribute all protest documentation.

F. Reply To Protest

The Protest Committee will review all qualifying protests in a timely manner and may hold an informal hearing if deemed necessary in order to complete its investigation. The Protest Committee will prepare a recommendation regarding the protest, in writing, to SRTA's Executive Director within ten (10) business days of the date of receipt of the protest. All materials included with the original protest at time of submittal will be considered. Supplemental materials filed by a protester after the protest deadline will not be considered unless there are extenuating circumstances in the opinion of the Protest Committee. Protest documents will not be withheld from any interested party outside of SRTA, with the exception that information will be withheld when required by law or regulation. The Executive Director or his/her designee will either sustain or reject the protest in writing based upon the recommendation of the Protest Committee and the best interests of SRTA. This decision will be communicated in writing to the protestor and/or the party whose proposal is the subject of the protest and delivered by email or overnight delivery.

G. Results Of The Protest

If the protest relating to a contract award is sustained, the original Notice of Intent to Award may be withdrawn after the deadline for protest reconsideration has passed. SRTA then may issue a new Notice of Intent to Award to a different bidder/Proposer and a new protest period will commence using the same timelines discussed above. If the protest is rejected, the original Notice of Intent to Award will stand and SRTA will continue with contract negotiations with the awardee.

H. Federal Transit Administration Requirements Not Applicable in the absence of FTA Funding

1. FTA Review of Protests

- a. In the case of contracts funded by the FTA, the FTA will review only protests regarding the alleged failure of SRTA to have written protest procedures or alleged failure to follow such procedures.
- b. Alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative or judicial authorities. Alleged violations of a specific federal requirement that provides an applicable complaint procedure shall be submitted and processed in accordance with that federal regulation. See Buy America Requirements, 49 C.F.R. 661.15; Participation by Minority Business Enterprise in DOT Programs, 49 C.F.R. 26.
- c. The FTA will review only protests submitted by an interested party defined as an actual or prospective bidder or Proposer whose direct economic interest would be affected by the award of the contract or by failure to award the contract in accordance with FTA Circular 4220.1F. A subcontractor does not qualify as an "interested party." (See FTA Circular 4220.1E, Chapter VII, Section I (1)(c))."

2. Time for Filing

- a. Protesters shall file a protest with the FTA not later than five (5) business days after a final decision is rendered under the SRTA protest procedure. A copy of any protest documents filed with the FTA must be provided concurrently to SRTA. In instances

where the protester alleges that SRTA failed to make a final determination on the protest, protesters shall file a protest with the FTA not later than five (5) business days after the protester knew or should have known of the failure of SRTA to render a final determination on the protest.

- b. SRTA shall not award a contract for five (5) business days following its decision on a bid protest except in accordance with the provisions and limitations of subparagraph 6. After five (5) business days, SRTA shall confirm with the FTA that the FTA has not received a protest on the contract in question.
3. Submission of Protest to the FTA
 - a. The protester must exhaust its administrative remedies by pursuing the recipient's protest procedures to completion before appealing the recipient's decision to the FTA. (FTA Circular 4220.1F, Page VII-3, November 1, 2008).
 - b. Protests should be filed with the FTA Region 9 office and a copy must be sent to SRTA by the protester.
 - c. The protest filed with the FTA shall:
 - Include name and address of protester
 - Identify SRTA as the grantee, the SRTA Contract Administrator, and number of the contract solicitation
 - Contain a statement of the grounds for protest and any supporting documentation. This should detail the alleged failure to follow protest procedures or the alleged failure to have procedures and be fully supported to the extent possible
 - Include a copy of the local protest filed with SRTA and a copy of the SRTA decision, if any
4. SRTA Response
 - a. The FTA shall notify SRTA in a timely manner of receipt of a protest.
 - b. SRTA shall submit the following information not later than ten (10) business days after receipt of notification by the FTA of the protest:
 - a copy of SRTA's protest procedure
 - a description of the process followed concerning the protester's protest
 - any supporting documentation
 - c. SRTA shall provide protester with a copy of the above submission.

5. Protester Comments

The protester must submit any comments on the SRTA submission not later than ten (10) business days after the protester's receipt of the SRTA submission.

6. *Withholding of Award*

When a protest has been timely filed with SRTA before award, SRTA shall not make an award prior to five (5) business days after the resolution of the protest, or if a protest has been filed with the FTA, during the pendency of that protest, unless SRTA determines that:

- a. The items to be procured are urgently required;
- b. Delivery or performance will be unduly delayed by failure to make the award promptly;
or
- c. Failure to make prompt award will otherwise cause undue harm to SRTA or the federal government.

The FTA reserves the right not to participate in the funding of any contract awarded during the pendency of a protest.

7. FTA Action

Upon receipt of the submissions, the FTA will either request further information or a conference among the parties, or will render a decision on the protest.