

REQUEST FOR QUALIFICATIONS

Project Management for Shasta Regional Hydrogen Hub

SRTA Solicitation Number: S-00010

Issued:	December 17, 2021
Issuance of Work:	Work Authorizations – Size may vary due to size and complexity of the work
Contract Capacity:	Not to exceed \$50,000
Performance Period:	Contract end date: June 30, 2023
Payment Method:	Time and Materials
Submissions Due:	3:00 p.m. PDT on Friday, January 7, 2022

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

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



2021 SRTA Board Members and Agency Partners

Board Members

Greg Watkins, Chair
Baron Browning, Vice Chair
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Mark Mezzano
Leonard Moty
Mary Rickert
Kristen Schreder

Affiliation

City of Shasta Lake
City of Anderson
County of Shasta, District 1
City of Redding and Redding Area Bus Authority
County of Shasta, District 2
County of Shasta, District 3
City of Redding

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)

Introduction

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.

SRTA seeks proposals from qualified consultants to assist staff by providing general guidance and coordination with interested public and private sector parties to promote a hydrogen fuel economy (Shasta Regional Hydrogen Hub) including hydrogen manufacturing, distribution, fueling facilities, vehicles, and demand for mobile or stationary fuel cell applications. The ideal consultant team would be well-connected with public and private contacts and networks that might be pivotal to economic investments in the Shasta Region, as well as the technological feasibility of hydrogen fuel cell related investments.

Background

The key regional variables that can make hydrogen fuel production and fueling economically attractive include reliable and relatively low-cost power, available land, and a developed high demand for hydrogen use resulting in a scale of economies that lowers production costs. The Shasta Region is well-positioned to take advantage of these variables for the following reasons:

Location – The region is strategically located on Interstate 5 and the Union Pacific Railroad. These backbones connect goods and the California economy to the Pacific Northwest. Ambitious private and public sector goals—both immediate and longer-term—will fund the building of hydrogen fueling infrastructure, particularly for heavy-duty freight and fleet applications. The Shasta Region is identified as a critical link for hydrogen fueling and a geographic priority for investment because of its distance from other major urban centers.

Funding – Significant federal and state investment in zero-emission vehicles and charging/fueling infrastructure, nearing an estimated \$3 billion, is anticipated over the next five years in California. This provides a great opportunity for public/private partnerships to establish hydrogen production and fueling in the Shasta Region. Additionally, private sector development of smaller-scale hydrogen fuel manufacturing and dispensing is starting in the region. SRTA can work with interested parties to secure grant funds to jumpstart efforts.

Energy – The region's power portfolio is attractive for hydrogen fuel cell (HFC) investors. The cities of Redding and Shasta Lake, in particular, can provide affordable power and, as their own utility, can be more responsive to private sector needs. In addition, hydrogen deployment will include investments in cleaner energy sources used to extract hydrogen for which the region is well-positioned with options like solar, wind, forest biomass, hydroelectric, and even landfill methane. Energy to create hydrogen can be used at off-peak times and the resulting hydrogen fuel energy can be stored for later use whenever and wherever needed.

Demand – The Shasta Region’s strategic location for goods movement will create increasing demand as hydrogen fueling infrastructure becomes fully developed. At the current rate of investment, it is anticipated that there will be 100 new fueling stations in California in the next five years to meet the need for statewide travel by cars and trucks. Oregon and Washington infrastructure will lag a few years behind California, making Redding a critical link between the states. Once the basic network is complete, deployment will rapidly accelerate along with economic opportunities. Demand, however, is not just linear along the Interstate. The Shasta Region is a hub to the sixteen-county North State Super Region and can also serve as a center to feed an emerging hydrogen economy for all HFC applications, both mobile and stationary.

Available Land – Industrial and commercial land in the region is widely available and affordable to both produce and dispense hydrogen fuels. This includes industrial parks and repurposed commercial sites for fueling. With proper planning, these sites can also support related manufacturing and repair of HFC equipment and components.

Moving forward, SRTA will work with interested municipalities and other agencies such as the Shasta Economic Development Corporation to better forge relationships between private, local, state, and federal investors. SRTA intends to remain flexible on where this may lead. It could result in a public-private consortium of interests to facilitate shorter-term investments and grants, and could also serve to promote a longer-term vision. While SRTA is initiating this from a transportation perspective, the goal is for other local interests to take the lead on aspects more aligned with their respective missions should this dialogue gain momentum.

SRTA sees a clear need for the development of a regional vision and strategy for taking advantage of the aforementioned opportunities in order to reap economic benefits in the Shasta Region as hydrogen fuel cell technology advances at a rapid pace. (At the SRTA Board of Directors meeting on April 27, 2021, the agency held a Hydrogen Fuels Transportation Workshop with industry stakeholders, and a video link to the session is included in Attachment A.)

The impetus for SRTA’s urgency on this topic is due in no small part to the Innovative Clean Transit (ICT) provision of the California Air Resources Board (which coincides with the Governor’s Executive Order N-79-20 about the transition to zero-emission passenger vehicles and trucks). The ICT provision states: “All public transit agencies must gradually transition to a 100% zero-emission bus fleet by 2040. By 2026, 50% of large and 25% of small transit agencies’ new bus purchases must be zero-emission buses. By 2029, 100% of large and small transit agencies’ new bus purchases must be zero-emission buses.”

HFC technology is a compelling solution for long-range, heavy-duty transportation including public transit buses. A few public transit agencies in California, like SunLine Transit Agency in the Coachella Valley and AC Transit in Oakland, have used hydrogen fuel cell powered buses for many years. SRTA is interested in its usefulness for the Salmon Runner bus service between Redding and Sacramento as the range and long-term performance of current battery electric

buses on the market are not suitable for the conditions of the Salmon Runner route. A number of local public transportation providers across the state are similarly interested to see how the technology could fit their needs as the agencies transition to zero-emission fleets, as required by Executive Order N-79-20 and the ICT provision.

Geography & Study Area

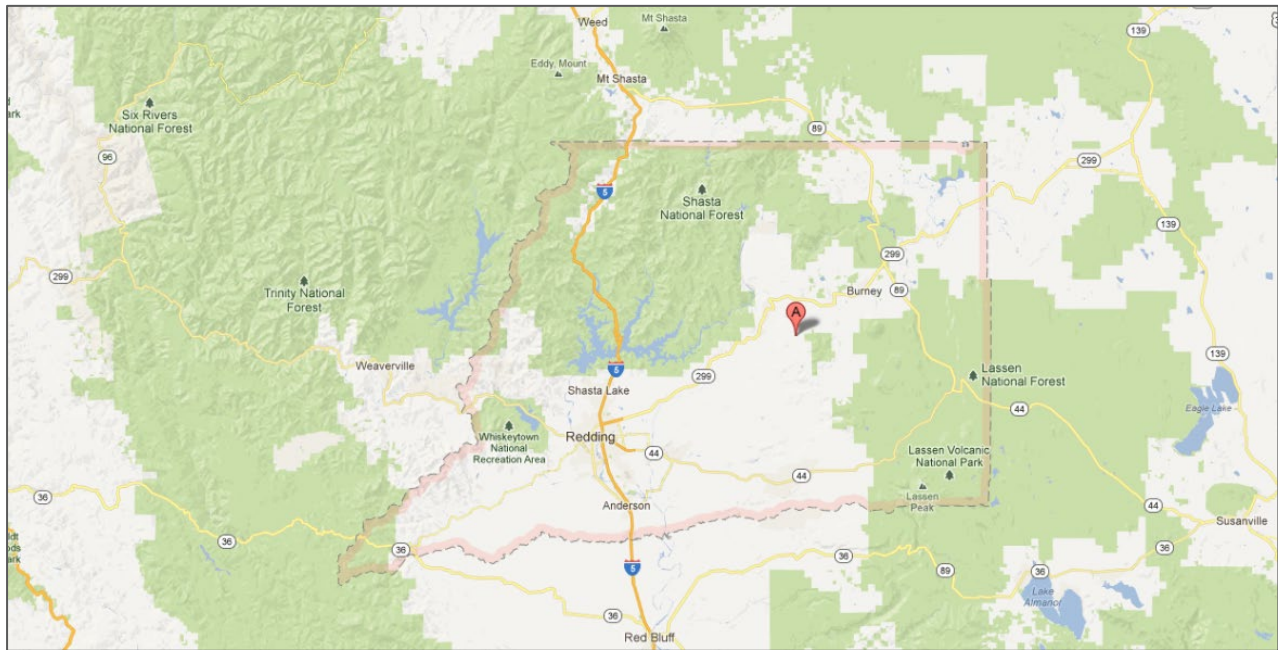
Shasta County is located at the geographic center and transportation crossroads of California's North State region. The nearest large city is Sacramento, over 160 miles to the south on the Interstate 5 (I-5) corridor, while the Oregon state line lies 100 miles due north. The county occupies the northern part of the Sacramento Valley and has an urbanized area which contains the cities of Anderson, Redding, and Shasta Lake. The county is home to approximately 180,000 residents, about 80% of which live in the south-central urbanized area along I-5. As the largest urbanized area in the region, Redding is the region's primary socio-economic center, and it serves as an intermodal hub for connections between rural public transportation providers across the North State and local public transportation services in Shasta County. The region is largely rural in character and geographically separated from other metropolitan areas in California.

Along with the primary I-5 corridor, state highways in the county that intersect in Redding include State Routes (SRs) 36, 44, 89, 151, 273, and 299. Rural and intercity public transportation providers and freight transportation operators rely on the aforementioned routes to travel through the region, transporting people and both raw materials and processed goods to the region and across the Pacific Coast (e.g., lumber between Humboldt, Trinity, Shasta, and Siskiyou Counties). The Union Pacific (UP) Valley Subdivision, which spans between Dunsmuir and Marysville, roughly parallels the I-5 alignment in Shasta County, with multiple UP freight trains passing through Downtown Redding every hour both north- and southbound. Redding's location thus serves as a strategic position between Greater Sacramento and the San Francisco Bay Area, California's North Coast (e.g., Eureka and Arcata), the Reno–Sparks Metro Area, and northern connections to Oregon, Washington, and Canada, and the rail and trucking logistical networks that pass through Shasta County are crucial for both the regional and national economies.

Topography

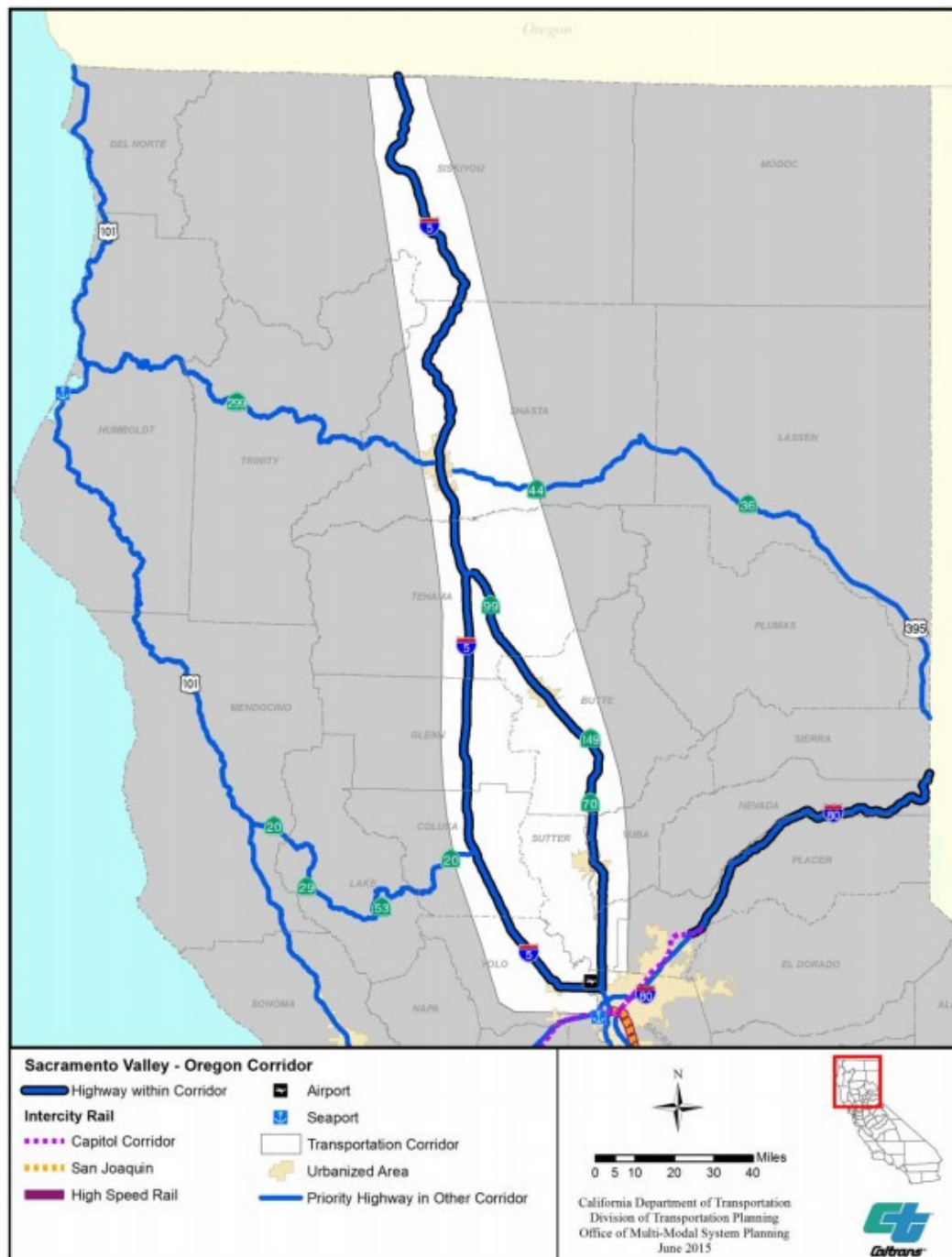
Figure 1 shows the topography and state highway/interstate layout of Shasta County, and Figure 2 shows the Sacramento Valley-Oregon Corridor from the 2015 California Interregional Transportation Strategic Plan available on the Caltrans' website [here](#).

Figure 1 – Shasta County Transportation Network and Topography



Source: Google Maps

Figure 2 – Sacramento Valley – Oregon Corridor



Source: Caltrans

Project Scope of Work

SRTA is seeking a qualified consultant(s) to assist by providing general guidance and assist in coordination activities with interested public and private sector parties to promote a hydrogen fuel economy (Shasta Regional Hydrogen Hub) including hydrogen manufacturing, distribution, fueling facilities, vehicles, and demand for mobile or stationary fuel cell applications.

Consultant(s) should be experts on hydrogen fuel cell topics, be familiar with federal, state, and other funding opportunities, be familiar with hydrogen facility planning, and have a history of bringing private and public sector partners together to create startup and long-term projects. **A primary goal of the selected consultant is to help SRTA develop partnerships and identify potential projects in conjunction with funding opportunities.**

Submitted proposals must indicate how the consultants' qualifications, experience, and technical expertise makes them best prepared to guide SRTA in the development of the tasks outlined below. The exact distribution of who is responsible for each deliverable will be determined in communication between SRTA and the selected consultant(s). In general, SRTA is looking for a single well-connected individual or team of consultants with an exceptional understanding of the hydrogen fuel landscape that will act in an advisory role, provide expert assistance to staff, and can lead or assist in bringing together various public and private partners together in order to build the hydrogen fuel sector in the Shasta Region. During the project and in communication with the selected consultant, the tasks may be modified to accomplish the objectives of the project. As needs are identified, SRTA and the consultant will develop tasks and negotiate budgets for individual work authorizations derived from the scope of work below. The rates provided in the consultant team's proposal will be used to negotiate the budget for each work authorization. Each work authorization will serve as a not-to-exceed contract based on the completion of predetermined deliverables.

The contract between SRTA and the consultant will serve as an on-call agreement where specific work tasks, once identified based on needs and interest, will be agreed upon and executed. A kick-off meeting with SRTA and selected consultant will be held at the commencement of the project to establish and agree upon communication protocols, roles & responsibilities, expectations, and to review background information on the Shasta Region and SRTA's position in it. The following provides a representative list of activities the consultant(s) may undertake during the project:

- **Identify regional strengths and barriers** – The consultant would assist and advise SRTA in identifying regional strengths and barriers for both short-, mid-, and long-term hydrogen fuel cell related economic opportunities in the Shasta Region. They would identify opportunities and challenges for the adoption of hydrogen fueling for commercial, industrial, and personal transportation in the regional. The consultant would help SRTA determine next steps and help communicate economic opportunities to community partners in the private industry, public agencies, elected officials, local colleges and educational institutions, the public, and more.

- **Visioning** – The consultant will provide expert advice to local, state, and federal governments, together with private sector interests, and help facilitate a common vision for a hydrogen fuel cell economy in the region.
- **Develop Shasta Regional Hydrogen Hub consortiums** – Consultant may help SRTA identify and form one or more public-private consortiums to develop and advance objectives. Activities may include setting up regular meetings, taking notes, and presenting on technical topics to consortium members.
- **Identify opportunities** – The consultant may assist and advise SRTA and stakeholders on immediate opportunities to develop hydrogen fueling facilities in the region. This may include creating siting criteria, identify potential users, and developing an action plan to aid implementation in a coordinated and staged fashion that meets regional objectives. The consultant may devise strategies and actions that the agency and regional partners can undertake in order to advance the goal of establishing the Shasta Region as a hydrogen fuel cell technology leader.
- **Planning** – The consultant may assist in developing short-, mid-, and long-term (3 to 20 years) objectives and an implementation plan. Implementation plans would address various alternatives that allow for flexibility according to the potential for new priorities, for example, as the technology evolves and/or as new industrial interests are established over the course of the 20-year period.
- **Develop Funding Scenarios** – The consultant may assist or develop funding scenarios based on available or future grants and private investments for the different elements of the Shasta Regional Hydrogen Hub vision. The consultant would identify the potential funding available for the project(s) to be implemented and guide SRTA on the best feasible options based on the potential funding sources identified. The funding assessment would include an analysis of recent state and federal legislation and initiatives as well as private or other opportunities to maximize the funding through creative ideas for applying to non-traditional funding programs in the transportation, infrastructure, logistics, and technology sectors.
- **Outreach and presentations** – The consultant will be expected to make phone calls and other outreach efforts to possible public and private entities that may be interested partnering, becoming part of a project implementation, and possible funding for the project. Consultants may be asked to prepare and present to the SRTA Board of directors, local agencies, and local and regional private stakeholders on research, strategies, and project implementation activities. Consultant may hold conversations with stakeholders and industry leaders to gain interest and support in advancing projects.
- **Develop incentives** – The consultant may work with local, regional, state, and potentially national economic development agencies to determine methods to recruit, promote, and incentivize hydrogen fuel cell related investments. The consultant should understand how to communicate to a broad number of stakeholders across sectors and industries in order to promote the development of the project objectives.
- **Presentations** – the consultant may be asked to prepare and present materials to local, regional

A variety of different deliverables may be requested during the project depending on the work authorization need. This may include but is not limited to the following:

- Reports, technical memos, studies, outlines, and presentations
- Charts, tables, and presentation graphics
- Phone calls, in-person and remote meeting setup, meeting organization, meeting notes
- Datasets and maps that can be used on ArcGIS online.

Timeline

It's anticipated that a contract would be finalized by the end of January 2022, with a project start of February 1, 2022, and a project end date of June 30, 2023. SRTA reserves the option to extend the contract period if the full \$50,000 contracted amount has not been expended.

Proposal Contents

Written proposals shall not exceed 25 pages (including attachments). The proposal is not expected to include an extensive work plan; instead, it should make clear how the consultant is best qualified for the tasks explained in the scope of work. At a minimum, the following information should be included and clearly labeled:

1. Transmittal letter--signed by an officer who may contractually bind the business, with a description of the firm containing the firm name, firm address, firm's status as a disadvantaged business enterprise (DBE) or non-DBE, firm's status as a disabled veteran business enterprise (DVBE) or non-DVBE, age of the firm, NAICS code, and annual gross receipts (may be a range). The proposal shall contain a statement acknowledging SRTA's DBE and DVBE goals. 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.
2. List of the personnel on the project team, including a summary of their qualifications, work experience (resumes should be included as an attachment), and anticipated share of the project workload (by percentage). The project team includes sub-consultants proposed for use.
3. Representative list of similar efforts completed within the last five years including: description of services provided, and contact information for the client reference. Demonstrate success in past applications for funding that the consultant has completed in partnership with public agencies.
4. Cost proposal worksheet, including: fee schedule on a time (by personnel) and materials basis. The cost proposal shall be fully inclusive of all services, overhead, and direct expenses.

RFQ Questions, Contact Person, and Schedule

Questions

Questions concerning this RFQ will be responded to collectively and made available for interested applicants via the SRTA website. All email inquiries must be submitted no later than 5:00 p.m. PDT on December 27, 2021, using the contact info below. **Questions taken from prospective vendors, and responded to by SRTA staff, will be reported on SRTA's bid posting webpage.** All responses to questions will be posted on the SRTA website no later than 5:00 p.m. PDT on December 29, 2021. 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 RFQ, or for responses to questions received.

Contact Person

Email: stiedgen@srta.ca.gov

Subject Line: Questions RE: Project Management for Shasta Regional Hydrogen Hub

Attn: Sean Tiedgen, AICP, Senior Transportation Planner
Shasta Regional Transportation Agency

Schedule

The RFQ schedule is below.

Tasks	Deadline
Release RFQ	December 17, 2021
Interested Vendor Questions Due	5:00 p.m. PDT, December 27, 2021
SRTA Response to Vendor Questions	No later than December 29, 2021
Vendor Proposals Due	3:00 p.m. PDT, January 7, 2021 (no postmarks accepted)
Evaluation and Ranking of Proposals	January 10-14, 2021
Consultant-SRTA Contract negotiations	January 14-31, 2021
Contract Execution	January 31, 2022
Contract Start	February 1, 2022 (estimated)

Proposal Evaluation

A panel will be formed to evaluate the proposals and make a recommendation to the executive director for approval. The proposal evaluation will be based on the scoring criteria presented in Figure 4.

Figure 4 – Proposal Scoring Criteria

Criteria	Maximum Possible Points
Qualifications and similar experience of the consulting firm and project team	50
Value of services to be provided	25
Knowledge demonstration of Shasta Region, public sector funding sources, private industry leaders, and builders	20
Disadvantaged Business Enterprise (DBE) and/or Disabled Veterans Business Enterprise (DVBE) participation level	5
Total	100

Contract Amount and Award

The project budget will not exceed \$50,000 without an amendment to the contract. Scopes of work for individual work authorizations will be determined as needs are identified. Budgets will be negotiated based on those scopes and consistent with the rates provided in the Proposal Contents. Each work authorization will serve as a not-to-exceed contract based on completion of deliverables.

Standard Consulting Agreement

SRTA's standard Technical Services Agreement (TSA) will be used for the agreement between SRTA and the selected consultant. A link to SRTA's TSA template is provided in Attachment B.

Protest Procedure

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

Debriefing

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

Proposal Submittal

Please submit consultant proposals to:

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

Submittals must be received at the SRTA office before **3:00 p.m. PDT on Friday, January 7, 2022**. No proposals will be accepted after this time. **Postmarks are not acceptable.** Consultants may forward their proposal by email or by mail, or delivery service. 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.

Additional Information and Terms

Public Records Act: All proposals submitted in response to the RFQ 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 a consultant feels that any information in their proposal is “proprietary” in nature, then the 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 the consultant, by submitting a proposal to this RFQ, waives any claims against and holds 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 email, 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 RFQ contact person to discuss this.

RFQ Addendum or Addenda: Any changes to the RFQ will be made by written addenda issued by SRTA, and shall be considered part of the RFQ. The RFQ deadline may be extended depending 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 online 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 submission of the proposal. In no event will SRTA modify the RFQ with less than five (5) days remaining to the deadline, without extending the RFQ 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 RFQ, or any contract resulting from this procurement.

Special Funding Considerations: Any contract resulting from this RFQ 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.

DBE Goal: SRTA encourages respondents to include the participation of DBEs within their proposal.

DVBE Requirement: SRTA has determined through the California Disabled Veteran Business Enterprise Program, as defined in the Military and Veterans Code section 999, that DVBEs will have the opportunity to compete fairly for contracts financed, in whole or in part, with state funds. For this procurement, SRTA has a DVBE goal of 3%. SRTA encourages respondents to include the participation of DVBEs within their 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.

Attachment A

SRTA held a Hydrogen Fuels Transportation Workshop during the Board of Directors meeting on April 27, 2021.

The staff report from the April 27 Board of Directors meeting is available here:

https://www.srta.ca.gov/DocumentCenter/View/5503/7_Hydrogen_Fuel_Cell_Workshop---6

A recording of the workshop is available here:

<https://youtu.be/IU2YIT33Dzc>

Attachment B

SRTA's Template TSA is located here:

<https://www.srta.ca.gov/DocumentCenter/View/5589/2021-Technical-Services-Agreement-Draft>

PROTEST PROCEDURES FOR PROCUREMENTS

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., RFQ, 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 RFQ 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 RFQ, 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.

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.

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-00010

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.

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.

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.

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))."

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.

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

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.

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.

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.

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.