

REQUEST FOR QUALIFICATIONS

On-Call Architectural and/or Engineering Services
SRTA Solicitation Number: S-00002

Issued:	March 5, 2020
Issuance of Work:	Task Orders – dependent on size and complexity of the work
Contract Capacity:	Not-to-exceed \$50,000
Performance Period:	Up to five (5) years or until funding is exhausted
Payment Method:	Time and materials
Submissions Due:	3:00 p.m. PST on Monday, March 30, 2020

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



2020 SRTA Board Members and Agency Partners

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Pit River Tribe
Redding Rancheria (Yana, Wintu, Pit River)

Introduction

The Shasta Regional Transportation Agency (SRTA) seeks statements of qualifications (SOQs) from qualified firms to provide on-call architectural and engineering design services and related services to support the development and implementation of various proposed building maintenance and improvement projects.

This request for qualifications (RFQ) describes the requested scope of services, the consultant selection process, and the minimum information that must be included in the proposal.

Background

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 owns a two-story building located at 1255 East Street in Redding, California. The 10,250 square-foot building was constructed in 1997 and sits on an approximately 21,000 square-foot lot. The balance of the lot consists of sidewalks, landscaping, and an exterior parking area of 39 stalls (nine compact, 28 standard, and two accessible). The interior of the building consists of three suites: Suite 101 encompasses the entire first floor and is currently vacant; Suites 201 and 202 (both occupied by SRTA) encompass the second floor.

SRTA purchased the building in 2015. A remodel of the second floor, along with some exterior site and HVAC improvements, was completed in October 2016.

Project Description

The contract awarded pursuant to this RFQ will be for the purpose of procuring qualified and experienced architectural and engineering design, and related consulting services to: 1) support the development and construction of various proposed building maintenance and improvement projects for the SRTA facility at 1255 East Street in Redding, California; 2) to support other projects SRTA may engage upon that may require architectural and engineering work; and 3) provide project management services to SRTA to ensure compliance with all federal, state, and local laws and regulations for the management of construction and public works related projects.

Building/Lot Improvements:

SRTA anticipates initiating several projects at 1255 East Street during the life of this contract, which may include (but not be limited to):

- roof replacement;
- replacement of the first floor HVAC units;
- stucco work and exterior painting;
- tinting and/or replacement of windows; and
- repair and/or replacement of fencing;

The priority and order of these potential projects, and exact nature of the improvements is not yet defined, so SRTA is issuing an RFQ to provide architectural and/or engineering support services on an on-call basis.

Other Projects:

The exact need for additional architectural and engineering work for other projects is unknown at this time. However, SRTA is engaged in various activities that may result in the need for architectural/engineering support services during the life of the contract if funding allows:

- Startup of intercity bus transportation, via the Salmon Runner service, between downtown Redding and downtown Sacramento;
- Pilot public transportation services;
- Conceptual design for various non-motorized projects in support of regional partner grant applications; and
- Regional support for zero-emission vehicle infrastructure.

Not all of the projects listed above may necessarily be performing during the life of the contract, they are provided as an example of the types of projects that may be requested.

Scope of Required Services

SRTA seeks qualifications from vendors who are particularly experienced and well-versed in providing architectural and/or engineering support services to provide a “turn-key” approach, whereby the firm(s) will provide assistance to SRTA throughout every step of the process, including but not limited to: design development, cost estimation, permitting, construction document phase, bidding phase, construction phase, and construction completion. This includes bidding and contracting provisions unique to public agencies.

As SRTA is a public agency, construction, alteration, demolition, installation, and/or repair work done on the facility is considered “public works” and is subject to the laws and regulations governing that type of work, including prevailing wage. Since SRTA’s primary function is transportation planning rather than construction project delivery, SRTA staff has limited experience related to public works project management. The successful vendor shall provide project management services to SRTA to ensure compliance with all federal, state, and local laws and regulations for the management of public works related projects.

Contract Length and Amount

SRTA has budgeted a not-to-exceed amount of \$50,000 for the life of the contract. The contract will be for a five (5) year period or until funding is exhausted, whichever comes first, with an anticipated start date of April 14, 2020. This contract is funded by federal, state, and/or local funds.

Barring any delays (i.e. the need for a budget amendment, extension of the RFQ response date, etc.), the SRTA project manager will submit the proposed technical services agreement for consideration by the executive director on April 13, 2020. The agreement is not in force until approved by the executive director and written authorization to proceed is provided to the selected consultant.

Payment Method

Payment of labor costs will be made on a time-and-materials basis, based upon fixed hourly billing rates specified in the contract (including wages, indirect costs, general and administrative expenses, and profit). Such rates include the consultant's estimated costs and net fee (profit). Federal regulations require that profit be separately negotiated from contract costs. The specific rates of compensation, except for an individual acting as a sole proprietor, are to include an hourly breakdown, direct salary costs, fringe benefits, indirect costs, and net fee. Other direct costs may be included, such as travel and equipment rentals, if not already captured in the indirect cost rate. Materials will be billed at costs and a maximum obligation of \$50,000 will be established over the lifetime of the contract.

Process for Task Orders

Any and all work performed under the contract shall be initiated at the request of the Shasta Regional Transportation Agency (SRTA). Upon request, consultant will provide a draft work order document to SRTA without including any pricing information. SRTA's project manager will then develop an independent cost estimate (ICE) based upon the draft work order. Once the ICE is complete, SRTA's project manager will request a cost estimate from the vendor to complete the task, including cost for time and materials. SRTA's project manager will review and provide edits/comments to the draft work order. Once the consultant and SRTA's project manager reach an agreement on the draft work order, SRTA's project manager will forward the draft work order to SRTA's Executive Director for approval. If approved, SRTA's project manager will finalize the work order and authorize the consultant to proceed.

SOQ Content Requirements

SOQs submitted in response to this RFQ shall be in the following order and should include the following elements. Please label each section of your SOQ as follows:

Introduction

1. A transmittal letter should be included, signed by a person who is authorized to obligate the firm or joint venture. The signature of the authorized representative attests that the information contained in the SOQ is truthful, accurate, and complete at the time of submittal. The letter should include how the respondent heard of the procurement.
2. 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 DBE or non-DBE, NAICS code, Tax Identification number, annual gross receipts (may be a range), and the number of the years the firm has been in business.

Project Team

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

Resumes

1. Every person whose resume is provided should be shown on the organization chart. Resumes should include person's active professional registrations in California and their California registration number, including expiration date. This includes sub-consultants proposed for use.

Example Projects

1. Representative list of similar projects completed within the last five years including:
 - a. Contracting firm
 - b. Contracting firm project manager
 - c. Contracting firm contact information
 - d. Contract amount
 - e. Date of contract
 - f. Date of completion
 - g. Consultant project manager and contact information
 - h. Project description

Team Experience

1. This section 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.
2. 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.

Additional Information

1. Proposer shall explain its approach and strategy for successfully completing similar projects, with all the necessary approvals within the shortest possible time frame. 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.
2. Proposer should describe its tools, procedures, and techniques used to keep projects within budget and schedule.

3. Proposer should provide a summary of experience achieving approval, clearance, and permitting according to local, state, and federal regulatory requirements.
4. Proposer should explain why their team should be selected and include any other information they feel is relevant.

Federal-Aid Provisions

The proposing Consultant's services are federally funded, which requires compliance with additional requirements. Special attention is directed to Local Assistance Procedures Manual Exhibit (LAPM) [Exhibit 10-R, A&E Sample Contract Language](#), and [Exhibit 10-I, Notice to Proposers DBE Information](#). The proposing Consultant shall complete and submit the following forms with the proposal to be considered responsive. These forms and instructions are also provided for the proposer in Attachments B through D.

- **Attachment B:** [Local Agency Proposer DBE Commitment \(Consultant Contracts\); \(LAPM 10-O1\)](#). *SRTA has a DBE goal of 4.8% for federal fiscal years 2018/2019/2020.*
- **Attachment C:** DBE Information - [Good Faith Effort \(LAPM 15-H\)](#) – Required only if DBE goal is not achieved. It is recommended that proposer prepare and submit a GFE irrespective of meeting the DBE goal.
- **Attachment D:** [Disclosure of Lobbying Activities \(LAPM 10-Q\)](#)

This solicitation is financed in whole or in part by federal funds and therefore subject to Title 49, Code of Federal Regulations, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." To ensure equal participation for Disadvantaged Business Enterprise (DBE) groups specified in 49 CFR 26.5, a DBE participation is required. Only participation by certified DBEs will count toward the contract goal for this solicitation. In order to count toward a contract goal, a firm must be certified by the California Unified Certification Program (CUCP) and possess the work codes applicable to the type of work the firm will perform on the Agreement by the SOQ submittal due date. For a list of work codes, go to http://www.dot.ca.gov/hq/bep/find_certified.htm.

It is the proposer's responsibility to verify that the DBE firm is certified as a DBE by the specified SOQ submittal due date and time. For a list of DBEs certified by the CUCP, go to: http://www.dot.ca.gov/hq/bep/find_certified.htm.

Required forms will be made part of the agreement. Failure to meet the DBE goal or Good Faith Effort requirements and provide required DBE participation at due date and time of SOQ submittal may result in the SOQ submittal being rejected as non-responsive.

Federal and/or State prevailing wage rates may apply. This requirement, if applicable, will be specified in the draft Agreement. All contractors and subcontractors who bid or work on public works projects must register with the Department of Industrial Relations (DIR).

Upon award and through completion of the project, the successful proposing Consultant will be required to follow applicable federal-aid requirements and shall complete and submit with the agreement the following forms at the time of award:

- [Local Agency Proposer DBE Information \(Consultant Contracts\) \(LAPM 10-02\)](#)
- Any other relevant forms required during the project.

Consultant shall demonstrate familiarity of providing services for federally funded projects and has clear understanding of requirements/needs to facilitate the project through Local Assistance and Local Assistance Procedures Manual.

Cost Proposal

The consultant performs the specific items of work for services stated in the contract. The method of payment is time and materials.

In order to ensure that SRTA is able to acquire professional services based on the criteria set forth in the Brooks Act and Government Code 4526, the proposal shall include a cost proposal for each service of the proposal. Proposing Consultants will be required to submit certified payroll records, as required. Cost proposal shall be submitted in a ***separate and sealed*** envelope from the proposal. If submitting electronically, the cost proposal should be a separate PDF attachment from the SOQ. The cost proposal is confidential and will remain unopened until all proposals have been reviewed, and the most qualified consultant has been selected. The top ranked consultant's cost proposal is opened just prior to negotiations. All other cost proposals are destroyed unopened after contract execution. Reference the sample cost estimate in the [LAPM Exhibit 10-H](#). Consultant shall prepare a time-and-materials estimate with progress payments at defined milestones/tasks.

Selected Consultant shall comply with Chapter 10.3 of the [Local Assistance Procedures Manual](#) regarding the A&E Consultant Contract Audit and Review process. A pre-award or post-award audit may be performed on any contract issued as a result of this RFQ.

SOQ Submittal Requirements

Consultants may submit their SOQs by email, mail, or delivery service. If proposer is submitting hard copies, please include a PDF version (either on a flash drive or sent separately via email). Submittals must be received at the SRTA office before **3:00 p.m. PST on March 30, 2020**. No SOQs will be accepted after this time. Postmarks are not acceptable. SOQ receipt will be acknowledged by email.

Please submit statements of qualification to:

Shasta Regional Transportation Agency

Attn: Michael Kuker
1255 East Street, Suite 202
Redding, CA 96001
srta@srta.ca.gov

The cost of preparing and submitting a SOQ, 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 SOQs, and to waive any informality, technical defect, or clerical error in any proposal at SRTA’s discretion. Solicitation of SOQs 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.

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 3:00 p.m. PST on Monday, March 16, to the below contact person. **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](http://www.srta.ca.gov) no later than Wednesday, March 18. 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

Michael Kuker, Associate Transportation Planner
srta@srta.ca.gov

Schedule

The schedule for this procurement process follows in Figure 1.

Figure 1 – Procurement Process Schedule

Tasks	Deadline
Release RFQ	March 5, 2020
Interested Vendor Questions Due	3:00 p.m. PST, March 16
SRTA Response to Vendor Questions	No later than March 18
Vendor SOQs Due	3:00 p.m. PST, March 30, 2020 (no postmarks accepted)
Evaluation and Ranking of SOQs	March 30 – April 1, 2020
Interviews	April 1-6, 2020
Contract Negotiation	April 6-10, 2020
SRTA Executive Director Approval	April 13, 2020
Contract Start	April 14, 2020

Proposal Evaluation

A panel will be formed to evaluate the SOQs based upon the scoring criteria presented in Figure 2 on the following page. The most qualified candidate will be recommended to the executive director for approval.

Figure 2 – Statement Scoring Criteria

Criteria	Maximum Possible Points
Understanding of the work to be done	20
Experience with similar kinds of work	20
Quality of staff for work to be done	15
Capability of developing innovative or advanced techniques	10
Familiar with state and federal procedures	10
Financial responsibility	10
Demonstrated technical ability	10
DBE participation level	5
Total	100

In unusual circumstances where a recommendation cannot be made based on the SOQs alone, the highest ranked consultants may be invited to an interview. Presentations will be allowed, with a time limit specified prior to the interview. Should interviews be held, SRTA will evaluate the interview using the criteria presented below in Figure 3, and the interview score will then be added to the statement score to determine the final ranking. The evaluation panel will then make a recommendation based upon the final ranking, which will go to the executive director for approval.

Figure 3 – Interview Scoring Criteria (if conducted)

Criteria	Maximum Possible Points
Understanding of the work to be done	10
Experience with similar kinds of work	15
Quality of staff for work to be done	15
Familiar with state and federal procedures	10
Total	50

Standard Consulting Agreement

SRTA's standard Technical Services Agreement (TSA) will be used for the agreement between SRTA and the selected consultant. SRTA's draft TSA template is provided by separate attachment ([Attachment A](#)) to the RFQ distribution.

Protest Procedure

All protests shall follow the procedures as delineated in Appendix 1.

Debriefing

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

Additional Information and Terms

Public Records Act: All SOQs submitted in response to the RFQ will become the exclusive property of SRTA. At such time as a contract award is recommended to the agency, all bids and SOQs 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 SOQ is “proprietary” in nature, then consultant must provide a second SOQ (clearly labeled) with that information removed, which would be shared in the event of any Public Records Act request. Otherwise, their submitted SOQ will be provided in the event of a Public Records Act request and consultant, by submitting a SOQ to this RFQ, waives any claims against and hold SRTA harmless for the release of their SOQ.

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 SOQ: Any SOQ 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. SOQs may be withdrawn following the submittal 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 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 SOQ as required according to all the terms and conditions for submittal of the SOQ. 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.

Alternatives: Consultants may not alter objectives and deliverables of the RFQ in the response to the RFQ. If the consultant brings to SRTA's attention, at least ten (10) days before the RFQ deadline, an alternative end product than the RFQ delineates, SRTA reserves the right to cancel the RFQ 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. SRTA has a disadvantaged business enterprise (DBE) goal of 4.8% for federal fiscal years 2018/2019/2020. 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.

Appendix 1

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-00002

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.

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:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make the award promptly; or
3. 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.