

Bid Protest Procedures for New River Transit Authority

The following terms, conditions and appeal procedures will apply.

- a. New River Transit Authority (NRT) reserves the right to postpone the bid opening or receipt of proposals at its sole discretion.
- b. Changes to written specifications will be made by addendum only.
- c. Prime vendors and subcontractors may make appointments to discuss specifications. This, however, does not relieve them from the written documented requests required by subparagraphs d and f, following.
- d. Requests for approved equals, clarification of specifications, and protest of specifications must be received by NRT in writing not less than ten (10) working days before the date of the scheduled closing date for receipt of proposals. Any request for an approved equal or protest of the specifications must be fully supported with technical data, test results, or other pertinent information as evidence that the substitute offered is equal to or better than the specification requirement.
- e. NRT replies to requests under paragraph (d) above will be postmarked at least five (5) working days before the date scheduled for the proposal opening.
- f. Appeals by any adversely affected person regarding restrictive specifications or alleged improprieties in the solicitation must be made in writing and received by NRT not less than twenty-four (24) hours before the bid opening. The formal written protest shall state with particularity the facts and law upon which the protest is based.
- g. Upon receipt of appeal, NRT shall immediately determine if the date for the proposal closing date should be postponed. If it is postponed, NRT will so notify all known potential bidders. Such notice will be made in writing by addendum.
- h. Representatives of NRT and the protester shall meet within twenty-four (24) hours after receipt of the appeal, or at such a time as mutually agreed, to resolve the protest. upon completion of discussion between NRT and protester, NRT will issue a final decision in writing to the protester within five (5) working days. If the written decision cannot be issued within this time period, the protester will be notified in writing of the time extension. upon issuance of the written decision, NRT will then issue an appropriate addendum to reschedule the proposal closing date.
- i. Protest by any adversely affected person for reasons other than for restrictive specifications or alleged improprieties in the solicitation must be made in writing and received by NRT not more than five (5) working days after the posting of the notice of award is made to the participating bidders. Upon receipt of a protest after contract award, NRT shall immediately determine if work on the protested project should be suspended until such time as the protest is resolved.

- j. Representatives of NRT and the protester shall meet within forty-eight (48) hours after receipt of the protest or such time as mutually agreed to by both parties to resolve the protest.
- 1. NRT will issue a written decision to the protester within five (5) working days. if the written decision cannot be issued within this time period, protester will be notified in writing of time extension.
- k. Any appeal or protest may be withdrawn at any time.
- 1. Per Federal Transit Administration (FTA) Circular 4220.1F, FTA's review of any protest will be limited to:
 - (a) failure of NRT to have or adhere to its written bid protest procedures, or failure of the NRT to review a complaint or protest
 - (b) alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative authorities
 - (c) alleged violations of a specific federal requirement that provides an applicable complaint procedure shall be submitted and processed in accordance with that federal regulation
 - (d) protests submitted by an actual or prospective bidder whose direct economic interest would be affected by the award of the contract or by failure to award the contract
 - (e) appeals received by the cognizant FTA regional or headquarters office within five (5) working days of the date the protester knew or should have known of the violation