

PROTEST PROCEDURES

An actual or prospective Consultant who is aggrieved in connection with the solicitation or award of an agreement may submit a protest. The protest must be submitted to the following address:

North County Transit District
Procurement and Contract Administration Division
810 Mission Avenue
Oceanside, California 92054
Attn: Jennifer M. Taylor, Chief Procurement & Contract Administration Officer

- a) The following information must be included in the protest:
 - a. Name, address, and phone number(s) of the protestor;
 - b. Solicitation number and project title;
 - c. A detailed statement of the basis for the protest. Protests are limited to;
 - i. Violations of State or local laws or regulations (Note: violations of Federal laws or regulations are under the jurisdiction of the FTA);
 - ii. Violations of the District's procurement procedures;
 - iii. Failure to comply with the terms of the solicitation in question;
 - iv. Restrictive or discriminatory specifications; or
 - v. Award recommendation is arbitrary or capricious.
 - d. Supporting evidence or documents to substantiate any arguments; and
 - e. The form of relief requested (e.g., reconsideration of offer).
- b) Date and time of receipt of protests:
 - a. Protests against contract awards of procurements not subject to PCC 20216-20217. The protest shall be filed with NCTD within five (5) working days after the date of award notification by way of a Notice of Intent to Award.
 - b. Protests based on the content of the solicitation for negotiated procurements subject to PCC 20216-20217. Any Firm or potential Firm may file a protest with NCTD within ten (10) calendar days after the solicitation is first advertised. If the protest is denied, the protest may be renewed by refileing the protest with NCTD within fifteen (15) calendar days after the staff recommendation for award has been made public.
 - c. Protests against contract awards of negotiated procurements subject to PCC 20216-20217. Any Firm may protest the recommended award on any ground not based on the content of the solicitation by filing a protest with NCTD within fifteen (15) calendar days after the staff recommendation for award has been made public.
 - d. Protests submitted after the protest deadline. Protest submissions received by NCTD after the time periods specified above shall be deemed by the Contracting Officer to be untimely and shall be denied on that basis.
- c) All protests shall be resolved in accordance with NCTD's protest policy and procedures as provided herein. A direct protest to FTA is only available if the protestor believes that NCTD did not follow its protest procedures or did not review its protest when presented an opportunity to do so. Any appeal of a NCTD protest decision to FTA must be made within five (5) days of receiving actual or constructive notice of NCTD's decision.

The Executive Director, or a delegated individual, will make the final determination on all protests. The determination with regard to such protest or to proceed to award shall be final unless appealed

by the protester. An informal protest resolution opportunity may be offered to the protestor prior to final determination.

Appeal of Protest Decision

If a protest is appealed, NCTD will provide written correspondence that will identify:

1. Required submittals, including a statement of the factual and legal grounds for reversal or modification, specifying legal errors or new information
2. Designation of Appeal Official(s)
3. Contact and Address for Appeal Submittals
4. Timeframes for Submitting Appeals
5. Timeframe for Decision