CONCHO VALLEY TRANSIT DISTRICT (CVTD)
Protest Procedures and Standards of Conduct

Standards of Ethical Conduct

“CVTD has adopted Standards of Ethical Conduct for Procurement for CVTD employees involved in procurement. It is a breach of ethical standards for any CVTD employee to participate directly or indirectly in a procurement when the employee knows:

- The employee or any member of the employee’s immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee’s immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with whom the employee or any member of employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

In addition, any persons acting as members of the Evaluation Committee for this procurement shall, for the purposes of this procurement, be bound by CVTD’s Standards of Ethical Conduct for Procurement. Throughout the bid/proposal evaluation process and subsequent contract negotiations, Offerors shall not discuss or seek specific information about this procurement, including but not limited to, the contents of submissions, the evaluation process or the contract negotiations, with members of the Evaluation Committee, the CVTD Board of Trustees, or CVTD employees other than the CVTD Procurement Staff.”

Protest Procedures

a. Pre-Proposal/Bid Protests – All protests concerning solicitation specifications, criteria and/or procedures shall be submitted in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the CVTD Executive Director as specified below not later than 10 business days prior to the deadline for submission of bids/proposals.

The CVTD Executive Director may, within his or her discretion, postpone the deadline for submission of bids/proposals, but in any case, shall provide a written response to all protests not later than five (5) business days prior to the deadline for submission of bids/proposals. If the deadline for submission of bids/proposals is postponed by the CVTD Executive Director as the result of a protest the postponement will be announced through an addendum to the solicitation.
The decision by the CVTD Executive Director shall be the final agency decision on the matter but shall be subject to judicial review or review by FTA below.

b. Pre-Award Protests – With respect to protests made after the deadline for submission of bids/proposals but before contract award by CVTD, protests shall be limited to those protests alleging a violation of Federal or State law, a challenge to the bids/proposals evaluation and award process, CVTD’s failure to have or follow its protest procedures or its failure to review a complaint or protest. Such protests shall be submitted in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the CVTD Executive Director as specified below not later than five (5) business days after the Recommendation for Contract Award announcement by CVTD.

The CVTD Executive Director may, within his or her discretion, postpone the award of the contract, but in any case, shall provide a written response to all protests not later than three (3) business days prior to the date that CVTD shall announce the contract award.

The decision by the CVTD Executive Director shall be the final agency decision on the matter but shall be subject to judicial review or review by FTA as specified below.

1. Requirements for Protests – All protests must be submitted to CVTD in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail), with sufficient documentation, evidence and legal authority to demonstrate that the Protestor is entitled to the relief requested. The protest must be certified as being true and correct to the best knowledge and information of the Protestor, be signed by the Protestor, and be notarized. The protest must also include a mailing address to which a response should be sent.

Protests received after the deadlines for receipt of protests specified above are subject to denial without any requirement for review or action by CVTD.

All protests must be directed in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to:

Executive Director, Concho Valley Transit District
c/o CVTD Procurement
2801 W. Loop 306, Suite A or P.O. Box 60050
San Angelo, TX 76906 or San Angelo, TX 76906

2. Protest Response - The CVTD Executive Director shall issue written responses to all protests received by the required protest response dates. All protest responses shall be transmitted by first-class U.S. Postal Service to the address indicated in the protest letter.
For convenience, CVTD will also send a copy of the response to a protest to the Protester by facsimile and/or electronic mail if a facsimile number and/or electronic mail address are indicated in the protest letter. The protest response transmitted by U.S. Postal Service shall be the official CVTD response to the protest and CVTD will not be responsible for the failure of the Protester to receive the protest response by either facsimile or electronic mail.

Review of Protests by FTA – All protests involving contracts financed with federal assistance shall be disclosed to the FTA in accordance with FTA Circular 4220.1F. Protesters shall exhaust all administrative remedies with CVTD prior to pursuing protests with FTA. FTA limits its reviews of protests to: a grantee’s failure to have or follow its protest procedures; a grantee’s failure to review a complaint or protest when presented an opportunity to do so; or violations of Federal law or regulation. Appeals to FTA must be received by the cognizant FTA regional or headquarters office within five (5) working days of the date the Protester has received actual or constructive notice of CVTD’s final decision or within five (5) working days of the date the Protester has identified other grounds for appeal to FTA.