

**REQUEST FOR PROPOSAL  
SOUTHWEST MICHIGAN PLANNING COMMISSION (SWMPC)  
STATEWIDE MOBILITY MANAGEMENT METRICS EVALUATION TOOL AND  
TRAINING FOR MICHIGAN TRANSIT AGENCIES**

**Send Questions To:** Kimberly Gallagher, Senior Planner  
SWMPC  
gallagherk@swmpc.org

Submit questions by email on or before Monday, May 16, 2022 @ 5:00 p.m. Eastern Standard Time (EST) Questions and answers will be put in writing and shared with all interested firms and publicly posted on MDOT's website, Thursday, May 19, 2022 @ Noon, EST. These written answers are the authoritative responses to questions and any other verbal comments are not part of this solicitation.

**Date Issued:** April 28, 2022

**Proposals Due:** **June 3, 2022 @ NOON (EST)**

**Proposer Name:** \_\_\_\_\_

**Proposal Price:** \$ \_\_\_\_\_

**Submit To:** Kimberly Gallagher, Senior Planner  
SWMPC  
[gallagherk@swmpc.org](mailto:gallagherk@swmpc.org)

**PROPOSER READ AND COMPLETE**

The undersigned certifies that they offer to furnish materials and services in strict accordance with all requirements set forth in this proposal.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

**DUN OR FEDERAL ID #:** \_\_\_\_\_  
(Precede with "S" if Social Security #)

This Request for Proposal (RFP) does not obligate SWMPC to award a contract or complete the project, and SWMPC reserves the right to cancel the announcement for sound and documentable business reasons.

## **1.0 Project Overview**

SWMPC, in conjunction with the Michigan Department of Transportation, Office of Passenger Transportation (MDOT OPT), is looking to establish an innovative approach for effectively coordinating available modes of transportation, identifying resources needed, and promoting mobility and transportation options to increase self-sufficiency, enable access to resources, jobs, and community.

MDOT OPT is responsible for administering state and federal funding for public transit throughout the state of Michigan. Public and non-profit transportation in Michigan involves the conveyance of people from one destination to another. Michigan public and non-profit transits span all 83 Michigan counties and include 61 rural Section 5311 subrecipient agencies that provide daily access to education, employment, medical care, shopping, and many other places people need to live independently. There are also 21 urban agencies and 42 Section 5310 and Specialized Services providers across the state.

In Michigan, there are a wide variety of Mobility Management programs managed by various public transit agencies and non-profits. These programs are funded with federal and state funding that includes FTA Sections 5310 and 5311. Each of the Mobility Management programs operate differently in several parts of the state depending on the size of the area, organization structure and intent of the program. There is also an informal statewide mobility manager group that meets quarterly to share ideas and best practices.

This RFP is to hire a consultant who will develop a Statewide Mobility Management Metric Evaluation Tool and provide training on how to effectively use the mobility management metrics evaluation tool.

## **2.0 Project Goals**

### **2.1 Statewide Mobility Management Metrics Evaluation Tool & Implementation Training**

The goal of this project is to develop a shared understanding, vision, and priorities for the State of Michigan Mobility Management Program. It will also provide a performance strategy and measures for a range of mobility management activities to support the strategy. The implementation training will ensure that transit agencies across Michigan have the tools to evaluate and measure the success of their current or future mobility management program.

MDOT OPT will also use this tool to ensure the vision and priorities for the State of Michigan Mobility Management Program are being met.

### **3.0 Scope of Work and Deliverables**

- 3.1 Project Management and Collaboration
- 3.2 Industry Peer Review on Mobility Management Metrics
- 3.3 Draft Statewide Mobility Management Metric Evaluation Tool and Training
- 3.4 Final Statewide Mobility Management Metric Evaluation Tool and Training

#### **3.1 Project Management and Collaboration**

The selected consultant will:

1. Propose and produce a detailed scope of work, including coordination with a steering committee composed of MDOT OPT, transit agency representatives, Metropolitan Planning Organization representatives and Regional Planning Agency representatives, which includes a schedule of deliverables.
2. Work with the steering committee to review, finalize the scope and form the Statewide Mobility Management Metric Evaluation Tool.
3. Recommend an implementation plan.

#### **3.2 Industry Peer Review on Mobility Management Metrics**

The selected consultant will:

1. Research and review other comparable rural public transit systems (i.e., peer review) nationwide to determine current, typical mobility management metrics.
2. Identify the viability of mobility management metrics use by organization size and identify any form of transportation used by transit systems that appear to be an integral part of their business success.
3. Research how other states are approaching, prioritizing, and investing in public transit system mobility management metric evaluation.
4. Produce a technical memorandum and supporting data summarizing the findings for use in the development of a Statewide Mobility Management Metric Evaluation Tool and Training.

### **3.3 Draft Statewide Mobility Management Metric Evaluation Tool and Training**

The selected consultant will:

1. Work with the steering committee to develop a statewide vision on Michigan's Mobility Management program.
2. Work with the steering committee to develop a Statewide Mobility Management Metric Evaluation Tool with a menu of performance measures that can be utilized based on the type and level of program implemented.
3. Work with the steering committee to develop a Statewide Mobility Management Metric Evaluation Training and provide guidance to agencies seeking to implement mobility management programs. Training should promote the understanding and use of the Mobility Management Metric Evaluation Tool and how to use the data collected to improve the Mobility Management program to the following audiences: MDOT OPT staff, Michigan Regional Planning Agencies, Michigan Metropolitan Planning Organizations, Michigan Public Transit Agencies and interested non-profits.
4. Produce a technical memorandum and supporting data outlining the goals and objectives for use in the development of a Statewide Mobility Management Metric Evaluation Tool and Training program.

### **3.4 Final Statewide Mobility Management Metric Evaluation Tool and Training**

Selected consultant will:

1. Develop a final Statewide Mobility Management Metric Evaluation Tool and Training program.
2. Present the Statewide Mobility Management Metric Evaluation Tool and conduct the training program in person, or in multiple webinars or other virtual meeting formats to transit agencies statewide.

### **3.5 Timeline**

Project should be completed by December 30, 2022. Please provide a timeline based on the December 30, 2022, completion date.

### **3.6 Submission**

The following shall be provided as part of the proposal. With mutual agreement by both parties, project adherence regarding web conferencing, interim reports and supportive communications throughout the process must be met.

- Comprehensive proposal including detailed explanation of how you will accomplish the goals outlined in this RFP.
- Consultant shall provide one electronic copy of the proposal.

The proposal, including Attachments A, B, & C, must be submitted to Kimberly Gallagher, Senior Planner, SWMPC by the proposal due date of June 3, 2022 @ noon (EST). The respondent is solely responsible for the timely delivery of the proposal to: Kimberly Gallagher, Senior Planner, SWMPC, [gallagherk@swmpc.org](mailto:gallagherk@swmpc.org).

**Late proposals will not be considered.**

Proposals shall be organized as follows:

- Section 1: Cover Letter
- Section 2: Signed Signature Page (Attachment A)
- Section 3: Project Methodology and Approach: Include project team, organization, and proposal for meeting project objectives as described in the project goal, project overview, and scope of work and deliverables sections. Expected timeline and milestones must be included.
- Section 4: Qualifications, Related Experience and References: Include examples of and references for at least three similar projects.
- Section 4: Price Proposal Form (Attachment B)

The proposal shall include descriptions and documents that correspond to the requirements in the project overview, project goal, and scope of work and deliverables sections and meet or exceed these requirements. The Steering Committee will be the final authority in determining the responsiveness of submittals, including whether all sections described above have been included. All materials submitted become the property of SWMPC. After selection, proposals shall be a matter of public record available for review, unless an exemption is requested and approved, in advance, for protection of trade secrets.

Each proposal should be a straightforward, concise description of the respondent's ability to meet the requirements and objectives of this RFP. Emphasis should be on completeness and clarity of content. SWMPC is not liable for any cost incurred by any party prior to the signing of a contract with that party and then only upon written authorization from SWMPC to proceed with the project.

## **4.0 Procurement Process**

### **4.1 Issuing Office**

This RFP is issued by the SWMPC. All communications regarding this project during the procurement process must be in writing via email and addressed to:

Kimberly Gallagher, Senior Planner  
SWMPC  
[gallagherk@swmpc.org](mailto:gallagherk@swmpc.org)

### **4.2 Project Oversight**

The oversight of this project is the responsibility of SWMPC and the Steering Committee. The selected consultant will be required to work with the Steering Committee and other agencies as directed throughout the duration of the contract and attend progress meetings as required meeting all deadlines as outlined in the RFP.

### **4.3 Proposal Requirements**

To be considered for award, each respondent must submit a complete response to the RFP, using the designated format and accepting all federal and state requirements. Proposals are to be submitted to [gallagherk@swmpc.org](mailto:gallagherk@swmpc.org). No other distribution of proposals is to be made.

An official authorized to bind the respondent to the proposal must complete and sign the Signature Page of the proposal. It is to this person and to this email address that notices and other matters regarding this RFP will be provided. Submission of a proposal shall bind the respondent to all provisions of the proposal, including costs, for a period extending not less than 90 days following the proposal due date, which is stated on page one of the RFP.

### **4.4 Price Proposal Form**

Submit the Price Proposal Form, which is included in this RFP.

- An itemized, detailed cost breakdown must be attached to the Price Proposal Form. The cost breakdown must include labor costs and time by staff, as well as overhead, travel, and other costs for completing the work outlined in this RFP. The Price Proposal Form shall be clearly labeled and must be included as a separate attachment.

- Price proposals submitted on any other form than the Price Proposal Form may be considered non-responsive. Respondent shall not alter the Price Proposal Form unless authorized by SWMPC and the Steering Committee in writing.
- All travel costs billed will follow the State of Michigan’s vehicle and travel rates. Current travel rates can be found on the Department of Technology, Management and Budget’s website:  
[https://www.michigan.gov/documents/dtmb/FY2022\\_Rates\\_Oct\\_2021\\_736059\\_7.pdf](https://www.michigan.gov/documents/dtmb/FY2022_Rates_Oct_2021_736059_7.pdf)

#### 4.5 Primary Consultant Responsibilities

The selected consultant will be required to assume responsibility for all products and services offered in its proposal, whether or not the consultant performs them. Further, SWMPC will consider the selected consultant to be the sole point of contact regarding contractual matters, including payment of any and all charges resulting from the contract.

If any part of the work is to be subcontracted, the prime contractor must provide a complete description of work subcontracted and descriptive information about the subcontractor’s organization and capabilities. The prime contractor is totally responsible for adherence by the subcontractors to all provisions of the contract. All subcontractors must be identified in the proposal and are subject to SWMPC review and written approval prior to their participation in the project. The selected consultant firm may need to have a third-party subcontract approved by SWMPC.

The selected consultant may be asked to provide additional goods or services that have not been outlined in this RFP. When additional goods or services beyond those outlined in this RFP and in the selected consultant’s proposal are identified, SWMPC, and the selected consultant will discuss the selected consultant’s ability to complete this work. If SWMPC determines the selected consultant should provide such additional goods or services, the selected consultant will provide a Request for a Task Order describing the goods or work to be done and all associated costs and prices. A written task order will then be issued by SWMPC.

#### 4.6 Schedule of Activities

Activity	Date
RFP Released	Thursday, April 28, 2022
Non-Mandatory Pre-Proposal Virtual Meeting/Call	Friday, May 6, 2022 @1:00 p.m. (EST)

Final Written Questions and Requests for Clarifications Due to SWMPC	Monday, May 16, 2022 @ 5:00 p.m. (EST)
Questions Responses Released	Thursday, May 19, 2022 @ noon (EST)
Proposals Due	Friday, June 3, 2022 @ noon, (EST)
Anticipated Award Date	Thursday, June 30, 2022
Anticipated Project Start Date	Friday, July 1, 2022
Kick-off meeting	Friday, July 8, 2022
Completion of Mobility Management Metric Evaluation Tool & Training	Friday, December 30, 2022

**NON-MANDATORY PRE-PROPOSAL CONFERENCE CALL**

SWMPC will host a pre-proposal conference call at the time and date specified in the Schedule of Activities. Participation in this meeting is optional.

The conference call will be led by SWMPC staff and is open to all potential Proposers who elect to participate. Participants will be invited to ask questions, though answers that may be presented during the conference call will not be deemed valid until they are issued in writing in addenda.

A list of conference call attendees will not be generated; therefore, no such list will be available for review.

**To participate in the Zoom meeting:**

Topic: MDOT/SWMPC Mobility Management RFP Meeting

Time: May 6, 2022, 1:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83073904084?pwd=a1NMZUY5emNCL1dqa2NHZTZxK2dNQOT09>

Meeting ID: 830 7390 4084

Passcode: 949855

One tap mobile

+13126266799,,85604449454#,,,,\*526920# US (Chicago)

+16468769923,,85604449454#,,,,\*526920# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 830 7390 4084

Passcode: 949855

Find your local number: <https://us06web.zoom.us/j/83073904084>

#### **4.7 Contract Term**

The term of the proposed contract will commence once both parties have signed the agreed upon legal document(s). SWMPC and Steering Committee reserves the right to extend the term of the contract resulting from this RFP if additional support is deemed to be required beyond the pilot period. Any extension will be in writing. The selected consultant's obligations concerning indemnity and any, and all, warranties shall remain in effect after termination of the contract.

#### **4.8 Pre-Proposal Assistance**

SWMPC will provide the same information to all interested parties to ensure fairness and impartiality in the procurement process. To that end, SWMPC will not respond to telephone inquiries or personal visits. Submit questions via email no later than Monday, May 16, 2022, 5:00 p.m. (EST) to:

Kimberly Gallagher, Senior Planner  
SWMPC  
[gallagherk@swmpc.org](mailto:gallagherk@swmpc.org)

#### **4.9 Modifications**

Modifications made to this RFP, in response to questions or concerns raised through RFP correspondence received from respondents, or due to internal discovery, will be posted on the SWMPC website by Thursday, May 19, 2022, at noon, (EST). It is the respondent's responsibility to view the website on this date and address changes accordingly, if posted.

#### 4.10 Submission

Proposals must be emailed to SWMPC at the following:

Kimberly Gallagher, Senior Planner  
SWMPC  
[gallagherk@swmpc.org](mailto:gallagherk@swmpc.org)

Proposals must be received via email by **Friday, June 3, 2022, at noon, (EST)**. No hand delivery will be accepted. Late proposals will not be considered. Kimberly Gallagher, Senior Planner at SWMPC will email a confirmation upon receipt of a submitted proposal.

All proposals submitted in response to this RFP will become the property of SWMPC and will not be returned to the respondent. Proposals may be withdrawn via email at any time prior to the due date and time. No proposal may be withdrawn after the due date unless there is a material error in the proposal. Withdrawn proposals may be resubmitted, with or without modifications, up to the due date and time. SWMPC shall require proof of agency from person withdrawing proposal.

#### 4.11 Acceptance of Proposal Content

The contents of this RFP, its attachments, and the proposal will become contractual obligations if a contract ensues. Failure of the successful respondent to accept these obligations may result in elimination of the respondent from the selection process. SWMPC reserves the right to waive any minor informalities or irregularities.

#### 4.12 Evaluation Procedures and Criteria

The proposal review committee members are the steering committee composed of MDOT OPT, MPO staff and rural transit agency staff members. Review committee members may be assisted by non-scoring technical advisors as needed. All proposals will be scored by the evaluation committee according to the evaluation criteria.

### 5.0 Evaluation Criteria

The evaluation criteria are equally weighted and listed below:

- **Qualifications, Related Experience, and References:** The qualifications of the respondent will be evaluated in terms of relevant experience in performing

work of a similar nature, experience with a minimum of three projects, strength and stability of the firm, and capacity to perform the required services, and assessment by client references.

- **Proposed Project Team and Organization:** The organizational structure of the respondent will be evaluated in terms of its effective use of personnel, relevant experience, and time commitment of key personnel, especially their designated project manager and sub-consultants (if applicable), logic of project organization; adequacy of labor commitment and resources, and capability to reallocate resources as needed to meet project schedules.
- **Methodology and Approach:** The narrative of the respondent's methodology and approach will be evaluated to determine the respondent's understanding of project scope and ability to execute and complete this project.
- **Project Schedule and Deliverables:** The project schedule with key deliverables will be evaluated to determine the respondent's understanding of project scope, work schedule, logic, clarity, specificity, and overall quality.
- **Price:** Price will be evaluated using the following formula: lowest proposal price divided by the proposal price being evaluated times available points.

Proposers in a competitive range may be asked to be interviewed by the steering committee. Interviews will be virtual. The scoring of the non-price criteria may be modified based on the results of the interview. Proposals must remain valid for a period of 90 days after the proposal due date.

## 5.1 Award

SWMPC will award the contract to the highest scored respondent having proven experience as described herein. SWMPC reserves the right to award this contract not necessarily to the proposal with the lowest price but to the proposal that receives the highest cumulative score of the equally weighted five criteria. Award will only be made to a responsive and responsible respondent.

A response to any RFP is an offer to contract with SWMPC based upon the terms, conditions, and specifications contained in the RFP. Proposals do not become contracts unless and until SWMPC executes them.

## 5.2 Payment and Contract Type

This solicitation will result in milestone progress payments. Invoices are to be submitted electronically according to the instructions from the SWMPC project manager. SWMPC and the selected consultant will develop a series of progress

payments based upon the schedule of deliverables in Section 3.1(1). All invoices must include the progress payment number, inclusive of fixed fee, travel, overhead, and all other expenses incurred by the selected consultant and approved by SWMPC. Authorization of payment is subject to review and approval by MDOT and SWMPC, contingent upon consistency with work performed, delivery of required products, support documentation and monthly progress. The selected consultant agrees that the costs reported to SWMPC for select consultant contract will represent only those items which are properly chargeable in accordance with said consultant contract. Failure to comply may result in delayed payments. Payments will be made upon receipt of a complete invoice and SWMPC and MDOT review and approval of the scheduled deliverables.

### **5.3 Compliance with Laws and Regulations**

The selected consultant shall render the services required by this RFP in complete compliance with all applicable Federal, State, and local laws, ordinances, rules, and regulations. It shall be the responsibility of the selected consultant to be familiar and comply with said regulations and policies. The selected consultant shall also provide SWMPC with satisfactory evidence of their ability to obtain any required insurance and bonds from a company licensed by the Insurance Commissioner of the State of Michigan to transact surety business in the State of Michigan.

#### **Independent Price Determination**

By submission of a proposal, the respondent certifies that in connection with this proposal:

- The prices in the proposal have been determined independently and without consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such prices with any other respondent or with any competitor.
- Unless otherwise required by law, the prices that have been quoted in the proposal have not been knowingly disclosed by the respondent prior to award directly or indirectly to any other respondent or to any competitor.
- No attempt has been made or will be made by the respondent to induce any other persons or firm to submit or not submit a proposal for the purpose of restricting competition.

The person signing the Price Proposal Form certifies that she/he is the person in the respondent's organization responsible within that organization for the decision as to the prices being offered in the proposal and has not participated

(and will not participate) in any action contrary to the requirements indicated in the bullets above.

#### **5.4 Reservation of Rights**

SWMPC reserves its rights to cancel, amend, or reissue this RFP or the project at any time and may cancel any award pursuant to this RFP or seek amended or new proposals for a sound, documentable, business reason.

SWMPC further reserves the right to:

- Reject all proposals and re-solicit or cancel the RFP for sound, documentable business reasons.
- Enter a contract with any respondent, based upon the initial proposal, or based on a Best and Final offer, with or without conducting written or oral discussions.
- Award a contract to a respondent other than the respondent that submitted the lowest price proposal.

The selected consultant agrees to indemnify and hold SWMPC, its officers, agents, employees and/or trustees, harmless from and against any and all claims or causes of action brought against them and from any and all damages, losses, expenses, attorney fees, costs and liabilities sustained by arising out of any claimed defect in the goods and services provided by the selected consultant. The selected consultant's obligation under this paragraph shall include the obligation to indemnify and hold SWMPC harmless for negligence, whether active, passive, or concurrent, in the performance of the agency's duties and obligations pursuant to this project and agreement.

**Attachment A: Signature Page**

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_

Check ONE of the following:

Partnership       Non-Profit Corporation       Profit Corporation

Check ONE of the following. If you have a DBE status, submit current certificate with proposal:

DBE       Non DBE       Other (specify)

***I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder.***

Signature of person authorized to sign: \_\_\_\_\_

Title of Authorized Signatory: \_\_\_\_\_

Name of Authorized Signatory (print): \_\_\_\_\_

Date: \_\_\_\_\_

***The above individual is authorized to sign on behalf of the company submitting this proposal. Proposals must be signed by an official authorized to bind the company to its provisions for a period of at least 90 days after the proposal due date.***

**Attachment B: Price Proposal Form**

Company: \_\_\_\_\_

Name of Authorized Representative: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_

Date: \_\_\_\_\_

Lump Sum Price\* for completion of project as specified in RFP: \$ \_\_\_\_\_

*\*Lump sum price includes all services, labor, expenses, travel, overhead, material production and other costs to complete the project. Respondent **must** attach a detailed and itemized cost breakdown.*

## Attachment C: Bid Protest Procedures

All protests lodged by potential or actual bidders, contractors, consultants, or proposers must be made in writing and contain the following information:

- Name, address, and telephone number of the protester.
- Identification of the solicitation or contract number and title.
- A detailed statement of the protest's legal and factual grounds, including copies of relevant documents.
- Identification of the issue(s) to be resolved and statement of what relief is requested.
- Argument and authorities in support of the protest.
- A statement that copies of the protest have been mailed or delivered to all interested parties in the Invitation for Bid or RFP process. In the case of Requests for Proposals, SWMPC shall direct the protester to mail or deliver the protest to relevant parties.

The protest should be emailed to:

Kimberly Gallagher, Senior Planner  
SWMPC  
[gallagherk@swmpc.org](mailto:gallagherk@swmpc.org)

Faxed protests will not be accepted.

Kimberly Gallagher, Senior Planner, SWMPC will respond, in detail, with a response to each substantive issue raised in the protest.

SWMPC has the authority to render the final determination regarding the protest. Any determination rendered by SWMPC will be final. The Federal Transit Administration will entertain appeals only in cases stated below:

- If the protester has exhausted all administrative remedies with SWMPC, and
- If SWMPC has failed to follow its protest procedures or failed to review a complaint or protest.

The protester's appeal must be received by the FTA Region V Office within five (5) working days of the date the protester knew or should have known of the violation.

Office of Operations and Program Management  
U.S. Department of Transportation  
Federal Transit Administration Region V  
200 West Adams Street, Suite 320  
Chicago, Illinois 60606  
Phone: (312) 353-2789

### **Pre-Bid or Solicitation Phase Protest**

A Pre-Bid or Solicitation Phase Protest must be received in writing by Kimberly Gallagher, Senior Planner, SWMPC a minimum of five (5) full working days prior to the bid opening or proposal due date. If the written protest is not received in the time specified, the award may be made following normal procedures, unless Kimberly Gallagher, Senior Planner, SWMPC, upon investigation, determines that remedial action is required on the grounds of fraud, gross abuse of the procurement process, or otherwise indicates substantial prejudice to the integrity of the procurement system, and said action should be taken. Within three (3) working days from the time the protest is received, Kimberly Gallagher, Senior Planner, SWMPC will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest. Kimberly Gallagher, Senior Planner, SWMPC will respond to the protest in writing within five (5) working days from the time the protest was received. If Kimberly Gallagher, Senior Planner, SWMPC decides to withhold the award pending the resolution of the protest, SWMPC may request a time extension for award acceptance from those bidders, contractors, or proposers whose bids or proposal might become eligible for award. This extension for award acceptance must be with the consent of sureties, if any, to avoid the need for re-advertising.

SWMPC will not make an award prior to five (5) working days after the protest is resolved, or if the protest has been filed with FTA during the protest negotiation period, unless SWMPC determines that:

- The items or services to be procured are urgently required, or
- Delivery or performance will be unduly delayed by failure to make the award promptly, or
- Failure to make the award will otherwise cause undue harm to SWMPC or the federal government.

Kimberly Gallagher, Senior Planner, SWMPC will document this action and give written notice of the decision to proceed with the award to the protester, and to other parties ~~where~~ deemed necessary.

## **Pre-Award Protest**

Protests may be lodged after the Close of the RFP deadline and prior to the Notice of Award. Within three (3) working days from the time the protest is received, Kimberly Gallagher, Senior Planner, SWMPC will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest. SWMPC will respond to the protest in writing within five (5) working days from the time the protest was received. If SWMPC decides to withhold the award pending the resolution of the protest, SWMPC may request a time extension for award acceptance from those bidders, contractors, or proposers whose bids or proposal might become eligible for award. This extension for award acceptance must be with the consent of sureties, if any, to avoid the need to re-advertise.

SWMPC will not make an award prior to five (5) working days after the protest is resolved, or if the protest has been filed with FTA during the protest negotiation process, unless SWMPC determines that:

- The items or services to be procured are urgently required, or
- Delivery or performance will be unduly delayed by failure to make the award promptly, or
- Failure to make the award will otherwise cause undue harm to SWMPC or the Federal Government.

SWMPC will document this action and give written notice of the decision to proceed with the award to the protester, and to other parties deemed necessary.

## **Post-Award Protest**

SWMPC must receive protests in writing within three (3) working days after the Notice of Award and letters of notification should have been received by bidders or proposers. Upon receipt of a protest, Kimberly Gallagher, Senior Planner, SWMPC shall notify the bidder or proposer awarded the contract. SWMPC will render a determination to proceed with the contract or suspend the project until the protest is resolved. SWMPC will respond to the protest in writing within five (5) working days after receipt of the protest.