

Michigan Department of Transportation – Office of Passenger Transportation

Request for Proposals – As-Needed Grant Consultant

Direct Questions To: Elaine Luo, Grant Management & Compliance Unit,
Program Specialist
Michigan Department of Transportation
Office of Passenger Transportation
mdot-opt-rfp@michigan.gov

Date Issued: Submit questions by email on or before September 19, 2022

Proposals Due: October 12, 2022 @ 4 p.m., EST

Proposer Name: _____

Proposal Price: \$ _____

Submit To: Elaine Luo, Grant Management & Compliance Unit, Program Specialist
Michigan Department of Transportation Office of Passenger Transportation
mdot-opt-rfp@michigan.gov

PROPOSER READ AND COMPLETE

The undersigned certifies that he/she offers 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 #)

BACKGROUND INFORMATION:

Michigan public transportation serves all 83 Michigan counties providing clean, safe transportation for people. Michigan public transportation has 61 rural agencies, that include four ferry and two intercity operators, and 21 urbanized transit agencies. Michigan public transit offers daily access to education, employment, medical care, shopping, and other locations people access to live independently.

The RFP is currently seeking proposals from qualified companies providing grant writing services. Office of Passenger Transportation is looking for proposals from companies with demonstrated expertise in drafting, composing, and applying for various grant opportunities with the federal transportation grant programs. Prior public transportation experience is desired.

1. PROJECT INTRODUCTION:

The purpose of this contract is to procure **as-needed**, consultant services to assist in applying for various types of federal grant opportunities.

PROJECT DESCRIPTION:

The Michigan Department of Transportation (MDOT)/Office of Passenger Transportation (OPT) utilizes multiple discretionary grant funding programs run by the Federal Transit Administration (FTA) or the Federal Highway Administration (FHWA). This request for proposal would establish an OPT grant consultant who would be responsible for assisting the OPT program specialist (grant coordinator) in applying for these various grant opportunities. Consultants should be prepared to submit applications for the following, but not limited to, discretionary grant programs when the Notice of Funding Opportunities (NOFO) are released:

- New programs as announced in the Infrastructure Investment and Jobs Act (IIJA)
- Rebuilding American Infrastructure with Sustainability and Equity (RAISE)
- Infrastructure for Rebuilding America (INFRA)
- Notice of Low or No Emission Program (NOLO)
- State of Good Repair (SOG)
- FHWA Rural ferry boat

The grant consultant must meet these requirements:

1.1 PREFERRED QUALIFICATIONS:

- Familiarity with the federal transportation grant programs
- Familiarity with responding to language traditionally included in the Federal Guidelines/NOFOs, with a focus on satisfying requirements for both Environmental and Diversity, Equity, and Inclusion categories.
- Experience drafting and composing grant narratives and applications
- Familiarity with the federal grant submittal process
- Experience with creating Benefit-Cost Analyses (BCA)
- Experience with analysis on project eligibility, data analysis on vehicle eligibility, climate change, environmental impact, environmental justice, Justice40, Justice40 transit ridership count and methodology used, and other evaluation criteria as specified in a NOFO.

1.2 REQUIRED MDOT GUIDELINES AND STANDARDS:

- Work shall conform to current MDOT, USDOT, FTA, FHWA, and American Association of State Highway and Transportation Officials (AASHTO) practices, guidelines, policies, and standards.

2. DELIVERABLES

The following deliverables 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. Each task will be defined on an As-Needed Basis and will be performed by the selected vendor.

Task 1 – Establish Project Team and Duties: Define roles and responsibilities of project participants.

- Meet with the program specialist, supervisor and other designated OPT staff members throughout the project to ensure deliverables and deadlines are being submitted and met.
- Weekly meetings with the project team

Task 2- (As-Needed-Basis) - Drafting, Distributing and Obtaining Local Letters of Support (LOS): Draft a letter of support that will be distributed to local, state, and Congressional representatives.

- Identify local organizations, officials, and contacts to send LOS requests
- Identify the Congressional district(s) the project will be in
- LOS will be combined in a PDF file and send to MDOT grant coordinator to include in final application package

Task 3 – Writing the Narrative and design proposal format including graphics: Ensures all requested elements listed in the Notice of Funding Opportunity (NOFO) are met with a focus on:

- Page limits
- Clear explanation of project funding
- Emphasis on how project meets goals/purpose of grant
- Identifying the project as urban/rural and the appropriate funding cap
- Diversity, Equity, and Inclusion (DEI) and Environmental requirements

Task 4 – If applicable, creating a Benefit Cost Analysis (BCA): Provide detailed breakdown of the various costs of the project as laid out in the narrative. Review BCA guidelines, attend related webinar(s), work with transit agencies in completing BCA and provide related technical support.

Task 5 – Compiling Final Application Package: Varies based on grant program applied for but in general will include:

- Project narrative
- Work directly with transit agencies to provide direction, gather information and communicate with OPT program specialist
- Completed BCA or other forms...
- Information for Federal Forms
- Local LOS
- Various attachments

Task 6: Lead pilot, competitive grant proposal preparations and submittals to seek federal funding under various transportation programs with statewide impact.

- Research and evaluate potential sources of grant funding. Identify, review, analyze NOFOs, and make recommendations to OPT administration on these opportunities and advise on most successful approach of applying.

- Create/assist OPT program specialist in creating project forms for each type of projects to collect information, address evaluation criteria, proposal content, and key elements according to the NOFOs to capture needed information to maximize competitiveness of proposals. Recommend time sufficient data collection format.
- Collect and analyze statistics to address NOFO evaluation criteria, which include, but are not limited to fleet, ferry boat, environmental impact, climate change, environmental justice, Justice40, disadvantaged communities, significance of the project at the local and statewide level.
- Work with transit agencies in developing feasible and competitive milestone timelines for requested projects, particularly equipment projects and construction projects.
- Develop proposals with input from OPT administration, program specialist, and project managers, and transit agencies. Identify and describe the problem or needs to be addressed in the proposals, project strategies and timelines, goals, and objectives. Develop detailed budgets for each proposed project in accordance with NOFO guidelines. Complete all sections in the supplemental form.
- Provide technical support to OPT and agencies included in the proposals. Work with program specialist, project managers, and agencies to improve and clarify agencies' submissions. Consolidate, condense, revise, and polish information submitted by multiple transit agencies, to produce cohesive comprehensive proposals with optimal opportunity for funding.
- Solicit, organize attachments into the Attachment form which include, but are not limited to, eligible replacement vehicles analysis, congressional district list, support letters, maps, document that contains agencies' profile, service areas and ridership information, plans, photos, etc. Confirm that all necessary materials are included in proposal packet (Attachment Form) to ensure for a successful submission.
- Submit final, completed Attachment Form 72 hours prior to the proposal due date to OPT program specialist for submission at Grants.gov.

Task 7 – Project Reporting: Consultant will prepare as-needed reports as required by the grantee agency. Consultant will prepare materials and send to the program specialist for review and submission.

OPT RESPONSIBILITIES:

OPT shall:

- A. Provide notice to proceed
- B. Provide primary point of Contact
- C. Communicate project changes
- D. Lead effort for obtaining Congressional LOS
- E. Assist with coordinating access, schedules, partners that MDOT may have available to complete the deliverables described
- F. Submits final, completed attachments from consultant services and all required federal forms at Grants.gov.

Payment to the Consultant for services rendered shall not exceed the maximum amount unless an increase is approved in accordance with the contract with the Consultant. Typically, billings must be submitted within 60 days after the completion of services for the current billing. The final billing must be received within 60 days of the completion of services. Refer to your contract for your specific contract terms.

3. 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.

Submission. **Proposal, including Attachments A, B & D, must be submitted to** Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT **by the Proposal Due Date.** The respondent is solely responsible for the timely delivery of the proposal to Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT. Late proposals will not be considered.

Proposals shall be organized as follows:

- Section 1: Cover Page
- Section 2: Signed Signature Page (Attachment A)
- Section 3: Project Methodology and Approach: Including project team, organization, and proposal for meeting project objectives as described in background and scope of work sections. Expected timeline and milestones must be included.
- Section 4: Qualifications, Related Experience and References: Including examples of and references for at least three similar projects.
- Section 5: Price Proposal Form (Attachment B): a detailed derivation of cost, hourly rate, overhead and profit.

The proposal shall include descriptions and documents that correspond to the requirements in Section 2: Deliverables and meet or exceed these requirements. OPT 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 OPT and the project steering committee. 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.

OPT is not liable for any cost incurred by any party prior to signing of a contract with that party and then only upon written authorization from OPT and project steering committee to proceed with the project.

4. PROCUREMENT PROCESS

4.1 ISSUING OFFICE

This Request for Proposal (RFP) is issued by MDOT/OPT, 425 W. Ottawa Street, P.O. Box 30050, Lansing, Michigan 48909.

All communications regarding this project during the procurement process must be in writing via email and addressed to:

Elaine Luo, Grant Management & Compliance Unit, Program Specialist
Michigan Department of Transportation Office of Passenger Transportation
mdot-opt-rfp@michigan.gov

4.2 PROJECT OVERSIGHT

The oversight of this project is the responsibility of the project steering committee.

The Vendor will be required to work with the project steering committee and other agencies as directed by the project steering committee throughout the duration of the contract and attend progress meetings as required by Elaine Luo, Grant Management & Compliance Unit, Program Specialist.

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 only to Elaine Luo, Grant Management & Compliance Unit, Program Specialist, mdot-opt-rfp@michigan.gov

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. Proposer shall not alter or qualify the Price Proposal Form unless authorized by OPT and steering committee in writing.
- OPT is exempt from Federal Excise Tax and State sales tax and taxes shall not be included in the price proposal.
- 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 at: http://www.michigan.gov/dtmb/0,5552,7-150-9141_13132---,00.html.

4.5 PRIMARY VENDOR RESPONSIBILITIES

The selected vendor will be required to assume responsibility for all products and services offered in its proposal, whether, or not, the vendor performs them. Further, OPT and project steering committee will consider the Selected Vendor 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 OPT and project steering committee 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 the OPT.

The vendor 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 vendor's proposal are identified, the project steering committee and the vendor will discuss the vendor's ability to complete this work. If the project steering committee determines the Vendor should provide such additional goods or services, the vendor 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 OPT.

4.6 SCHEDULE OF ACTIVITIES

Activity	Date
RFP Released	September 12, 2022
Written Questions to OPT Due By	September 19, 2022
OPT Responses to Questions	September 29, 2022
Proposals Due	October 12 @ 4 p.m., EST
Anticipated Award Date	Monday, November 12, 2022
Anticipated Project Start Date	TBD, 2022

4.7 CONTRACT TERM

The term of the proposed contract will commence once both parties have signed the agreed upon legal document(s). The contract is for one year with a cap of \$300,000.

OPT 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 and may include additional funding. The selected vendor's obligations concerning indemnity and all warranties shall remain in effect after termination of the contract.

4.8 PRE-PROPOSAL ASSISTANCE

The project steering committee will provide the same information to all interested parties to ensure fairness and impartiality in the procurement process. To that end, the project steering committee will not respond to telephone inquiries or personal visits. Submit questions via email to the Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT no later than **September 19, 2022**.

Elaine Luo, Grant Management & Compliance Unit, Program Specialist, mdot-opt-rfp@michigan.gov

Modifications: Modifications made to this RFP, in response to questions or concerns raised through RFP correspondence received from vendors, or due to internal discovery, will be posted on OPT website on **September 29, 2022**, at: OPT website at www.michigan.gov/mdot/travel/mobility/pub-transit, [Contracting Opportunities \(michigan.gov\)](http://www.michigan.gov). It is the Vendor's responsibility to view OPT website on this date and address changes accordingly, if posted.

4.9 SUBMISSION

Proposals must be emailed to OPT. All Proposals must be emailed to the following:
Elaine Luo, Grant Management & Compliance Unit, Program Specialist, mdot-opt-rfp@michigan.gov

Proposals must be received by **October 12, 2022 @ 4 p.m., EST** and time set forth in the Schedule of Activities. No hand delivery will be accepted. Late proposals will not be considered. Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT will email a confirmation upon receipt of Information Campaign Proposals.

All proposals submitted in response to this RFP will become the property of OPT 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. OPT shall require proof of agency from person withdrawing proposal.

4.10 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. OPT reserves the right to waive any minor informalities or irregularities.

4.11 EVALUATION PROCEDURES AND CRITERIA

The proposal review committee members are:

Project Manager and steering committee members consisting of OPT staff

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. EVALUATION CRITERIA

Firms will be evaluated on the criteria listed below and should provide the information needed for OPT to make the evaluation.

- **Qualifications, Related Experience, and References:** The qualifications of the Proposer 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; capacity to perform the required services, and assessment by client references.
- **Proposed Project Team and Organization:** The organizational structure of the Proposer 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; capability to reallocate resources as needed to meet project schedules.
- **Methodology and Approach:** The narrative of the Proposer's methodology and approach will be evaluated to determine the Proposer'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 Proposer'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.

OPT reserves the right to invite the firm(s) who tie in scoring to make online presentations on their proposal and respond to questions. The interviews will be scored by the demonstration that is given by the firm to present their methodology. There will be 10 points available based on the presentation that best fits the project needs. The presentation points will be added to the original points scored by each company.

Proposals must remain valid for a period of 90 days after the Proposal Due Date.

6. AWARD

OPT will only award the contract to a responsive, responsible proposer having proven experience as described herein. OPT 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.

A response to any RFP is an offer to contract with OPT based upon the terms, conditions, and specifications contained in the RFP. Proposals do not become contracts unless and until OPT executes them. A contract has its inception in the award, eliminating a formal signing of a separate contract. For that reason, all the terms and conditions of the contract are contained in the RFP, unless any of the terms and conditions are modified by an RFP amendment, a contract amendment, or by mutually agreed terms and conditions.

7. PAYMENT AND CONTRACT TYPE

CONSULTANT PAYMENT:

No later than 5th after the end of a given month, the contractor will provide OPT/Elaine Luo, Program Specialist with an invoice for Services rendered from the prior month. OPT shall pay each such undisputed invoice within 30 days

of receipt.

This will be a cost-plus fixed fee* solicitation that will result in a firm, fixed price contract* (does not include market driven variable costs). Invoices are to be emailed to OPT, Elaine Luo, luoy@michigan.gov on the resulting purchase order. All invoices must include the purchase order number. Failure to comply may result in delayed payments. The payment term shall begin on the date the milestone deliverable is inspected, delivered, and accepted by OPT and the correct invoice is received in the office specified on the purchase order.

*FTA Best Practices and Lessons Learned Manual Oct 2016 Section 3.1.8.

A cost-plus percentage of cost contract is unallowable.

8. COMPLIANCE WITH LAWS AND REGULATIONS

The Vendor 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 Vendor to be familiar and comply with said regulations and policies. The Vendor shall also provide OPT with satisfactory evidence of the Vendor's 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.

8.1 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.

9. RESERVATION OF RIGHTS

OPT 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.

OPT 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 on the basis of 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 Vendor agrees to indemnify and hold the agency, its officers, agents, employees and/or trustees, harmless from and against all claims or causes of action brought against the agency and from any and all damages, losses, expenses, attorney fees, costs and liabilities sustained by the agency arising out of any claimed defect in the goods and services provided by the Vendor. The Vendor's obligation under this paragraph shall include the obligation to indemnify and hold the agency 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 <input type="checkbox"/> Non-Profit Corporation <input type="checkbox"/> Profit Corporation <input type="checkbox"/> Check ONE of the following. If you have a DBE status, submit current certificate with proposal: DBE <input type="checkbox"/> Non-DBE <input type="checkbox"/> Other, Specify: _____	
<i>I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder.</i> Signature of Person Authorized to Sign: _____	Title of Authorized Signatory: _____
Name of Authorized Signatory (print): _____	Date: _____

Attachment B: Price Proposal Form

MDOT/OPT

NTD Consultant

Request for Proposal #

Company

Name of Authorized Representative

Title

Address

City

State

Zip Code

Email Address

Telephone Number

Fax Number

Signature of Authorized Representative

Date

Per hour basis* for completion of project as specified in RFP \$ _____

*As-need contract per hour basis includes all services, labor, expenses, travel, overhead, material production and other costs to complete the project. Proposer **must** attach a detailed, itemized, cost breakdown.*

Attachment C: Bid Protest Procedures

All protests lodged by potential or actual bidders, contractors, vendors, 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 Request for Proposal process. In the case of Requests for Proposals, OPT shall direct the protester to mail or deliver the protest to relevant parties.

The protest should be emailed to:

Elaine Luo, Grant Management & Compliance Unit, Program Specialist
Michigan Department of Transportation/Office of Passenger Transportation
mdot-opt-rfp@michigan.gov

Faxed protests will not be accepted.

Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT will respond, in detail, with counterclaims to each substantive issue raised in the protest. OPT and project steering committee will also perform the following analysis:

- Price Analysis or Cost Analysis for each claim.
- Technical Analysis to determine the validity of the claim(s) and determine the appropriate response(s).
- Legal Analysis to consider all the factors available after the price, cost and technical analyses have been conducted to determine the contractor's, OPT's and FTA's legal positions.

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

- If the Protester has exhausted all administrative remedies with OPT, and
- If OPT 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 Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT 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 Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT, 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, the Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest Elaine Luo, Grant Management & Compliance Unit, Program Specialist OPT will respond to the protest in writing within five (5) working days from the time the protest was received. If Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT decides to withhold the award pending the resolution of the protest, OPT 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, in order to avoid to the need for re-advertising.

OPT 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 OPT 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 OPT or the federal government.

Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT 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 Bid Opening or Close of Request for Proposal deadline and prior to Notice of Award. Within three (3) working days from the time the protest is received, Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT will notify all potential bidders, contractors, or proposers that a protest has been lodged and the nature of the protest. OPT will respond to the protest in writing within five (5) working days from the time the protest was received. If OPT decides to withhold the award pending the resolution of the protest, OPT 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, in order to avoid the need to re-advertise.

OPT 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 OPT 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 OPT or the Federal Government.

OPT 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.

POST-AWARD PROTEST

OPT 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, Elaine Luo, Grant Management & Compliance Unit, Program Specialist, OPT shall notify the bidder or proposer awarded the contract. OPT will render a determination to proceed with the contract or suspend the project until the protest is resolved. OPT will respond to the protest in writing within five (5) working days after receipt of the protest.

[Attachment D: Professional and A&E More Than \\$150,000](#)