

**Indianapolis Public Transportation Corporation  
Protest Procedure**

1.1 GENERAL

- A. In accordance with FTA Requirements, IPTC has adopted the Protest Procedure set forth herein to govern any and all protests relating to any IPTC action or decision made in conjunction with or relating to an IPTC Procurement.

1.2 STATE AND LOCAL LAWS

- A. Any construction contract entered into by IPTC shall be defined by the law of the State of Indiana or Local ordinances and Codes of Marion County, State of Indiana. Any dispute shall be tried in a court of competent jurisdiction of Marion County of the State of Indiana.
- B. All procurements shall be governed by Title 36 of the Indiana Code, as modified or supplemented by the requirements of the Federal Transportation Administration (“FTA”), including FTA Circular 4220.1F.

1.3 PROTEST PROCEDURE

- A. The Protest Procedure detailed below is an integral part of the IPTC procurement policies and compliance with FTA requirements. It is provided to ensure compliance with both Title 36 and FTA Circular 4220.1F and fairness to all prospective contractors desiring to compete for business from IPTC and to prepare a response to any solicitation in which IPTC specifies requirements for equipment, material, services, or goods.
- B. This Protest Procedure shall apply to all public works projects (as defined by IC 36-1-12) undertaken by IPTC.

1.4 KEY DEFINITIONS:

- A. A “Protest” shall mean and include *any* challenge to or relief sought from an IPTC action or decision made in conjunction with or relating to an IPTC procurement that is submitted by an Interested Party to the IPTC under this Protest Policy, including, but not limited to, requests for relief from a mistake or error. A Protest is an Interested Party’s remedy for addressing perceived wrongs in the procurement process.
- B. “Protestor” shall mean any Interested Party that has submitted a Protest to the IPTC.
- C. “Interested Party” shall have the same meaning as set forth in FTA C 4220.1F(1)(b)((1)(a) and include a party that is an actual or prospective bidder or offeror whose direct economic interest would be effected by the procurement decision. Subcontractors do not qualify as an “Interested Party.”
- D. The term “Bid” shall mean and include any bid, proposal, or design/build proposal submitted by an Interested Party pursuant to IC 36-1-12-1(e)(1) and IC 5-30.

1.5 PROTEST SUBMISSION:

- A. Protests will only be accepted by IPTC’s Procurement Department from an Interested Party that is received by IPTC prior to the bid award.
- B. All Protests shall be submitted within five (5) days of the Bid due date.

## PROTEST PROCEDURE

- C. If Protests are not lodged within the required time, the Protestor will be deemed to have waived all rights to protest the Bid and/or award.
- D. All Protests shall be in writing before any further consideration is given. No oral objections will be considered. Protest submissions should be concise, logically arranged, and state clearly the grounds for protest. All Protests must include the following minimal information:
  - 1. Protestor Name, Home Address and Phone Number.
  - 2. Identification of the solicitation in protest by number.
  - 3. A detailed statement of the legal and/or functional ground under protest, including copies of the relevant documents.
  - 4. A brief statement of the relief requested.
- E. Protests shall be directed to the IPTC Director of Procurement. All Protest documents that are received by IPTC shall be stamped with the date and time received and logged into a "Protest File."

### 1.6 DETERMINATION & AVAILABLE RELIEF

- A. Upon receipt of any Protest, the IPTC, through the Director of Procurement, shall endeavor to render a decision on the Protest promptly, but in any event will render a decision no later than thirty (30) days after receipt of the Protest. Notice of that decision will be furnished to all Interested Parties. The decision rendered by the Director of Procurement shall be final.
- B. IPTC expressly reserves the right to reject all bids at any time prior to a formal contract award and elect to re-procure.
- C. If the IPTC determines that a Protest submission is timely, complete and meritorious, the Protestor's relief shall be limited to the IPTC's decision and recommended course of action. The Protestor shall not be entitled to any monetary relief, including, but not limited to, expectancy damages and bid preparation costs.
- D. If the decision rendered by IPTC is deemed to be adverse by the Protestor, it may file an appeal with the FTA regional or Headquarters Office as set forth in FTA C 4220.1F. However, such appeal must be received by the FTA within five (5) working days of the date the Protestor learned or should have learned of the adverse decision by the IPTC or other basis of appeal to the FTA.
  - 1. FTA's review will be limited to: (1) the alleged failure of IPTC to have or follow a written protest procedure; or (2) violation of federal law or regulation.
  - 2. FTA's remedy for IPTC's failure to have a written protest procedure or failure to follow such procedure is limited to requiring IPTC to develop such procedures, if necessary, and to follow such procedures in reviewing the protest at issue, if IPTC desires FTA financial participation in the contract in question.
- E. A Protestor must exhaust all remedies before the IPTC before pursuing an appeal with FTA.
- F. A Protestor must exhaust all administrative remedies as set forth herein as a pre-condition for any legal or equity relief sought in a judicial forum.