

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 contract entered into by IPTC shall be defined by the laws 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 public works procurements shall be governed by Title 36 of the Indiana Code, as modified or supplemented by the requirements of the Federal Transit Administration (“FTA”), including FTA Circular 4220.1F, as updated. All other procurements shall be governed by Indiana Code § 5-22 (Public Purchasing) as modified or supplemented by the requirements of the FTA.

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 Indiana Code and FTA Circular 4220.1F and to provide fairness to all prospective contractors desiring to compete for business from IPTC.
- B. This Protest Procedure shall apply to all public work projects (as defined by IC 36-1-12) and public purchases (as defined by IC 5-22) 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 Circular 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 or proposal submitted by an Interested Party pursuant to IC 5-22 or IC 36-1-12.

1.5 PROTEST SUBMISSION:

A. Time Requirements:

1. For procurements let pursuant to IC 5-22, protests must be received by IPTC's Procurement Department from an Interested Party within two (2) business days of the date of award.
2. For public works procurements let pursuant to IC 36-1-12, protests must be received by IPTC's Procurement Department from an Interested Party within two (2) business days from bid opening.

B. 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.

C. 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, 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.

D. 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. 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. 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.