

## **PROCUREMENT PROTEST PROCEDURES**

The Michiana Area Council of Governments (MACOG) has developed the following procedures to handle and resolve disputes relating to the procurement process:

### **Notification**

- Any party registering a bid award protest, must do so in writing within 10 days from the date of the issuance of the bid award. Upon receiving a written bid protest, MACOG will provide the protester with a copy of the MACOG protest procedures and a protest form, via e-mail or by fax within 15 days of the complainant's filing. No Verbal Protest Complaints will be addressed.
- Protests must be in written form and addressed to the MACOG Executive Director, 1120 County-City Bldg., 227 W. Jefferson Blvd, South Bend, IN 46601. The written protest should contain the following information:
  - Name and Title of Complainant
  - Name and Address of Business
  - Phone Number, E-Mail Address, Fax Number
  - Nature and extent of the protest
  - Documentation of Claims
  - Action requested

### **Response**

- The MACOG Executive Director will review and respond in writing, to each substantive issue raised in the written protest within 15 working days. Depending on the nature of the complaint or protest, the Executive Director may respond, or may refer the complaint or protest to the MACOG Policy Board. In either case, a response must be rendered within fifteen working days.
- The final step in the local protest procedure process rests with the MACOG Policy Board. If the complainant is not satisfied with the response made by the MACOG Executive Director, the complainant may request a review by the MACOG Policy Board via certified mail addressed to the MACOG Policy Board and copy sent to the Executive Director, no more than 5 days after the Director's written decision. The Policy Board at its discretion has the right to review the request or by inaction, let the Executive Director's decision stand. If there is no response from the Policy Board within 5 business days the Executive Director's decision is affirmed.
- If the Policy Board chooses to review the complaint, the Board will invite the protester to provide the following written information and details:

- The information provided to the MACOG Policy Board should include:
  - Original complaint form
  - Executive Director's written response
  - Additional information submitted to or requested by the Policy Board
  - All documentation and pertinent facts relating to the dispute
  - Executive Director's recommendation
  
- After reviewing the written protest information, the MACOG Policy Board will make a recommendation and provide a written response to the complainant's protest. If the Policy Board so chooses, it may prior to its final recommendations, invite the complainant to address the protest issue at a meeting scheduled by the Policy Board. However, the MACOG Policy Board at its sole discretion may choose to render its decision without consulting the complainant based solely on the evidence and information before it.
  
- After the conclusion of the Policy Board's deliberations and decision, the Executive Director shall provide the Policy Board's record of decision to the complainant within 10 business days.
  
- All decisions rendered by the MACOG Policy Board are final. This completes the local portion of the protest procedure process.
  
- The complainant does have the option to request reconsideration only if data becomes available that was not previously known, or there has been an error of law or regulation.
  
- The Federal Transit Administration will only entertain a protest that alleges that the Michiana Area Council of Governments has failed to follow their protest procedures. Any protest to the FTA must be filed in accordance with the FTA Guidance Circular 4220.1F or the most recently revised circular.

# MACOG PROCUREMENT PROTEST FORM

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

Person's Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

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

Phone Number: \_\_\_\_\_

Complaint: \_\_\_\_\_

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\_\_\_\_\_  
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\_\_\_\_\_  
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-----For Office Use Only-----

Action Taken: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

Comments/Special Notes: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

Taken By: \_\_\_\_\_