



MCTS Policy and Procedure re Protest and Appeal of MCTS Procurements

Protests as to Form and Content

Protests as to form and content of Bid, RFP or RFQ documents must be submitted not less than 15 days prior to the procurement due date. A day is exclusive of Saturdays, Sundays and MCTS-recognized holidays (“Day”). Protests shall be in writing, specifically state the reason for the protest, and be delivered via email to both the RFP Administrator and the Procurement Director (jaguadoware@mcts.org).

The Procurement Director or their designee shall review protests and determine whether modification is appropriate. Any significant changes to the procurement will result in a revised due date and addendum, publicized in the same manner as the original procurement. A significant change is one that, in the sole view of the Procurement Director, is likely to attract or interest additional offerors announced. If the protest is rejected, the protestor shall be notified. The decision of the Procurement Director is final and cannot be appealed.

Protests as to Responsiveness

RFPs/RFQs

The RFP/RFQ Administrator must inform the Offeror of a determination of non-responsiveness via email, detailing the reason(s) for the determination. The email will be sent to the individual signing the RFP or RFQ submission.

The Offeror must submit any protest from a determination of non-responsiveness within 3 Days (to the hour) of the issuance of the email notifying the Offeror of the non-responsiveness determination. The protest must be in writing, specifically state the reason for the protest, and be delivered via email to both the RFP/RFQ Administrator and to the Procurement Director (jaguadoware@mcts.org).

The Procurement Director or their designee shall review protest(s) and issue a decision as soon as practicable. The Procurement Director or their designee shall affirm, reverse or modify the RFP Administrator’s decision. The decision of the Procurement Director is final and cannot be appealed.

Bids

The Purchasing Agent will inform Bidders of a determination of non-responsiveness in the Notice of Intent to Award to the individual signing the Bid response. Protest procedures are as set for in the Protest to Awards section.

Protests to Notice of Intent to Award

Protests concerning the Notice of Intent to Award must be submitted within 3 Days (to the hour) of the issuance of the Notice of Intent to Award. The Notice of Intent to Award is sent via email to the individual signing the submission documents on behalf of the Offeror/Bidder; all Offerors/Bidders will be sent a Notice of Intent to Award. The 3 Days will run from the date and time stamp on the sent email.

The Procurement Director or their designee shall review the protest and notify the protestor of a decision in writing via email within 5 Days of receipt of the protest if possible, or as soon as practicable if not possible. No contract shall be awarded while a protest is pending. A protest that is untimely or fails to clearly state the reason for said protest shall be invalid. The decision of invalidity of a protest is final and cannot be appealed. The substantive decision of the Notice of Intent to Award may be appealed as set forth herein.

Purchasing Appeals Committee

A Purchasing Appeals Committee comprised of three members shall hear any appeal of a Notice of Intent to Award only. A representative of Milwaukee Transport Service’s Corporate Legal Counsel shall be on the committee. The Procurement Director shall be a technical advisor to the Committee.

Appeal of Protests to Award

Protests of a Notice of Intent to Award shall be made to the Purchasing Appeals Committee by emailing a written request to the Purchasing Director (jaguadoware@mcts.org) within 3 Days (to the hour) of issuance of the decision on the Protest of Notice of Intent to Award, as reflected on the date and time stamp on email responding to the Protest of the Notice of Intent to Award.

The email shall clearly state the grounds upon which the protest is based and clearly request an Appellate Hearing. No contract shall be awarded until the final disposition of the protest.

The Chairperson of the Purchasing Appeals Committee or their designee shall notify all interested persons of the time and place of the Appeal Hearing. The Purchasing Appeals Committee shall affirm, reverse or modify the decision of the Procurement Director's and the final Administrative decision. Decisions shall be made with 10 Days of the appeal, if possible, or as soon as practicable if not possible.