

PROCEDURES FOR PROTESTS AND DISPUTE RESOLUTION

1-101 INTRODUCTION AND PURPOSE

A party who submits to Trinity Metro a response to a solicitation in the form of a bid, proposal, or other response, or a party that contracts with Trinity Metro for supplies or services, expressly agrees to adjudication of its claims through the procedures set forth in this Article 8. It is Trinity Metro's policy to try to resolve all controversies by mutual agreement without litigation; therefore, the following sections contain remedies for aggrieved parties to settle all claims and causes of action prior to commencement of litigation. Nothing contained in this Article is meant to waive any governmental or sovereign immunity for claims or causes of action to which Trinity Metro is immune.

All solicitations for Trinity Metro's contracts shall contain, or be deemed to contain, the following provisions:

“By submission of a bid, proposal, offer, or quotation in response to this solicitation, the bidder or offeror agrees to submission of any dispute under this solicitation (or resulting contract) to procedures for protests and dispute resolution pursuant to Article 8 of Trinity Metro's Procurement Policy”.

1-102 RIGHT TO PROTEST SOLICITATION, BID OR AWARD

Any interested party that is aggrieved or adversely affected in connection with the solicitation, bid, or award of a contract may protest to Trinity Metro and appeal any adverse decision in accordance with the provisions of this Article 8.

1-103 PROCEDURES TO PROTEST SOLICITATION, BID, OR AWARD

- (1) All protests relating to advertising of solicitation notices, alleged improprieties or ambiguities in solicitation documents, deadlines, bid openings or awards, and all other solicitation, bid or award-related procedures or actions must be made in writing and submitted to the President/CEO, or designee, within five (5) days of (1) the bid opening for a construction contract or (2) date of award for other types of contracts. Each protest must include the following:
 - (a) the name and address of the protester, and the vendor it represents, if different;
 - (b) the identification number, reference number, or other identifying criteria specified in the solicitation documents to identify the procurement in question;
 - (c) a statement of the grounds for protest; and
 - (d) all documentation supporting the protest.

- (2) A decision and response to the protest will be prepared by the President/CEO, or designee, within a reasonable time after receipt of a properly prepared written protest.
- (3) Appeals of responses and decisions regarding protests must be made to the Board in writing, and must be filed with the President/CEO, or designee, with a copy to the Chairman of the Board, within ten (10) days after the response and decision regarding the original protest are issued. Written appeals shall include all information contained in the original written protest, as well as any newly discovered documentation supporting the protest that was not reasonably available to the protester when the original protest was filed. Subject to all applicable laws governing Trinity Metro, the decision of the Board regarding an appeal shall be final.