

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 4/23/2025

**Staff Report No.** 24-517

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**TO:** AC Transit Board of Directors  
**FROM:** Kathleen Kelly, Interim General Manager/Chief Executive Officer  
**SUBJECT:** Board Policy 468 - Procurement Protest Procedures

### ACTION ITEM

**AGENDA PLANNING REQUEST:** ☐

**RECOMMENDED ACTION(S):**

Consider approving amendments to Board Policy 468 - Procurement Protest Procedures.

Staff Contact:  
Chris Andrichak, Chief Financial Officer

**STRATEGIC IMPORTANCE:**

Goal - Financial Stability and Resiliency  
Initiative - Financial Efficiency and Revenue Maximization

Having clear and concise financial policies helps District staff maximize the use of existing and new resources.

**BUDGETARY/FISCAL IMPACT:**

There is no direct fiscal impact from the changes to this policy.

**BACKGROUND/RATIONALE:**

Board Policy 468 governs the District's procurement protest process. The proposed amendments to the policy attempt to make the policy more transparent, accessible and objective. Below is a summary of the proposed amendments:

- Staff added text to ensure clarity and consistency throughout the policy, e.g., rephrasing procedural steps or definitions to include "business days" instead of "days" or removing limits when unnecessary;
- Updated the policy to clarify who has standing to file a protest;
- Removed the filing fee for certified small business protests;
- Clarified timelines and documentation requirements for filing and appealing protests;
- Removed the required step to resolve the protest through an informal resolution. This step is still available but not required;
- Elaborated on the appeals process, including decisions by the General Manager and Board of Directors;
- Outlined conditions for escalating protests and limitations on new evidence during appeals; and

- Included notification to the Federal Transit Administration (FTA) for FTA-funded procurements and removed the unnecessary procedural steps required by the protester.

The amendments to the District's Protest Policy continue staff's efforts to align with FTA Circular 4220.1f on third-party contracting, California Public Contract Code and best practices.

Staff recommends that the Board adopt the amendments as presented.

**ADVANTAGES/DISADVANTAGES:**

The advantages of adopting the revised policy are that it will provide transparency, clarity, and an objective approach to protests.

**ALTERNATIVES ANALYSIS:**

The alternative is to maintain the current policy as it is currently written. This is not recommended because the current policy includes unnecessary and outdated procedures.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Board Policy 468 was last amended in 2019.

**ATTACHMENTS:**

1. Board Policy 468 - Procurement Protest Procedures with revisions

**Prepared by:**

Fred Walls, Director of Procurement and Materials

**In Collaboration with:**

Phillip Halley, Contracts Compliance

**Approved/Reviewed by:**

Chris Andrichak, Chief Financial Officer

Aimee L. Steele, General Counsel/Chief Legal Officer