



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Master Minute Order

Report ID:	22-513	Status:	Denied
Type:	Regular - Operations		
Meeting Body:	Board of Directors - Regular Meeting 09/14/2022	Final Action:	09/14/2022

Sponsors:

Attachments: STAFF REPORT, Att.1. HRM Initial Protest, Att.2. ACT Initial Protest Response, Att.3. HRM 1st Appeal, Att.4. ACT 1ST Appeal Response, Att.5. HRM Appeal to GM, Att.6. HR Management GM Appeal Decision, Att.7. Appeal to AC Transit Board of Directors, Att.8. Board Policy 468 -Protest Procedures

Agenda Title:

Consider whether to entertain HR Management's (HRM) appeal of the General Manager's decision to deny HRM's protest of its non-award decision under RFP 2023-1585 and to take any other actions as may be deemed necessary.

1. The passage of a motion to deny the appeal or the failure of a motion to consider the appeal means that the General Manager's decision will become final. If no motion is made on this matter, it shall have the same effect as a denying the appeal and the General Manager's decision will become final.
2. The passage of a motion to grant the appeal means the Board will schedule a hearing date to consider the appeal for a future Board meeting and notify HRM of the hearing date.

Legislative Action & Summary

Acting Body:	Date:	Action:	Result:
Board of Directors - Regular Meeting	09/14/2022	Denied	

Action Text:

The Board took no action on the matter thereby making the General Manager's decision to deny the protest final.

Notes:

General Counsel Jill Sprague presented the staff report and outlined the options available to the Board as to whether or not to entertain HR Management's appeal. Counsel further laid out the grounds for the District's position concerning the protest.

There was no public comment offered.

Director McCalley asked for clarification with respect to the applicability of Disadvantaged Business

Enterprise (DBE) goals in the procurement process, which were addressed by staff. General Manager Hursh further explained that because the procurement for the services was not federally funded, there was no DBE goal applicability, and despite this, several contracts were awarded to DBE firms because of staff's robust outreach. He further added that the initial evaluation was done by a blind panel who did not know the names of any of the firms.

Director Shaw shared that she was satisfied with staff's handling of the process.
