

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 12/11/2019

**Staff Report No.** 19-291a

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**TO:** AC Transit Board of Directors  
**FROM:** Michael A. Hursh, General Manager  
**SUBJECT:** Amendments to Board Policy 468 - Protest Procedures

### ACTION ITEM

#### **RECOMMENDED ACTION(S):**

Consider approving amendments to Board Policy 468 - Protest Procedures. [Continued from the November 13, 2019 Board of Directors meeting.]

#### **BUDGETARY/FISCAL IMPACT:**

There is no fiscal impact associated with this report.

#### **BACKGROUND/RATIONALE:**

As a result of a recent procurement protest, staff in the Procurement Department along with the General Counsel's Office undertook a review of Board Policy 468 in order to bring greater clarity and efficiency to the process. The result was a complete revision of the existing policy which is provided in Attachment 1 of this report. In amending the policy, the timelines of the appeal process were updated, and the decision-making roles of the Procurement Director, General Manager and Board of Directors were more clearly defined.

In addition, staff took the feedback received from the Board at its November 13<sup>th</sup> meeting and made additional amendments to address the specific issues brought to staff's attention. The additional amendments are outlined in Attachment 1 to this report.

#### **ADVANTAGES/DISADVANTAGES:**

The advantage of amending the policy is that the amendments provide ample opportunities for the protest to be resolved before the Board hears the matter. There are no disadvantages to amending this policy.

#### **ALTERNATIVES ANALYSIS:**

Staff considered leaving the existing policy in place as-is; however, this does not serve the best interests of the vendor community, nor does it help the District in managing its protests in a timely manner.

#### **PRIOR RELEVANT BOARD ACTION/POLICIES:**

None

**ATTACHMENTS:**

1. REVISED Board Policy 468 - Protest Procedures
2. Board Policy 468 - Protest Procedures (May 10, 2017)

**Prepared by:**

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**In Collaboration With:**

Phillip Haley, Contracts Compliance Administrator

**Approved/Reviewed by:**

Claudia L. Allen, Chief Financial Officer

Denise C. Standridge, General Counsel

Linda A. Nemeroff, District Secretary