

East Alabama Regional Planning and Development Commission
Areawide Community Transportation System
Complaint Policy And Procedures

It is the policy of the Areawide Community Transportation System (ACTS) to operate the public transportation program in an open and fair manner for employees, passengers, other transit providers, and the general public. No employee, passenger, other transit provider, or the general public will be discriminated against or suffer any reprisals from making a complaint. Complaints must be in writing and specific. Vague or general charges of unfairness that are not substantiated by facts will not be processed. When an allegation is made that a specific violation, misinterpretation, or inappropriate act has occurred the following steps should be taken to resolve the issue. The ACTS will resolve the complaint within fifteen business days of the date of receipt of the written complaint. Alternative formats to this documents are available upon request.

Employee Complaint Policy

If an employee has issue with another employee, passenger, or other member of the general public, he or she should bring the matter to the attention of the Project Administrator (PA) or similar authority within 3 days of the occurrence. *Complaints must be specific and in writing.* If the complaint involves the Project Administrator or similar authority, the employee should address the issue with the Executive Director. The PA or similar authority will listen to all parties involved in the situation, investigate with outside sources if necessary, and resolve the matter within fifteen business days of the receipt of the written complaint. If the PA or similar authority cannot resolve the matter, it will be brought to the Executive Director for resolution. If the matter is not satisfactorily resolved at this point, the Executive Committee of the Board of Directors of the East Alabama Regional Planning and Development Commission will be consulted. If the employee does not feel the matter has been resolved at this point, the Fiscal Officer or similar authority should be consulted and the matter brought before the Personnel and Bylaws Committee of the Board of Directors of the East Alabama Regional Planning and Development Commission.

Passenger Complaint Policy

If a passenger has issue with an ACTS employee, another passenger, or other member of the general public, he or she should bring the matter to the attention of the Project Administrator (PA) or similar authority within 3 days of the occurrence. *Complaints must be specific and in writing.* If the complaint involves the Project Administrator or similar authority, the passenger should address the issue with the Executive Director. The PA or similar authority will listen to all parties involved in the situation, investigate with outside sources if necessary, and resolve the matter within fifteen business days of the receipt of the written complaint. If the PA or similar authority cannot resolve the matter, it will be brought to the Executive Director for resolution. If the matter is not satisfactorily resolved at this point, the Personnel and Bylaws Committee or next higher authority will be consulted. If the passenger does not feel the matter has been resolved at this point, the ACTS Liaison or similar authority should be consulted and the matter brought before the entire Board of Directors of the East Alabama Regional Planning and Development Commission if necessary.

Private Transit Operator Complaint Policy

If a private transit operator has issue with ACTS, he or she should address the matter with the Project Administrator within 3 days of the occurrence. *Complaints must be specific and in writing.* The Project Administrator will investigate and resolve the matter within fifteen business days of the receipt of the written complaint. If the matter is not satisfactorily resolved at this point, the Executive Director will be consulted. If the private operator does not feel the matter has been resolved at this point, the Personnel and Bylaws Committee should be consulted and the matter brought before the entire Board of Directors of the East Alabama Regional Planning and Development Commission if necessary.

General Complaint Policy

If a member of the general public has a complaint with an ACTS employee, policy, or other issue, he or she should bring the matter to the attention of the Project Administrator (PA) or similar authority within 3 days of the occurrence. *Complaints must be specific and in writing.* If the complaint involves the Project Administrator or similar authority, the member of the general public should address the issue with the Executive Director. The PA or similar authority will listen to all parties involved in the situation, investigate with outside sources if necessary, and resolve the matter within fifteen business days of the receipt of the written complaint. If the PA or similar authority cannot resolve the matter, it will be brought to the Executive Director for resolution. If the matter is not satisfactorily resolved at this point, the Executive Committee of the Board of Directors of the East Alabama Regional Planning and Development Commission will be consulted. If the member of the general public does not feel the matter has been resolved at this point, the Personnel and Bylaws Committee or similar authority should be consulted and the matter brought before the entire Board of Directors of the East Alabama Regional Planning and Development Commission if necessary.

Bid Protest Procedures for Areawide Community Transportation System

The following bid protest procedures have been written in compliance with the Federal Transit Administration (FTA) Third Party Contracting Guidelines (Circular 4220.1E). Parties that wish to file a bid protest should review these procedures in conjunction with FTA's Circular 4220.1E. These procedures also address complaints or appeals regarding the funding of unsolicited proposals and other protests unrelated to the solicitation process and contract award decisions. East Alabama Regional Planning and Development Commission's transit system, Areawide Community Transportation System, protest procedures will be referenced in the bid documents in order that interested parties will know their rights under these protest procedures.

1. Protests Pertaining to the Contract Solicitation Process or Contract Award Decision

The following procedures and time requirements shall be applied uniformly in processing all protests. Protests may be made by active or prospective bidders whose direct economic interest would be affected by a solicitation, proposed award, or award of a contract. Protests must be submitted in writing to:

Shane Christian

Project Director
Areawide Community Transportation System
P. O. Box 2186
Anniston, AL 36202

The Areawide Community Transportation System (ACTS) will consider all written protests made within the timelines stated in this document. Protest submissions should be concise, logically arranged, clearly state the grounds for the protest, and must include at least the following information:

1. Name, address, and telephone number of protestor.
2. Solicitation or contract name and/or number.
3. A detailed statement of the legal and factual grounds for the protest, including copies of all relevant documents or information.
4. A statement of relief requested.

Only written protests received within the timelines stated in these procedures will be considered. Upon receipt of a protest, ACTS will notify the protestor that the protest has been received by mail within five (5) working days. ACTS may request additional information from the protesting party, which must be submitted in writing to ACTS within five (5) working days from the date of ACTS's request.

Within twenty (20) working days of receipt of a written protest, ACTS shall either:

1. Issue a final written decision which responds in detail to each issue raised in the protest and includes a rationale for the decision rendered, or
2. Conduct, at ACTS's discretion, an informal hearing to allow the interested participating parties an opportunity to present their positions and supporting facts, documents, justification, and technical information. ACTS will advise all interested parties of the final decision in writing no later than five (5) working days from the date of the informal hearing.

2. Protests before Proposal Solicitation

Bid protests alleging restrictive specifications or improprieties, which are apparent prior to bid or proposal opening, must be submitted in writing to ACTS and must be received at least five (5) working days prior to bid/proposal opening. Bids will not be opened until five (5) working days after resolution of the protest unless ACTS determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to ACTS.

If the written protest is not received by the time specified, bids or proposals may be received, opened and awarded in the normal manner unless ACTS determines that it is in the best interest of all concerned to delay any step.

3. Protests after Opening of Proposal Solicitation and Prior to Award

Protests against the making of an award may be made after bid opening and prior to award. Such protests must be submitted in writing to ACTS and must be received by ACTS within five

(5) working days of the bid opening. If ACTS decides to withhold the award pending resolution of the protest, ACTS will notify all bidders whose bids or proposals might become eligible for award, and offer them the option to extend or withdraw the bid or proposal beyond the 120-day validity period. Awards will not be made until at least five (5) working days after resolution of the protest unless ACTS determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to ACTS or the federal government.

4. Protests after Award

Protests received after announcement of an award or after a contract has been executed will only be considered if ACTS determines that the matter is in the public interest or the protest presents clear and convincing evidence of fraud, misrepresentation, other illegality, or gross impropriety in the selection of a bid/proposal. If a protest is under consideration, ACTS shall evaluate the bid/proposal at issue a second time in its entirety and use the same evaluation criteria and rating factors applied in the initial review of the bid/proposal. The bid/proposal will be evaluated by a panel designated by the ACTS.

If a protest involving an executed contract is under consideration, ACTS will notify the selected contractor of the protest and its basis and may, at its discretion, order the contractor to suspend all ACTS work activities. If the awarded contractor has not executed the contract as of the date the protest is received by ACTS, the contract will not be executed until five (5) working days after resolution of the protest unless ACTS determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to ACTS.

5. Protests Pertaining To the Funding Of Unsolicited Proposals

The submission of unsolicited proposals is inconsistent with ACTS's policy to promote a full and open competition among interested parties for FTA contract funds. The filing of unsolicited proposals, therefore, will be deemed inappropriate by ACTS and returned to the sender; complaints or appeals calling for reconsideration of such proposals will not be accepted.

ALL complaints unresolved at the local level will be submitted to the Alabama Department of Transportation for final resolution to the attention of:

**Mr. D. E. Phillips, Jr. P.E.
State Local Transportation Engineer
Local Transportation Bureau
Alabama Department of Transportation
1409 Coliseum Boulevard**

Montgomery, AL 36110