**Please use this template if you need a Procurement Protest and Appeal Procedure. Place this procedure on your agency letterhead and have it signed and dated by the agency official authorized to sign your grant agreements. This Protest and Appeal Procedure must be completed and on file before a solicitation or procurement can be released for advertisement. Wherever AGENCY or other names are underlined below, the subrecipient is to insert the name of their agency, office, officer, or time period.**

**PROTEST AND APPEAL PROCEDURE**

**PROTEST PROCEDURE**

All protests relating to Federally or State funded procurement solicitations, selections, and/or awards made by the Name of Agency Procurement Office on behalf of Name of Agency Transportation Office must be filed in writing with the Name of Agency procurement officer within (designate number of days to file a protest) calendar days of the notice of solicitation, notice of selection and/or notice of award.

The date of notification shall be the post-marked (hard copy mail) or electronic website (email) date posted to the Name of Agency Procurement Office. Oral Protests will not be considered.

Protests will only be considered valid if the protester is an "interested party". An "interested party" is a party that is an actual or prospective vendor making or offering a price quote or bid.

The protest reviewing authority or designee(s) shall be the Procurement Officer of The Agency, designated prior to the release of any solicitation or procurement and whom shall review the protest with a thorough evaluation of the issues raised and respond to the protester within (Designate number of days to review) calendar days of the receipt of such protest.

A certified letter shall be sent to the protester from either the Executive Director of the Name of Agency or the attorney for the Name of Agency stating a concurrence or denial of the protest with supporting explanations. The certified letter to the protester shall constitute the final decision of the Name of Agency.

**APPEAL PROCEDURE**

# Any procurement award decision may be appealed by submitting an appeal letter to the Name of Agency’s Board within (Designate desired number of days to file an appeal) calendar days after protester’s notification of the AGENCY’s award decision. Appeals will:

1. Be in writing, dated and signed.
2. State the reason for disputing the award.
3. Include the desired remedy.
4. Be acknowledged in writing by the Name of Agency’s Board.

An Appeals Committee will hear appeals within (Designate number of days to hear appeal) calendar days after the Name of Name of Agency’s Board's receipt of the appeal letter. The Appeals Committee will include three or more persons appointed by the Chair of the Board. No person may hear an appeal if they have a conflict of interest which may affect their judgment.

The Appeals Committee will issue a written decision within (Designate number of days to provide written decision) calendar days after hearing the appeal and subsequent closure of the record. Appeal hearings will be informal and open. A decision of the Appeals Committee will be binding and final.

The Maryland Transit Administration (MTA) and/or the Federal Transit Administration (FTA) will not mediate procurement disputes nor hear or review a protest or appeal unless it involves a technical procedural issue related to compliance with Federal and/or State procurement requirements.

Name of Authorizing Official:

Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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