



May 16, 2001

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Metropolitan
Transportation
Authority

One Gateway Plaza
Los Angeles, CA
90012-2952

TO: BOARD OF DIRECTORS

FROM: COLONUS MITCHELL *Colonus Mitchell*
EXECUTIVE OFFICER, PROCUREMENT

**SUBJECT: UNTIMELY NOTIFICATION OF THE
RECOMMENDATION FOR AWARD – OP33440639
TRASH/DEBRIS REMOVAL FROM RAILROAD
RIGHT-OF-WAY & FACILITIES FOR THE BLUE LINE
AND THE GREEN LINE**

ISSUE

The Procurement Policies and Procedures Manual requires that MTA staff provide adequate and timely notice of a recommendation for award so as to afford interested parties an opportunity to protest or voice issues directly to the Board. MTA staff failed to properly notify responsive and responsible bidders in a timely manner of its recommendation to the Board to award Contract Number OP33440639.

BACKGROUND

This omission denied interested parties the opportunity to voice issues pertaining to the award before the Board at its March 22, 2001 regular meeting. To correct the error, the Notice of Recommendation was issued after the March board meeting. The notification provided interested parties the opportunity to protest the award in accordance with the Protest Procedures.

An interested bidder, Accent Landscape, Inc. (Accent Landscape) has protested the award, in part, on the basis of this omission. However, Accent Landscape's rights under the Protest Procedure have not been limited by this error. MTA has allowed the requisite 15 days to file a protest from the date of the formal notice. The contract with the recommended source has not been executed, pending resolution of the Accent Landscape protest. Staff has evaluated the protest, including the issue of notification, and has rejected it on its merit. Accent Landscape, the current service provider shall continue to provide service until the entire protest is resolved. Accent Landscape has been informed that it may present any issues it has with the award directly to the Board at its May 24, 2001 meeting.

NEXT STEPS

The protest process must be resolved and concluded before the next step can be taken. Accent Landscape may appeal the protest denial to the Office of the CEO. Therefore, the award recommendation made at the March 22, 2001 meeting for Trash/Debris Removal from Railroad Right-Of-Ways must be withheld pending resolution of protest.