



September 27, 2021

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Appeal to the Board of Directors to Protest Proposed Award of Contract: Request for Proposals 0-2690 Contractor Selection for the Back-Office System and Customer Service Center Operations for the 405 Express Lanes in Orange County

Overview

The Orange County Transportation Authority has established a protest process as part of the Board of Directors-adopted Procurement Policy, which allows a proposer to appeal a contract award decision. A protest of the award of the contract for Request for Proposals 0-2690 Contractor Selection for the Back-Office System and Customer Service Center Operations for the 405 Express Lanes in Orange County has been escalated pursuant to the Procurement Policy to the Board of Directors for its consideration and decision.

Recommendation

Rule on the protest from WSP USA Services, Inc., and provide whatever remedies that deems appropriate in its sole and absolute discretion.

Discussion

The Orange County Transportation Authority (OCTA) released Request for Proposals (RFP) 0-2690 on December 10, 2020. Three proposals were received on March 22, 2021. As a result of the evaluation of proposals submitted in response to RFP 0-2690, two firms were short-listed and interviewed: WSP USA Services, Inc. (WSP), and Cofiroute USA, LLC (Cofiroute).

At the Finance and Administration (F&A) Committee meeting held on July 28, 2021, the F&A Committee members deliberated and voted, 6 to 0 to approve the staff recommendation to award the contract for the subject services to WSP. At the August 9, 2021 Board of Directors (Board) meeting following additional deliberations, the Board voted, 10 to 6 to award the above referenced RFP to Cofiroute. This award was counter to the recommendation of the

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evaluation committee and the F&A Committee, which both recommended award to WSP.

Following the Board action, WSP submitted a post-award protest on August 16, 2021, to OCTA Director of Contracts Administration and Materials Management (CAMM) in accordance with the Board-adopted Procurement Policy (Policy). The Director of CAMM denied WSP's protest on August 23, 2021. WSP then timely escalated its protest to OCTA Chief Executive Officer (CEO) on August 25, 2021, also in accordance with the Policy. The CEO denied the protest on August 30, 2021. Following the denial of the protest, WSP submitted a timely protest to the Board on September 3, 2021.

This is the final administrative step provided in the Policy and the decision of the Board is final. The protest is scheduled to be heard before the Board on September 27, 2021. WSP will be allowed to make an oral presentation before the Board but is limited to only information previously provided in writing in its original protest submittal to CAMM.

Summary

Staff recommends the Board of Directors consider the presentation made by WSP USA Services, Inc., and provide a ruling on the protest and provide whatever remedies the Board of Directors deems appropriate in its sole and absolute discretion.

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Attachments

- A. Appeal to the Board of Directors to Protest Proposed Award of Contract: Request for Proposals 0-2690 Contractor Selection for the Back-Office System and Customer Service Center Operations for the 405 Express Lanes in Orange County
- B. Letter from Michael Rizzo and Aaron S. Ralph, Counsel for WSC USA Services, Inc., to Darrell E. Johnson, Chief Executive Officer, and Bob Webb, Contracts Administration and Materials Management, Orange County Transportation Authority, re: Escalation of Protest of WSP USA Services, Inc. to Award of RFP 0-2690 Back Office System and Customer Service Operations Services (BOS/CSC) for the 405 Express Lanes in Orange County, dated August 25, 2021
- C. Committee Transmittal dated August 9, 2021, and Staff Report dated July 28, 2021: Contractor Selection for the Back-Office System and Customer Service Center Operations for the 405 Express Lanes in Orange County

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