



Legislation Text

File #: ID 18-0576, **Version:** 1

Appeal Hearing Concerning Transdev Services, Inc.'s Appeal of the City of Greensboro/Greensboro Transit Authority's Denial of Its Bid Protest Filed on August 9, 2018 of the City of Greensboro/Greensboro Transit Authority's Contract Award Recommendation to Keolis Transit Services, LLC of the City of Greensboro/Greensboro Transit Authority's Contract for the Management and Operations of Transit Services.

Department: Transportation
Council District: Citywide

Public Hearing: N/A
Advertising Date/By: N/A

Contact 1 and Phone: Adam Fischer 373-2863
Contact 2 and Phone: Bruce Adams 412-6237

PURPOSE:

The City Council is asked to hear and decide an appeal from a decision of the City of Greensboro/Greensboro Transit Authority Board denying the Bid Protest filed on August 9, 2018 by Transdev Services, Inc., a proposer to the City of Greensboro/Greensboro Transit Authority's ("City/GTA") Request for Proposal for the Management and Operations of Transit Services. Council is asked to decide whether the Recommended Decision filed by the City/GTA Board denying Transdev Services, Inc.'s Bid Protest should be affirmed or reversed. Council will be acting in its quasi-judicial capacity in ruling on this appeal.

On August 9, 2018, the City/GTA received a Bid Protest from Transdev Services, Inc. ("Transdev"), attached hereto as Exhibit A, concerning the City/GTA's Contract Award Recommendation to City Council ("Recommendation") that Keolis Transit Services, LLC ("Keolis") be awarded the contract for the management and operations of the City/GTA's transit services. Transdev protested the Recommendation on the grounds that (1) the GTA Board held two illegal closed sessions in connection with the process of determining the composition of the Selection Committee, and (2) the composition of the Selection Committee ultimately resulted in the Selection Committee making an arbitrary, capricious, wrongful, and unreasonable recommendation because the Selection Committee was deliberately selected to exclude individuals with knowledge of the technical service considerations that make up a majority of the evaluation process.

The City/GTA Public Transportation Division Manager, Mr. Bruce Adams, investigated the allegations in the Protest and issued a Recommended Disposition to the City/GTA Board on September 4, 2018. For the reasons outlined in the Recommended Disposition, attached hereto as Exhibit B, Mr. Adams recommended that Transdev's Protest be denied. Transdev's Protest was heard at the September 5, 2018 Special Call Meeting of the City/GTA Board. The City/GTA Board reviewed the Mr. Adams's Recommended Disposition and heard Transdev's arguments concerning the merits of its Protest. The City/GTA Board unanimously denied Transdev's Protest and affirmed its recommendation to award the transit services contract to Keolis Transit

Services, LLC. The decision of the City/GTA Board, attached hereto as Exhibit C, was issued to Transdev on September 11, 2018.

Transdev timely filed a Notice of Appeal to the City Council of the City/GTA Board's decision on September 13, 2018, and its Notice of Appeal is attached hereto as Exhibit D. The City Attorney's Office reviewed the allegations in Transdev's Notice of Appeal and issued a Memorandum Opinion, attached hereto as Exhibit E, detailing its legal analysis of Transdev's claims. Since Transdev's September 23, 2018 Notice of Appeal to City Council, Exhibit D, is exactly the same as its Protest to the City/GTA Board on August 9, 2018, Exhibit A, the legal analysis in this Memorandum Opinion, Exhibit E, is exactly the same as the legal analysis presented to the City/GTA Board in the Public Transportation Division Manager's Recommended Disposition on September 4, 2018, Exhibit B.

BUDGET IMPACT:

None

RECOMMENDATION / ACTION REQUESTED:

It is recommended that City Council affirm the September 5, 2018 decision of the City of Greensboro/Greensboro Transit Authority Board and deny Transdev Services, Inc.'s September 13, 2018 appeal.