



**LANE TRANSIT DISTRICT  
BOARD OF DIRECTORS  
FINANCE COMMITTEE MEETING**

Monday, April 08, 2019  
4:00 p.m.

**LTD Board Room**  
3500 E. 17th Avenue, Eugene  
(Off Glenwood Blvd. in Glenwood)

**AGENDA**

<u>Time</u>	<u>ITEM</u>	<u>Page</u>
4:00 p.m.	I. CALL TO ORDER	
	II. ROLL CALL	
	<input type="checkbox"/> Emily Secord <input type="checkbox"/> Joshua Skov <input type="checkbox"/> Carl Yeh (chair)	
	III. COMMENTS FROM THE CHAIR	
4:05 p.m.	IV. APPROVAL OF MINUTES	2
	<b>Action Needed:</b> Approval	
	<i>Approve minutes from the March 11, 2019, meeting</i>	
4:10 p.m.	V. PROCUREMENT POLICY REVISION: PROCEDURES FOR PERSONAL SERVICES CONTRACTS [Collina Beard]	8
4:30 p.m.	VI. ADJOURNMENT	

**The facility used for this meeting is wheelchair accessible. To request a reasonable accommodation or interpreter, including alternative formats of printed materials, please contact LTD's Administration office no later than 48 hours prior to the meeting at 541-682-5555 (voice) or 7-1-1 (TTY through Oregon Relay).**

MINUTES OF FINANCE COMMITTEE MEETING

LANE TRANSIT DISTRICT

Monday, March 11, 2019

Pursuant to notice given to *The Register-Guard* for publication on March 5, 2019, and distributed to persons on the mailing list of the District, the Finance Committee of the Lane Transit District held a meeting on Monday, March 11, 2019, beginning at 4:00 p.m., at the LTD Board Room, 3500 E. 17th Avenue, Eugene, Oregon.

Present: Carl Yeh, Chair  
Emily Secord  
Josh Skov  
Aurora Jackson, General Manager  
Kristin Denmark, General Counsel  
Camille Gandolfi, Clerk of the Board  
Lynn Taylor, Minutes Recorder

**CALL TO ORDER/ROLL CALL** — Mr. Yeh called the roll. He said in order to allow sufficient time for discussion of the Delerrok, Inc. and Ogletree Deakins contracts, the committee would consider the contracts with Brown Contracting and Wyatt's Tire Service first and second on the agenda. There were no objections.

**CONTRACT APPROVAL - CONTRACT #2019-08 BROWN CONTRACTING** — Mr. Yeh determined there were no questions from the committee.

MOTION Ms. Secord moved to forward Contract #2019-08 to the LTD Board of Directors with a recommendation for approval. Mr. Skov provided the second.

VOTE The motion passed as follows:  
AYES: Secord, Skov, Yeh (3)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

**CONTRACT APPROVAL - CONTRACT #2019-03 WYATT'S TIRE SERVICE** — Mr. Yeh determined there were no questions from the committee.

MOTION Ms. Secord moved to forward Contract #2019-03 to the LTD Board of Directors with a recommendation for approval. Mr. Skov provided the second.

VOTE The motion passed as follows:  
AYES: Secord, Skov, Yeh (3)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

**CONTRACT APPROVAL - OGLETREE DEAKINS** — Ms. Denmark explained that the contract was for a special legal counsel to represent LTD in labor negotiations. She said the special counsel had represented LTD since 2003. She said labor negotiations had been concluded within the last year and the contract had expired, but safety personnel had recently been certified for addition to the union. Because of that addition it was necessary to procure a sole source contract with the counsel to conduct labor negotiations to include safety personnel in the union agreement. Procuring a sole source contract had to meet the requirements of Oregon law, including factual findings that had to be accepted by the LTD Board acting as the contract review board. She distributed copies of a document entitled

"Proposed Findings of Fact for Awarding a Contract for Goods and/or Services without Competition and Through a Sole-Source Procurement." She said the document was similar to those used by LTD in procuring past sole source contracts.

Ms. Denmark described the process for procuring sole source contracts, including a mandatory protest period of seven days following public notice of the proposed award of a contract. She noted that the legal counsel had recently moved to a new firm and that reference needed to be updated in the findings document; it was non-substantive change.

Mr. Skov asked about the need for urgency in awarding the contract. Ms. Denmark said the union's recent certification of public safety employees required that LTD's human resources staff be able to consult with special legal counsel prior to commencement of negotiations with the union to include those employees. That consultation could not occur until there was a new contract with counsel in place.

Mr. Skov noted the contract was for a period of five years and questioned whether additional scrutiny was necessary because of the sole source procurement. Ms. Denmark said five years was a typical term for legal services and it was not unusual to have services like legal service bid outside of the competitive process. She said findings for awarding the contract included the counsel's continued experience and the duplication of efforts that would occur if a new counsel had to be brought up to date on LTD's labor negotiations.

Mr. Skov asked if LTD could change to a different attorney if there was a compelling need to do so. Ms. Denmark said under Oregon law the term "personal services" could be defined by the contracting agency, but were typically services provided by professionals with specialized expertise. She explained how agencies defined those services and developed a process for procuring those services. She said a policy addressing procurement of personal services was being developed by her staff for the Board's consideration. Ms. Jackson added that the contract could be for a shorter term, such as one-year, if the Board preferred a shorter contract period pending adoption of an LTD policy on procuring personal services.

Mr. Skov asked if the union was consulted when LTD was hiring an attorney for labor negotiations. Ms. Jackson said that could present a conflict of interest as LTD was seeking legal counsel with a background in labor negotiations and would put the District in the most advantageous positions during negotiations with the union. Purchasing Manager Collina Beard said when staff was considering the term of the contract they considered not just the upcoming negotiations on public safety employees, but the fact that negotiation of the operations collective bargaining agreement would occur within that five-year period.

Ms. Denmark said the total amount of a five-year contract was over the \$150,000 threshold for Board approval; a shorter term contract in a lower amount would not require Board approval and fall within the general manager's delegated authority range. Regarding consultation with the union, she said any attorney representing LTD represented the entity through its governing body and technically the union was an adverse party to LTD in labor negotiations.

Mr. Skov explained he had raised the issue because in the past his position on the Board had typically been filled with people affiliated with labor organizations.

Ms. Secord pointed out that language on Page 20 in the Agenda Item Summary indicated the required reporting period for public advertisement of a sole source contract award was five days, not seven days. Ms. Denmark said she would check on and confirm the statutory requirement.

Mr. Yeh asked if there was a penalty if LTD terminated the contract before the five-year period expired. Ms. Beard said the contract contained a clause permitting LTD to terminate for convenience.

MOTION Mr. Skov moved to forward Contract #2019-16 to the LTD Board of Directors with a recommendation for approval. Ms. Secord provided the second.

VOTE The motion passed as follows:  
AYES: Secord, Skov, Yeh (3)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

MOTION Mr. Skov moved to forward the Proposed Findings of Fact to the LTD Board of Directors with a recommendation for approval. Ms. Secord provided the second.

VOTE The motion passed as follows:  
AYES: Secord, Skov, Yeh (3)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

**CONTRACT APPROVAL - CONTRACT #2019-05 DELERROK, INC.** — Information Technology Director Robin Mayall presented an overview of the procurement and proposal evaluation process for a new fare collection system and said Delerrok, Inc. was a clear winner, having many more of the features LTD was seeking in a new system. She said the Delerrok system, called TouchPass, was a software as a service model which meant Delerrok would host the software and any new features created for a customer would be provided to all customers. She said LTD could configure the software to meet all of its needs, although the software was not customized by Delerrok specifically for LTD.

Ms. Mayall explained the features that were particularly important to LTD, such as:

- Configurable platform
- Flexible fare payment options
- Account-based, which allowed customers, non-profits and retailers to self-manage their fares
- Cloud-based platform processing fares in real-time
- Expandable to other services
- Flexible for off-board special event service fare collection
- Customizable to incorporate the "look" of LTD's brand
- Extensive reporting capabilities
- Off-line fare validation
- Flexible fare and policy options

Ms. Mayall said the web-based account management system did not require a great deal of personal information and explained how it could be used by customers who would benefit from greater fare equity through fare capping.

Mr. Skov said some features seen in earlier presentations did not appear to be on the list. He asked if staff felt the platform would present any restrictions to fare policy. Ms. Mayall said it was not an exhaustive list. The system was extremely flexible and staff had not detected any barriers to implementation of LTD's current or future fare policies.

Mr. Yeh left the meeting at 4:30 p.m. He said Ms. Secord would chair the meeting in his absence.

Director of Customer and Specialized Services Cosette Rees pointed out that the system was expandable to other programs and services such as RideSource and mobility on demand.

Ms. Mayall said the web-based account management system included an administrative console that would allow LTD to administer the system and set permissions. The merchant portal would allow riders

to purchase passes or add money to their account from selected retailers in the community, significantly expanding LTD's current network of retailers. This would particularly benefit those who were unbanked. The passenger portal allowed riders to log in and manage their own accounts. She stressed that LTD would configure manage what views users had into system data.

Ms. Mayall said there would also be an institutional portal so employers and organizations with group pass programs could manage their own members. She explained how fare validation would occur on 40-foot buses and articulated buses to reduce dwell time. Platform validators for EmX were not currently included in the system, but there would be a phased integration. Initially validators would be on all regular services buses and EmX would continue to operate as it was. She said within nine months platform validators would be ready for EmX buses. She noted that none of the respondents to the request for proposals (RFP) had platform validators available immediately. She said platform validators were similar to the fare validation process when riding light rail. Placing validators on EmX buses would drastically impact how the EmX service operated. She said after platform validators were installed fare inspectors would continue to ride the system using tablets as mobile fare inspection devices. She said part of the definition of "bus rapid transit" was that validation did not happen on the bus.

Ms. Mayall said if the Board approved the contract at its March 20 meeting, the goal was implementation of the fare collection system on August 1, 2019, in order for the necessary transition and training to occur prior to implementation of the youth fare program in September. She stressed that the new system would not replace cash fare boxes; it was a value added for customers. She said the implementation team consisted of herself, Ms. Reese, Andrew Martin from Planning and Cammie Harris from Marketing.

Ms. Secord asked about the financial component of the contract. Ms. Jackson said the project had been approved by the Board as part of LTD's Community Investment Plan (CIP). If the Finance Committee wanted more information about the financial component than was included in the agenda materials it could request another meeting for that purpose. She said typically once the Finance Committee had recommended approval of a contract, it was placed on the Consent Calendar for the next Board meeting as it was deemed that the committee had conducted due diligence. She said the contract could always be pulled from the Consent Calendar if any Board members wished to have additional discussion of it. She said staff planned to make a presentation to the Board about the contract.

Mr. Skov observed there had already been substantive conversations about the topic at Board, Strategic Planning Committee and Ad Hoc Fare Policy Committee meetings. He appreciated the extent to which those discussions had been reflected in the procurement process and was pleased there had been five responses to the RFP. He asked a protest to the award was expected. Ms. Denmark said the intent to award notice had been issued and the protest period would expire prior to the Board meeting.

Ms. Secord asked if riders would tap their cards when getting on and off the bus. Ms. Mayall said only when getting on the bus. Delerrok had demonstrated how it would extrapolate departure information from the data collected, although all departures would not be counted.

Mr. Skov said the six-year contract was longer than the term originally discussed and asked for clarification. Ms. Mayall said one factor was the cost of validators, including the platform validators still to be delivered. She said the contract could be terminated earlier for convenience, but the six-year period allowed sufficient time for LTD to recoup on the hardware and the amount of time and effort involved in implementing the system. She said each of the RFP respondents had a product roadmap. The system LTD implemented on August 1 would not be the same system in six years. It would much more functionality as the software evolved in a dynamic and iterative process.

Ms. Jackson said six years was typically the cost model for adequate depreciation under Federal Transit Administration's rules.

Ms. Secord asked about the cost of replacing a card for the rider and for LTD. Ms. Mayall said the cost for LTD would be \$2.00. Ms. Jackson said the cost for the rider would be part of a discussion with the Board about elements of LTD's fare policy after the new system was implemented. She said initially the cards would be free for the user.

Mr. Skov noted the contract budget included the purchase of 75,000 cards and wondered if that was more than necessary if riders were being encouraged to use mobile applications. Ms. Mayall said many middle and high school students would likely use the card.

Mr. Skov said the Ad Hoc Fare Policy Committee had decided that elementary students would not need to have cards and that was confirmed by the SPC and Board. Ms. Mayall said because of the aggressive implementation timeline there were many questions that would still require decision-making as system operations got under way. Those questions could not be answered until a system was procured. She said Delerrok indicated that 10-15 percent adoption of the mobile applications was typical. The 75,000 cards would be used over the life of the six-year contract and more could be ordered if necessary.

Ms. Secord asked if a cost/benefit analysis had been conducted to determine the recovery of costs through efficiencies and offsets. Ms. Mayall said that type of data would not be available until the system had been in place for a while, but planners were looking forward to having more and better data. She said in the long-term it was definitely possible that the data would help drive system changes.

Ms. Secord asked if new FTEs would be required to manage the system. Ms. Mayall said none were expected and the system would move forward with existing staff. She said the evaluation team had looked for a straight forward system that would help the District become more efficient.

Mr. Skov said it would be helpful to know if any additional staff support would be required. Ms. Jackson said that was unknown because the District was moving from zero data collection and did not have anything to compare with. She said even though it was a major transition it would be unwise to add unnecessary staff. The functions of administering the system would be absorbed within the existing positions. Ms. Mayall said the Medford transit agency used the same fare collection system with only one information technology staff member. She said the Delerrok system had been implemented in other agencies and based on those experiences LTD staff was confident that it would be easy to implement and administer. She said personnel time had been budgeted for those activities. Ms. Rees commented that the current system was much higher maintenance

Ms. Secord asked that the presentation to the Board included information on balancing of gains and losses, such as staff time. She felt the community would be pleased with the new user-friendly fare system and hoped to see reports every six months on how the efficiencies were playing out within the organization.

Mr. Skov asked about cyber security and the possibility system data could be hacked. Ms. Denmark said LTD would own the data and a robust analysis was conducted regarding what information would be accessible in a public records or law enforcement request or litigation. She said LTD was protected in the event of data hacks by cyber liability insurance. Ms. Mayall said LTD would own the data but it would not be residing on servers at LTD. Delerrok would be storing and managing the data on Amazon web services.

Mr. Skov said the recent number of hacks of personal information from companies meant that LTD would need to reassure the public that their information was secure. Ms. Rees said those were critical elements of the RFP and proposal evaluations. She said Delerrok had never had a data leak.

Mr. Skov asked if Delerrok would assist with marketing the new system to the public and the transition of riders to the new process. Ms. Rees said one of the attractive aspects of Delerrok's proposal was

the focus on that transition for the agency, customers, passengers and the general public. They would many resources to the table for that purpose.

MOTION Mr. Skov moved to forward Contract #2019-05 to the LTD Board of Directors with a recommendation for approval. Ms. Secord provided the second.

VOTE The motion passed as follows:  
AYES: Secord, Skov (2)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: Yeh (1)

MOTION **APPROVAL OF MEETING MINUTES** — Mr. Skov moved to approve the minutes of the December 10, 2018, Finance Committee meeting as presented. Ms. Secord provided the second.

VOTE The motion passed as follows:  
AYES: Secord, Skov (2)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: Yeh (1)

**ADJOURNMENT** — Ms. Secord adjourned the meeting at 5:20 p.m.



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** April 8, 2019

**ITEM TITLE:** PROCUREMENT POLICY REVISION: PROCEDURES FOR PERSONAL SERVICES CONTRACTS

**PRESENTER:** Collina Beard, Director of Business Services

**DIRECTOR:** Aurora Jackson, General Manager

**ACTION REQUESTED:** Approval

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**PURPOSE:** To provide information to the Board of Directors for the purpose of amending LTD's Procurement Policies and Rules to include procedures related to Personal Services contract selection.

**HISTORY:** On June 18, 1985, Lane Transit District's Board of Directors adopted Ordinance 30 creating a local contract review board for Lane Transit District (LTD). This local contract review board is known as the LTD Contract Review Board ("LTD/CRB").

On June 22, 2017, the LTD Contract Review Board adopted the Oregon Model Rules, Division 46, 47, 48 and 49, adopted by the Attorney General under Oregon Revised Statute ("ORS") 279A, 279B, and 279C as they now exist, and as they may be amended in the future, as LTD's Public Contracting Rules.

From time to time, the District is in need of obtaining Personal Services requiring specialized skill, ability, resources, knowledge or expertise and in which it may not be in the public interest to undergo a competitive bidding process as the Personal Services required may only be obtained from one or a small group of vendors, or in emergency situations. Pursuant to ORS 279A.055 and 279A.065 (6), the LTD Board of Directors, as the LTD Contract Review Board, may: (a) designate certain contracts as Personal Services contracts; and (b) adopt rules of procedure for selection of such Personal Services contracts, in lieu of the Oregon Model Rules for public contracting, set forth in the Oregon Administrative Rules (OAR) Chapter 137, Division 046 to 049.

**CONSIDERATIONS:** District Staff seeks to establish procedures for the selection of Personal Services contracts, as well as to define those Personal Services which may be exempted from the usual competitive bidding process, except as may be required by applicable federal statutes and regulations.

For the purposes of this policy, Personal Service contracts shall include, but not be limited to, the following:

- Contracts for services performed in a professional capacity or as a consultant including but not limited to services of an accountant; actuary; auditor; attorney; banker; insurance agent; information technology consultant; or marketing specialist.
- Contracts for services as an artist in the performing or fine arts.
- Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.



- Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
- Contracts for services that are specialized, creative, or research oriented.

This policy does not include Professional Services, as defined in ORS 279C.100 (2), which means, “architectural, engineering, photogrammetric mapping, transportation planning or land surveying services,” or Related Services, as defined in ORS 279C.100 (8), which means, “services related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects.”

**ALTERNATIVES:**

- (1) Deny adoption of the procurement policy revision to address Personal Services Contracts as presented and request additional updates or changes;
- (2) Deny adoption of the procurement policy revision to address Personal Services Contracts; this would maintain the current policy and related procedures;

**NEXT STEPS:** The policy revision will be taken to the Board of Directors at its April 1, 2019, Regular Board meeting for adoption. If adopted, the policy revision will take effect immediately. Staff will continue to regularly apprise the Board of all contracts awarded and executed via the Designated Authority Report included in each month’s Board Meeting packet. Personal Services contracts in excess of the General Manager’s delegated authority will continue to be presented to the Board of Directors for approval.

**SUPPORTING DOCUMENTATION:**

- 1) Personal Services Contract Selection Policy and Procedures

**PROPOSED MOTION:** I move to forward the Procurement Policy Revision: Procedures for Personal Services Contracts to the Board of Directors with a recommendation for approval.

## PERSONAL SERVICES CONTRACT SELECTION PROCEDURES

Pursuant to ORS 279A.055 and 279A.065 (6), the LTD Board of Directors, as the LTD Contract Review Board, may: (a) designate certain contracts as Personal Services contracts; and (b) adopt rules of procedure for selection of such Personal Services contracts, in lieu of the Oregon Model Rules for public contracting, set forth in the Oregon Administrative Rules (OAR) Chapter 137, Division 046 to 049.

This *Personal Services Contract Selection Procedures* constitute LTD's procedures for the screening and selection of Personal Services contracts.

- 1. Definitions.** The following terms have the meanings set forth herein. Any term not defined herein shall have the definition set forth under the Oregon Public Contracting Code (ORS Ch. 279A-C) or the Oregon Model Rules (OAR 137-046 to 049).
  - a. Proposal.** An offer to provide Personal Services whether formal or informal as designated below.
  - b. Personal Services.** Services where the skill, ability, resources, knowledge or expertise of an independent contractor are of paramount importance. Personal Service contracts include, but are not limited to, the following:
    - i. Contracts for services performed in a professional capacity or as a consultant including but not limited to services of an accountant; actuary; auditor; attorney; banker; insurance agent; information technology consultant; or marketing specialist.
    - ii. Contracts for services as an artist in the performing or fine arts.
    - iii. Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.
    - iv. Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
    - v. Contracts for services that are specialized, creative, or research oriented.
  - c. Professional Services.** As used herein, Personal Services does not include Professional Services, as defined in ORS 279C.100 (2), which means, "architectural, engineering, photogrammetric mapping, transportation planning or land surveying services," or Related Services, as defined in ORS 279C.100 (8), which means, "services related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects." Professional Services and Related Services are subject to the requirements of ORS Ch. 279C and OAR Chapter 137, Division 048.

2. **Method of Procurement.** Based on the estimated total cost of a Personal Services contract, the following methods of procuring a Personal Services contract shall be used, unless an exemption applies, pursuant to Section 4:
  - a. **Direct Negotiation – Personal Services Contract of \$10,000 or Less.** When a nonexempt Personal Services contract is estimated to be \$10,000 or less, a Personal Services contractor may be selected by direct selection or award, so long as the quality of service offered by the Personal Services contractor is sufficient for LTD’s particular needs under the circumstances, the cost to LTD is fair and reasonable under the circumstances, and the award is in all other respects in LTD’s best interests.
  - b. **Informal Solicitation – Personal Services Contracts Over \$10,000 But Not Over \$150,000.** When a nonexempt Personal Services contract is estimated to be more than \$10,000 but not more than \$150,000, informal Proposals, or price quotes, may be solicited. Informal Proposals, or price quotes, shall be solicited from a sufficient number of qualified prospective proposers to ensure no fewer than three qualified proposers submit Proposals or price quotes. If three quotes or Proposals are not reasonably available, fewer will suffice, and the efforts made to solicit Proposals, or price quotes, shall be documented in LTD’s files.
  - c. **Formal Solicitation – Personal Services Contracts Over \$150,000.** When a nonexempt Personal Services contract is estimated to exceed \$150,000, LTD shall award the nonexempt Personal Services contract by competitive sealed bidding under ORS 279B.055 or by competitive sealed proposals under ORS 279B.060 and the applicable Model Rules.
3. **Prequalification of Prospective Proposers.** A pool of prospective proposers may be established for a particular type of Personal Services contract by soliciting statements of qualification from individuals or firms that may be qualified to perform those particular Personal Services pursuant to ORS 279B.120 and corresponding statutes and administrative rules.
4. **Exemptions.** Procuring a Personal Services contract under one of the exemptions set forth herein is a non-standard procurement, which requires, pursuant to LTD Resolution No. 2017-03-15-011, *A Resolution Establishing Public Contracting Policies*, written approval of the General Manager and the Director of Business Services before solicitation, if any, or entering into.

In accordance with the levels of contracting authority requirements set forth in LTD Resolution No. 2017-03-15-011, Personal Services contracts entered into pursuant to an exemption under this Section and estimated to exceed \$149,999 shall be presented to the LTD Contract Review Board for approval.

- a. **Sole Source.** If only one individual or firm is qualified and available to perform a Personal Services contract, a contract may be awarded to that individual or firm without competition. The requirements of ORS 279B.075 do not apply.

- b. Unique or Specialized Knowledge or Expertise.** A Personal Services contract may be awarded without competition if the contractor has unique or specialized knowledge or expertise required by LTD, and soliciting informal or formal proposals from others would not be in LTD's best interests.
- c. Emergency.** A Personal Services contract may be awarded without competition if prompt execution of a contract is necessary in an Emergency, as that term is defined in ORS 279A.010 (1)(f).

## 5. Protests.

- a. Purpose.** An Affected Person may protest the award of a Personal Services contract, or a notice of intent to award a Personal Services contract, whichever comes first. Before seeking judicial review of the award of a Personal Services contract, an Affected Person must file a Written protest with LTD and exhaust all administrative remedies.
  - b. Delivery.** Unless otherwise specified, an Affected Person must deliver a Written protest to LTD within seven (7) Days after award of a Personal Services contract, or issuance of the notice of intent to award a Personal Services contract, whichever comes first.
  - c. Content of Protest.** The Written protest must include those requirements set forth in OAR 137-047-0740 and any other requirements set forth in *Lane Transit District's Procurement Policy, adopted on June 22, 2017*.
  - d. Contract Review Authority Response.** LTD shall not consider an Affected Person's protest submitted after the timeline established for submitting such protest.
  - e. Judicial Review.** An Affected Person may seek judicial review of LTD's decision relating to a protest of the award of a Personal Services contract only after the Affected Person has exhausted all administrative remedies set forth in *Lane Transit District's Procurement Policy, adopted on June 22, 2017* and in accordance with the requirements of Oregon law.
- 6. Federal Funds.** Notwithstanding any provision herein, LTD shall comply with applicable federal statutes and regulations for Personal Services contracts funded with federal funds in accordance with applicable law.