

**DELTA CONVEYANCE  
DESIGN AND CONSTRUCTION AUTHORITY  
PROTEST POLICY**

- A. **Applicability.** This Policy applies to the procurement of competitively solicited goods, materials, and services. Protests shall be handled in accordance with the following.
- B. **Timeliness.** Any protest of a solicitation (e.g., Request for Bid, Request for Proposal, Request for Qualification) must be made in writing and received by the Delta Conveyance Design and Construction Authority (“DCA”) at 980 9th Street, Suite 2400, Sacramento, CA 95814 Sacramento, CA 95814 and to [protests@dcdca.org](mailto:protests@dcdca.org).
1. Protests of award/selection must be received no later than five (5) working days after notification of protestor’s selection status.
  2. The protest must be made in writing (e.g., letter and e-mail) and must contain the following information:
    - a) Name, address and phone number of the protestor
    - b) The title and solicitation number and title of the solicitation being protested
    - c) A detailed statement providing the basis for the protest and all supporting documentation
  3. The DCA will respond after an investigation of the facts citing any actions that will or will not be taken regarding the solicitation.
  4. Late protests shall be dismissed.
- C. **Exclusive Remedy.** The procedure and time limits set forth in this section are mandatory and are the sole and exclusive remedy in the event of a protest. A protestor’s failure to comply with these procedures will constitute a waiver of any right to further pursue a protest, including filing a Government Code Claim or initiation of legal proceedings.
- D. **Right to Award.** The DCA reserves the right to award a contract to the respondent it has determined to be the respondent submitting the lowest responsive bid, in the case of a Request for Bid, or to the respondent submitting the best value proposal or the respondent that is the most qualified, in the case of a Request for Proposal or Statement of Qualifications, and to issue a notice to proceed with the work notwithstanding any pending or continuing challenge to its determination.

**BOARD OF DIRECTORS OF THE DELTA CONVEYANCE  
DESIGN AND CONSTRUCTION AUTHORITY  
RESOLUTION NO. 21-06**

**Introduced by Director: Sarah Palmer  
Seconded by Director: Martin Milobar**

**AMENDING THE ETHICS POLICY AND PROTEST POLICY**

WHEREAS, the Delta Conveyance Design and Construction Authority (DCA) previously adopted the Board Policy on Ethics in Conducting DCA Business (Ethics Policy) and Protest Policy; and

WHEREAS, the DCA recently updated its bylaws ("Bylaws") to align with the Amended and Restated Joint Powers Agreement Forming the Delta Conveyance Design and Construction Joint Powers Authority; and

WHEREAS, the DCA wishes to update the Ethics and Protest Policies to ensure consistency with the Bylaws and other DCA policies, to update addresses, to incorporate best practices, and to align with applicable law;

Now, therefore, the Board of Directors hereby resolves as follows:

1. RECITALS

The above recitals are incorporated into this Resolution by reference.

2. ETHICS POLICY

The Board Policy on Ethics in Conducting DCA Business is hereby amended to read in full as set forth in the attached Exhibit A, incorporated by this reference.

3. PROTEST POLICY

The Protest Policy is hereby amended to read in full as set forth in the attached Exhibit B, incorporated by this reference.

4. EFFECTIVE DATE

This Resolution is effective upon its adoption.

\* \* \* \* \*

This Resolution was passed and adopted this 17<sup>th</sup> day of June 2021, by the following vote:

Ayes: 7  
Noes: 0  
Absent: 0  
Abstain: 0

DocuSigned by:  
*Richard Atwater* 6/23/2021  
0282CDAE01D7427...  
Richard Atwater, Board President

Attest:

DocuSigned by:  
*Martin Milobar* 6/23/2021  
CC3A6897DF1F4B7...  
Martin Milobar, Secretary