

**Metropolitan Transportation Commission  
Operations Committee**

**May 12, 2023**

**Agenda Item 4b**

**Bid Protest of Vix Technology Inc. – Appointment of Hearing Panel on Appeal of Protest  
Determination and Delegation of Authority to Decide Appeal**

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**Subject:**

Appointment of a hearing panel on the appeal of Vix Technology Inc. (Vix) in connection with its protest of the award of the Next Generation Clipper® (C2) Fare Card Fulfillment contract to Cubic Transportation Systems Inc. (Cubic), and delegation of authority to the hearing panel to determine the appeal.

**Background:**

On March 10, 2023, the Operations Committee approved the staff recommendation to award the C2 Fare Card Fulfillment contract to Cubic following the release of a request for proposals (RFP). On March 20, 2023 Vix, another proposer that responded to the RFP, submitted a protest to the award to Cubic pursuant to the RFP's protest procedures. An MTC staff person was then appointed as a protest review officer and conducted a review of the protest, and recommended to the MTC Executive Director that Vix's protest be denied. The Executive Director agreed with the recommendation and notified Vix of the result by letter of April 19, 2023. By letter of April 21, 2023, Vix appealed the Executive Director's determination to the Operations Committee pursuant to the RFP's protest procedures.

At this stage, staff requests the Committee approve the appointment of an ad hoc group of three commissioners from the Operations Committee to comprise the hearing panel related to Vix's appeal of the protest determination. Committee Chair Rabbitt has appointed Commissioner Spring, Commissioner Dutra-Vernaci, and himself to serve on the hearing panel. Staff also requests the Committee to delegate authority to the hearing panel to decide the appeal on behalf of the Operations Committee. The decision will constitute the final agency decision on Vix's protest.

**Issues:**

None identified.

**Recommendations:**

Staff recommends that the Operations Committee approve the appointment of the ad hoc group of commissioners referenced above to comprise the hearing panel related to Vix's appeal of the protest determination, and delegate authority to the hearing panel to decide the appeal on behalf of the Operations Committee.

**Attachments:**

- None



Andrew B. Fremier