

A Guide to Procurement at The Port Authority of NY & NJ

Welcome to A Guide to Procurement at The Port Authority of New York and New Jersey. This brochure provides an overview of everything that your company needs to know in order to do business with the Port Authority of New York and New Jersey (including the Port Authority Trans-Hudson Corporation (PATH) and the Port Authority's other wholly owned entities). We are committed to the economic growth of the New York and New Jersey region and to helping businesses succeed. We look forward to working with you and your company in furthering this goal.

The Port Authority strives to maintain the highest levels of honesty, integrity, and public trust in all its endeavors. We expect our vendors to cooperate with us to ensure the integrity of our procurement processes, and in that regard your attention is invited to the discussion below entitled "Vendor Responsibilities."

When the Port Authority procures goods, services (which include professional, technical and advisory consulting services) and construction related contracts, the Port Authority seeks the best value. In the purchase of goods and some services this usually means obtaining the highest quality at the lowest cost within the required timeframe. Whenever practical for such goods and services, Port Authority requirements are met through competitive public bidding procedures, with an award made to the lowest qualified responsive/responsible bidder. In the case of professional services, our objective is to identify firms who, based upon their qualifications, experience, and proposed cost, are aligned with the project needs, and offer the Best Buy/Best Value to the Port Authority. The primary mechanism for procuring such services is through a publicly advertised solicitation process.

The Port Authority often solicits more complex procurements through the use of the Request for Proposals (RFP) process. In this process, the Port Authority issues an RFP document outlining the scope of the work as well as the contractual terms and selection criteria. Interested businesses/consultants (Proposers) submit proposals in response to the solicitation. Submitted proposals are rated by an evaluation committee based on a variety of weighted factors, which may include qualifications and experience of the firm and its staff, technical and management approach, and cost. Procurements may also be made according to other accepted practices and techniques depending on the nature of the services, business requirements, and what is in the best interest of the Port Authority.

The Port Authority seeks to maximize the opportunity for participation in its solicitations. This is achieved by increasing public awareness through postings on the Port Authority's website, in various publications, and through the use of established lists of registered vendors and contractors in a variety of fields, as appropriate. Interested participants in the Port Authority's solicitations should register on our website as a consultant or vendor, monitor the advertisements that appear daily on the Port Authority's website, and check back regularly so as not to miss any opportunities. Bid lists are maintained. Vendors are encouraged to update their information regularly to keep it current. For more details and links to Procurement information on the Port Authority's website, please refer to the section of this Guide entitled "Procurement Opportunities at the Port Authority Website."

In certain circumstances, vendors and contractors may be "pre-qualified" for specific contract solicitations. The Request for Qualifications (RFQ) "pre-qualification" process may vary depending on the subject and needs of each RFQ. Interest in contracts may be solicited through a Request for Information process.

Consistent with its long standing commitment to maximize business opportunities for small, minority and woman owned business enterprises, the Port Authority conducts its own certification process for each of these categories – SBE, MBE, WBE and may set aside various procurement opportunities or establish good faith goals for participation by certified M/W/SBE contractors in certain contracts. Price preferences for certified M/W/SBEs may also be available in certain bids. Certification is performed by the Port Authority's Office of Business and Job Opportunity. Companies that believe they may qualify for one or more of these categories and are interested in doing business with the Port Authority are highly encouraged to contact the Office of Business and Job Opportunity regarding certification.

The Port Authority appreciates the opportunity to provide businesses and the public with access to contract information via our website and we welcome suggestions to help us better serve the public interest.

About the Port Authority's Procurement Department

The Procurement Department's purpose is to procure quality goods, services, construction and professional, technical, and advisory services based on the principles of open competition and fairness with the highest level of integrity. The Procurement Department consists of six divisions and a compliance unit, as described below. The Department provides client services to the Port Authority and ensures procedural and operational integrity, compliance, consistency and transparency of the procurement process through public disclosure.

Procurement best practices, as well as innovative techniques and tools are employed to foster opportunities for participation in its solicitations as required to provide best value for the Port Authority while contributing to the economic viability of the region.

The Core Functions and Divisions of the Procurement Department are as follows:

Construction Procurements & Integrity Programs Division promotes a competitive bidding environment to ensure the best price for construction work and manages the bidding and award processes (including minority participation, financial and bonding issues). Outreach efforts with the contracting community have been enhanced by the Division to encourage the submission of bids and qualification of bidders. The Division manages the vendor integrity process for all Port Authority contracts.

World Trade Center (WTC) Site / FTA Procurement Management and Compliance Division manages the solicitation, negotiation of pricing, terms and conditions and award of contracts for Federal Transit Administration (FTA)-funded and other WTC site projects, including the WTC Site Transportation Hub, WTC Vehicular Security Center and East Side Tour Bus Parking Facility and One World Trade Center.

Compliance Unit is responsible for the development and maintenance of the standardized solicitation documents for bids, the Requests for Proposals, Requests for Qualifications/Quotes, Requests for Information and for guidelines and procedures.

Purchasing Services Division manages commodity procurements for the agency and its stockrooms, including PATH & automotive acquisitions, along with service procurements such as janitorial services, snow removal, towing and HVAC. The Division promotes a competitive environment primarily through bids, managing the entire process through contract award. Key initiatives, such as the set-aside and price preference programs are implemented to achieve minority, woman and small business enterprise goals. The Division also develops revenue-generating contracts and manages surplus sales.

Technology & Operational Procurement Services Division manages highly complex and high dollar procurements insuring that best contract methods and practices are followed through the utilization of RFP's, Bids, and governmental contracts while delivering a varied listing of service related contracts. The focus is on contract services for facility and Port Authority technology (hardware/software) service requirements, including labor intensive trade and non-trade services, customer care representatives, airport management, ground transportation, ferry and marine services, elevator/escalator, revenue generating

services, utility and energy procurements, security services, telecommunications, facility operation and maintenance services. Minority, women and small business efforts and goals are an integral part of our contract service requirements.

Professional, Technical & Advisory (PTA) Services Division manages the procurement of such services. Their responsibilities include procurement oversight, solicitation preparation, contract negotiation and public outreach, as well as developing Port Authority guidelines for the procurement of such services. Solicitations vary from project specific services, to task order (call-in/as-needed) services.

Procurement Operations Division is responsible for centralized department operational functions, standardization and management of the vendor/bid process. The Division issues bids, RFPs and contract documents; manages advertising; develops and maintains the Procurement Department website pages including award and bid result activities; and the Small Business Janitorial and Maintenance Set Aside Program. The Division also operates Port Authority stockrooms, oversees inventory management and materials planning and administers agency-wide contracts such as office supplies, to support facility operations.

Each procurement is unique and may differ in some ways from the information set forth herein. This brochure is intended to provide an overview of the mechanisms used within the Procurement Department to achieve the Port Authority's mission. As a consultant/ vendor/contractor, you are critically involved in helping us meet the Port Authority's goals. Your participation in our solicitations provide an opportunity for your firm to serve the Port Authority, and thereby the region, while advancing your own business interests. It is a continued commitment to fostering competition and creating opportunity that allows the Port Authority to meet its goals.

Thank you for your continued interest and participation in our programs.

Lillian D. Valenti
Director, Procurement Department

Policy

The Port Authority seeks to procure goods, services and construction contracts with the highest standards of quality at the lowest cost at the required time on a competitive basis whenever practicable. The Procurement Department chooses the appropriate procurement method and when indicated, negotiates with vendors. The Director of the Procurement Department has overall responsibility for procurements and is authorized to enter into contracts for the purchase of goods and services and for consulting and construction contracts.

Submitting Bids

Sealed bids and proposals are received in the Procurement Department, 7th Floor, One Madison Avenue, New York, NY 10010, on or before the opening date and time specified in the bid document. Bids are time and date stamped upon receipt and locked in the Bid Depository. All bids remain sealed until opened by the Bid Custodian. Bids and proposals are only accepted Monday through Friday between 8:00 a.m. and 5:00 p.m., excluding Port Authority holidays, via (1) regular mail; (2) express delivery service, e.g., UPS, FedEx, DHL, etc. or (3) hand delivery.

Specific directions for bidding each Port Authority contract are contained in the bid document package. This information is vital to submitting a responsive bid and may include date, time, place of bid opening and the name of the contact person for inquiries. Any changes to this information will be included in addenda and, where applicable, issued via email and/or mail and published on the Port Authority web site.

Mailed bid document packages may include a special bid return envelope to be used specifically for submission of proposals. These envelopes are designed to alert the Port Authority Mailroom to expedite delivery to the Bid Custodian. The name of the interested company and return address, bid/contract number and bid due date should be clearly indicated on the outside of the envelope. Interested businesses are encouraged to utilize the special brightly colored formal or manila bid envelope provided with the bid document. Use of "Express" mail-type delivery obscures the nature of the contents and may delay delivery of a bid to the Bid Custodian. If the outer envelope used for a bid submission is something other than the Port Authority provided envelope, it must be conspicuously marked with the bidder's name and return address along with the bid/contract number and bid due date. Bid document packages that are downloaded from the Internet will not include any envelope and bidders will need to arrange for delivery accordingly.

The public is invited to attend public bid openings, which take place in the Bid Room, 7th Floor at the Madison Avenue address. The bid opening begins promptly at the bid specified time. Attendants must bring a photo I.D. to gain

access into the building. Bid results are posted on the Port Authority website: <http://www.panynj.gov/business-opportunities/preliminary-bid-results.html>

Responses to RFPs must be submitted in accordance with the instructions in the RFP document with each shipped parcel conspicuously marked with the proposer's name, address, title of the RFP, RFP number and proposal due date.

Informal bids, which are bids that are not advertised or publicly opened, may also be solicited by mail, email, facsimile transmittal, or telephone depending on the nature of the requirement and the estimated cost.

The Port Authority reserves the right to waive defects in any bid or proposal. Further, the Port Authority reserves the right to reject or accept any bid, combination of bids or proposal that best serves the public interest.

Interested businesses should check the Port Authority website for bid results. Successful vendors will be notified of the award by mail, email or fax, as appropriate. Awards are posted on the Port Authority website.

Minority and Women-Owned and Small Business Enterprises (M/W/SBE)

The Port Authority sets good faith M/WBE subcontracting goals for most of its contracts. These goals are set on a contract-by-contract basis. Disadvantaged Business Enterprise (DBE) requirements will be included on projects that receive Federal funding as stipulated by Federal regulations.

Special vendor/consultant programs to encourage minority, women and small business enterprise participation in supplying goods and services to the Port Authority and PATH have been in effect for many years. These programs allow for a range of special provisions for companies that qualify for them, including set-asides, price preferences, and subcontracting, as appropriate.

Additional information on these programs and on vendor certification is available from the Office of Business and Job Opportunity (OBJO), 233 Park Avenue South, 4th floor, New York, NY 10003. Telephone (212) 435-7802, email OBJOcert@panynj.gov.

Subcontracting Opportunities for Construction Contracts

It is Port Authority policy to enter into contracts with "prime" contractors to ensure undivided responsibility for its work. Any subcontracting activity that takes place is the complete responsibility of the prime contractor. Bid results for prime contractors can also be obtained from the Contract Award Status page on The Port Authority web site, located at:

<http://www.panynj.gov/business-opportunities/ca-contracts-awarded.html>

World Trade Center Site Projects

In addition to Port Authority's construction contracting opportunities, please note that contractors or agents may also procure construction and related trades on behalf of the Port Authority for World Trade Center site projects.

Information about construction and construction support opportunities for One World Trade Center is available on the website of Tishman Construction Corporation, the Construction Manager for One World Trade Center. See www.tishmanconstruction.com/index.php?q=wtc to access the site.

Vendor Responsibilities

INTEGRITY We expect vendors to adhere to the highest level of integrity and customer service, which calls for responsiveness to all bid solicitations and faithful compliance with all contract terms, including delivery commitments. Integrity investigations prior to contract award are standard practice.

The Port Authority's policy is to award all contracts only to "responsible" contractors. The contract documents require that each bidder or proposer certify that it has never been indicted, convicted, suspended, debarred or terminated by any governmental agency; never failed to pay taxes; and never been the subject of a criminal investigation or a civil anti-trust investigation by any governmental agency. If the bidder cannot make such certification, the bidder is required to furnish with its bid a signed statement that sets forth the reasons therefor.

The inability to make such certification does not, in and of itself, disqualify a bidder. In each instance, the Port Authority evaluates the reason provided by the bidders. Failure to disclose such information is viewed as bearing on the bidder's responsibility and integrity. As part of the review of an apparent low bidder's qualifications prior to the award, the Port Authority reviews the contract documents submitted with the bid and performs a search of various databases to determine if there is any information regarding the low bidder that may adversely affect the bidder's responsibility and integrity. If adverse information is obtained, the bidder is given a further opportunity to explain the adverse information or the reasons why such information was not disclosed as part of the bid information.

Should the Port Authority's evaluation conclude that the information adversely affects the responsibility and integrity of the low bidder on a construction award, a hearing is held where the low bidder is given an opportunity to demonstrate to hearing officers designated by the Port Authority that it is a "responsible" entity. A determination is then made whether or not to award the contract to the low bidder.

GIFTS AND GRATUITIES The Port Authority has a long-standing policy prohibiting employees from soliciting, demanding or accepting vendor gifts or

gratuities of any kind, and from accepting cash discounts or other favors which might tend to obligate our employees to vendors. The complete contractor integrity provisions on gifts and gratuities can be viewed on the Port Authority website.

CONTACTS REGARDING PROCUREMENTS/LOBBYISTS From the moment a procurement process begins, with notice of a solicitation, to the moment it ends, with the final contract or award, vendors/contractors and their representatives may contact the Port Authority with respect to that procurement only via the Procurement Department individual or individuals explicitly designated for that purpose. Contact is limited to obtaining clarifications and not for the purpose of influencing selection. The complete contractor integrity provisions can be viewed on the Port Authority website.

FAIR AND REASONABLE WAGES AND BENEFITS The Port Authority has a long-standing commitment to ensure that our vendors' employees receive fair and reasonable wages and benefits in the performance of their duties on Port Authority contracts. We take that commitment seriously. Your attention is invited to Port Authority contract documents that address this important goal, especially in relation to health benefits.

SECURITY Please be advised that in order to conduct business with the Port Authority, the staff and employees of any interested business may be subject to identity checks and background screening.

NON-PUBLICATION Vendors are required to obtain prior written approval from the Port Authority in order to advertise or issue literature of any kind referring to the Port Authority, the Port Authority Trans-Hudson Corp., or other wholly owned entities of the Port Authority or the services performed in connection with any Agreement.

Vendor Payment

Vendors are entitled to be paid on time. Our normal payment terms are net 30 days, and we take that commitment seriously. Discounts for prompt payment may be taken only if the invoice is paid within the time frame for which the discount is offered. Vendors can help by submitting invoices correctly. Duplicate copies of the invoice with clear reference to the purchase order number must be submitted to the Port Authority General Accounting Division, Comptroller's Department, 5th Floor, One PATH Plaza, Jersey City, NJ 07306 unless otherwise indicated on the purchase order or in the Agreement. The vendor number should be included whenever possible. The invoice must correspond in all essential details to the purchase order or Agreement awarded to the vendor. Furthermore, to ensure payment, the payee name should exactly match the name on the purchase order. Any deviation will require legal documentation to substantiate

the name changes before payment can be made. Changes to the original Purchase Order must be confirmed by a change order issued by an authorized Port Authority or PATH representative.

Sales or Compensating Use Taxes/Federal Excise Taxes

Purchases of services and tangible personal property by the Port Authority in the States of New York and New Jersey are generally exempt from state and local sales and compensating use taxes, and from most federal excises (Taxes). Therefore, the Port Authority's purchase of the Contractor's goods or services is exempt from Taxes. Accordingly, the Contractor must not include Taxes in the price charged to the Port Authority for the Contractor's goods and services. The Contractor certifies that there are no such taxes included in the prices charged. The Contractor shall retain a copy of the Contract or Purchase Order to substantiate the exempt sale.

Procurement Opportunities at the Port Authority Website

Links appearing on this site allow navigation to the following information groups:

A. Vendor Information and Business Opportunities

<http://www.panynj.gov/business-opportunities/vendor-information.html>

Provides an overview of vendor information, procurement solicitations, bid results, contracting activity and awards.

B. Bid/Proposal Advertisements – All Formal Solicitations

<http://www.panynj.gov/business-opportunities/bid-proposal-advertisements.html>

Includes a listing of all available publicly advertised bids/Requests for Proposals with links to associated documents.

Other Websites

New York State Contract Reporter.

State of New Jersey business opportunity web page.

Regional/Local Newspapers

Star Ledger

Bergen Record

Engineering News Record

Orange County Papers: (Stewart Airport procurements)

Poughkeepsie News, Kingston Freeman News, Herald Record, Journal News

C. Preliminary Bid Opening Results

<http://www.panynj.gov/business-opportunities/preliminary-bid-results.html>

Bid results are posted shortly after bid opening.

D. Contracting Activity

<http://www.panynj.gov/business-opportunities/contracting-activity.html>

This section contains a 6-month rolling list of awards, contract amendments, pre-qualification lists, professional services call-in lists, and results of surplus sales of personal property.

Vendor Information and Registration

Vendors interested in registering with the Port Authority can do so at:

<http://www.panynj.gov/business-opportunities/become-vendor.html>

In this section vendors can also update a registered vendor profile and access other forms and documents. Consultant firms can also fill out a Professional Service Firm Questionnaire.

Registered vendors may also receive email communications from the Procurement Department announcing opportunities to reply to public solicitations for goods and services based on the NIGP (National Institute of Government Procurement) codes identified in their registered profile. Vendors can also make inquiries regarding registration by email at paprocure@panynj.gov.

Contact Us

For general questions, please call 212-435-3905 or send an email to askforbids@panynj.gov. Questions about specific contracts should be addressed to the appropriate Procurement Department staff listed in the solicitation document.

General Manager

Carmen Rein
General Manager, Procurement Operations
Procurement Department
The Port Authority of NY & NJ
One Madison Avenue - 7th floor
New York, New York 10010
212-435-3922

Division Managers

Procurement Department
The Port Authority of NY & NJ
One Madison Avenue - 7th floor
New York, New York 10010

Mitchell Yonkler, CPPO

Manager, **Construction Procurement and Integrity Division**

T: 212-435-3952

Tim Volonakis
Manager, **Professional, Technical & Advisory Services Division**
T: 212-435-3984

Jane Ceterko, CPM, CPPB
Manager, **Purchasing Services Division**
Procurement Department
T: 212-435-3914

Larry Waxman, CPM, CPPB
Manager, **Technology and Operational Procurement Services Division**
T: 212-435-3951

Patricia Cose
Manager, **WTC Site/FTA Procurement Management**
T: 212-435-3917

Office of Inspector General

Complaints involving allegations of fraud, waste or abuse may be directed to the Port Authority/PATH Office of Inspector General (OIG). You may call the Office directly at (201) 386-6867 or you may write to the OIG at the following address:

Port Authority of NY & NJ/PATH
Office of Inspector General
5 Marine View Plaza - Suite 502
Hoboken, NJ 07030

Other Forms, documents and information available on the Port Authority web site:

- [Understanding Construction Contracts](#)
- [Professional Service Firm Questionnaire](#) (PDF)
- [PA3764A - Contractor's Integrity Provisions - Bids](#) (PDF)
- [PA3764B - Contractor's Integrity Provisions - RFPs](#) (PDF)
- [Protest Procedures](#) (PDF)
- [PA 3749B - Original M/WBE Participation Plan](#)
- [PA 3749C - Modified M/WBE Participation Plan](#)

To view some of these documents, you will need to have [Acrobat Reader](#) installed on your PC.