A. Protest Procedure

The following protest procedure is the sole administrative remedy for protesting procurement decisions.

Any bidder, proposer, joint venture, or team submitting a bid or proposal in response to a solicitation may protest the award or decision to award a contract by submitting by certified mail such protest setting forth the basis thereof in writing to the Chief Procurement Officer no later than ten (10) calendar days after notice of the award or announcement of the decision to award on Procurement's website or actual knowledge by the protestor that a decision by Procurement to award to other than the protestor has been made, whichever occurs first, addressed as follows:

Chief Procurement Officer  
Port Authority of New York and New Jersey  
Two Montgomery Street, 3rd Floor  
Jersey City, NJ 07302

The written protest should be received in the Procurement office not later than 5:00 p.m. New York City time on the tenth day. A protest received from any vendor, individually, who submitted a bid or proposal in response to a solicitation as part of a joint venture or team will be considered to be a protest on behalf of the entire joint venture or team. If the tenth day falls on a weekend or an official holiday, the ten-day period expires at 5:00 p.m. New York City time on the next regular workday.

The protest should contain, at a minimum, the following:

- Name and address of the protestor including telephone and facsimile numbers and email address;
- The solicitation title and number;
- The contract or purchase order title and number, if available;
- A statement concerning the protestor's interest in the award or non-award of the contract and/or purchase order;
- A detailed statement of the basis for the protest including any supportive documents and information;
- The relief requested and the reason therefor.

The Chief Procurement Officer shall, within three (3) business days of receipt of the protest, appoint a Protest Officer who will be a Manager or
other employee in the Procurement Department with the requisite procurement knowledge, as designated by the Chief Procurement Officer.

The Protest Officer shall review the protest and supportive documents and issue a written decision within five (5) business days of the appointment, where feasible. The Protest Officer may take any action or make any requests he or she deems necessary in order to investigate the protest, including extending the time to issue a decision in order to obtain all evidence and other pertinent information.

The protester will be provided a copy of the written decision. This decision will be final unless, within three (3) business days of receipt of the written decision, the protester appeals to the Chief Procurement Officer of the Port Authority of New York and New Jersey or her/his designee. The appeal should be in writing and sent via facsimile and certified mail, or by hand delivery to the Director of Procurement as follows:

Chief Procurement Officer  
Port Authority of New York and New Jersey  
Two Montgomery Street, 3rd Floor  
Jersey City, NJ 07302

No evidence or information may be introduced or relied upon in the appeal that has not been presented to the Protest Officer. The Chief Procurement Officer or his or her designee will review the appeal and supportive documents and the decision of the Protest Officer and issue a written decision within five (5) business days of receipt, if feasible. The Chief Procurement Officer may take any action or make any requests he or she deems necessary including extending the time to issue a decision in order to render a decision on the appeal.

The decision of the Chief Procurement Officer or her/his designee shall be conclusive and final.

B. Federally Funded Contracts

In the case of contracts funded in whole or in part by a federal agency (“Agency”) (e.g., Federal Transit Administration, Federal Emergency Management Authority, Federal Aviation Authority), where the protester has exhausted all administrative remedies with the Port Authority, the protester can pursue a protest with the Agency. An appeal to an Agency should be received by the appropriate Agency Regional or Headquarters Office within the time frame required by the particular funding Agency. In addition, for federally funded contracts, if required by the particular funding Agency, whenever any protest is received, regardless of its credibility, the Chief Procurement Officer will provide a copy to the Agency.