

**A. The Port Authority of New York and New Jersey 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 hand delivery, overnight mail or 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:

The Port Authority of NY & NJ  
Attention: Chief Procurement Officer  
Procurement Department  
4 World Trade Center  
150 Greenwich Street, 21st Floor  
New York, NY 10007

Protests will only be accepted via the United States Postal Service, or UPS.\*

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 United States Postal Service certified mail, UPS or by hand delivery\* to the Director of Procurement as follows:

The Port Authority of NY & NJ  
Attention: Chief Procurement Officer  
Procurement Department  
4 World Trade Center  
150 Greenwich Street, 21st Floor  
New York, NY 10007

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**

### **The Port Authority of New York and New Jersey Protest Procedure for Federally Funded Projects**

The following protest procedure is the sole administrative remedy for interested parties protesting procurement decisions when a solicitation indicates that federal funding is anticipated. An "interested party," is a party that is an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the contract at issue.

Any interested party may protest a matter involving the solicitation, the bid or proposal evaluation of a proposed procurement or award , by submitting by hand delivery, overnight mail or certified mail such protest setting forth the basis thereof in writing to the Chief Procurement Officer.

Protests regarding a solicitation or its requirement shall be submitted no later than ten (10) calendar days prior to the due date for receipt of bids or proposals. Protests regarding a contract award, or decision to award a contract, must be submitted 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.

All protests should be addressed as follows:

The Port Authority of NY & NJ  
Attention: Chief Procurement Officer  
Procurement Department  
4 World Trade Center  
150 Greenwich Street, 21st Floor  
New York, NY 10007

Protests will only be accepted via the United States Postal Service, or UPS.\*

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 solicitation 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 Protest Officer will respond, in detail, to each substantive issue raised in the Protest.

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 United States Postal Service certified mail, UPS or by hand delivery\* to the Director of Procurement as follows:

The Port Authority of NY & NJ  
Attention: Chief Procurement Officer  
Procurement Department  
4 World Trade Center  
150 Greenwich Street, 21st Floor  
New York, NY 10007

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 award or decision to award a contract

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

In the case of third party contracts anticipated to be 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.

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\* There is extensive security at the World Trade Center Site. You must present a valid government-issued photo ID to enter 4 World Trade Center (4 WTC.) Individuals without packages or carrying small packages or boxes that can be conveyed by hand or on a hand truck may enter through the lobby. All envelopes, packages and boxes may be subject to additional security screening.

Silverstein Properties, the Property Manager of 4 WTC, has a vendor approval process for firms wishing to make deliveries. Presently, UPS is the only express delivery vendor with approved recurring delivery times. UPS makes deliveries to 4 WTC around 9:30 a.m. each day. Please plan accordingly. As additional express carriers may be approved by Silverstein Properties and scheduled for recurring delivery times with the Vehicle Security Center (VSC), this information may be updated.