

A. The Port Authority of New York and New Jersey Temporary Protest Procedure

The following temporary protest procedure is the sole administrative remedy for protesting procurement decisions. All submissions by protesters and all responses from the Port Authority shall be via email. Any statements to the contrary contained herein are hereby deemed to state that such submissions and responses shall be via email. This shall be the procedure until further notice.

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 emailing a PDF file of 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:

VENDORPROTEST@panynj.gov

Protests will only be accepted via delivery to the email address set forth above.*

The written protest should be received in the Procurement office at the email address set forth above 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 must contain an email address for the receipt of responses from the Port Authority and should also contain, at a minimum, the following:

- Name and address of the protestor including telephone and facsimile numbers;
- 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; and
- 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 via email 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, via email, with 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 email to the Chief Procurement Officer as follows:

VENDORPROTEST@panynj.gov *

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, via email, 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 Temporary Protest Procedure for Federally Funded Projects

The following temporary 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. All submissions by interested parties and all responses from the Port Authority shall be via email. Any statements to the contrary contained herein are hereby deemed to state that such submissions and responses shall be via email.

Any interested party may protest a matter involving the solicitation, the bid or proposal evaluation of a proposed procurement or award, by submitting by email 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 emailed to the following address:

VENDORPROTEST@panynj.gov *

Protests will only be accepted via email.

The written protest should be received in the Procurement office at the email address set forth above 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 5:00p.m. New York City time on the next regular workday.

The protest must contain an email address for the receipt of responses from the Port Authority and should also contain, at a minimum, the following:

- Name and address of the protestor including telephone and facsimile numbers;
- 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; and
- 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 via email 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, via email, 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 email to the Chief Procurement Officer as follows:

VENDORPROTEST@panynj.gov *

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, via email, 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.

* Protesters and Interested Parties should note that there is a limit to the total size of attachments per email that can be received by the Port Authority designated email account. That limit is 100MB.

Protesters' and Interested Parties' internal networks may have limits on the size of emails they can send. Therefore, it is incumbent upon the Protesters and Interested Parties to determine ahead of time that the file(s) being submitted can both be transmitted by their systems and accepted by the Port Authority's systems. If transmissions exceed these limits, the Port Authority will accept Protests in multiple emails, provided they are all received by the applicable specified due dates and times set forth in these Temporary Protest Procedures and all emails must include the Solicitation # and title. Under this circumstance, Protesters and Interested Parties should note in the description of the email that the Protest will be arriving in multiple parts and include in the subject line the total number of components and which component, of the total, the particular transmission represents.