

Provision for Appeal

Appeal Procedures

Provisions for an appeal of Ramapo College of New Jersey decision to award a contract as a result of a goods or services request for proposal:

1. The College shall provide to all qualified bidders a copy of a “Notice of Intent to Award a Contract” within sixty (60) days of a bid opening. Any bidder, having submitted a proposal in response to this RFP and finding cause to protest the College’s disqualification of a bid, or notice of intent to award, may make written request to the Director of Purchasing setting forth, in detail, the specific grounds for challenging the disqualification of its bid or for challenging the College’s intent to award the Contract, as applicable. The protest shall be filed within five (5) business days following the bidder's receipt of written notification that its bid is disqualified or of notice of the intent to award, as applicable.
2. The College shall consider the written record when deciding a bid protest. The written record may include, but is not limited to, the written protest, any written response to the protest submitted by the lowest responsible bidder, the terms, conditions and requirements of the RFP, the proposals submitted in response to the RFP, the evaluation committee report and/or the award recommendation document, pertinent administrative rules, statutes, and case law, and any associated documentation the College deems appropriate. In cases where no in-person presentation is deemed necessary pursuant to Section 3 below, the College shall afford the protester and other interested parties a fair opportunity to submit written statements and documents supporting the facts and the legal arguments relevant to the bid protest.
3. The Director of Purchasing has the discretion to determine if an in-person presentation is necessary to reach an informed decision on the issues raised by the protester. An in-person presentation is a fact-finding hearing for the benefit of the College. The College has the discretion to permit attendance at an in-person presentation by those parties likely to be affected by the outcome of the protest. The in-person presentation shall be recorded electronically by the College and the electronic recording shall be available for public access as a “government record” under OPRA.
4. The in-person hearing will be conducted by a panel of three (3) College employees. Those members shall be: the Director of Facilities, the Director of Purchasing and the Contracting Officer or their designees. If any of the specifically enumerated employees is unavailable, another College employee shall be designated to hear the matter. The panel shall render a decision in the matter.

5. The Contracting Officer shall preside at the hearing and shall vote. A determination of the panel shall be by a majority vote.
6. The Contracting Officer may limit the number of witnesses to be heard. The panel may direct questions to the witnesses called by the appealing bidder or other project bidders present at the hearing if the panel deems necessary.
7. Picture taking, filming or tape recording of the hearing, are prohibited.
8. Any bidder who intends to be represented by an attorney at the hearing must notify the Contracting Officer in advance to give the College an opportunity to have its counsel from the Attorney General's Office, Division of Law, attend in person or by telephone. If advance notification is not provided, the Contracting Officer may limit the bidder's attorney to advising and assisting the bidder by submitting questions to be asked of other participants/witnesses at the discretion of the Contracting Officer. The in-person hearing will not be rescheduled in this situation.
9. The College may award the Contract immediately, notwithstanding the receipt of a protest, if the failure to award the Contract will result in substantial cost to the College or if public exigency so requires. In such event, the College shall notify all interested parties. Award of the Contract shall be appealable to the Superior Court of New Jersey, Appellate Division, pursuant to N.J.S.A. 18A:3B-6(f).
10. The College reserves the right to waive any immaterial defects in the bid or the bidding process.
11. The decision of the panel is a final College decision.
12. The College shall issue a written decision including findings of fact and conclusions and shall provide copies of the bid protest decision to all participants in the bid protest. The bid protest decision is a final decision of the "Contracting agent", as that term is defined in the State College Contacts Law, N.J.S.A.18A:64-53(b). Notice of award of the Contract following a bid protest decision shall be provided to all bidders, and shall be appealable to the Superior Court of New Jersey, Appellate Division, pursuant to N.J.S.A. 18A:3B-6(f).