

A. Protest Procedure

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

Any bidder or proposer 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 or by hand delivery such protest setting forth the basis thereof in writing to the Director of Procurement 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 protester that a decision by Procurement to award to other than the protester has been made whichever occurs first, addressed as follows:

Director of Procurement  
Port Authority of New York and New Jersey  
Two Montgomery Street, 3<sup>rd</sup> Floor  
Jersey City, NJ 07302

The written protest must be received in the Procurement office no later than 5:00 p.m. on the tenth (10<sup>th</sup>) day as set forth above. In the event the tenth (10<sup>th</sup>) day falls on a weekend or an official holiday, the (10) ten-day period expires at 5:00 p.m. on the next regular business day.

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

- Name and address of the protester 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 protester'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 Director of Procurement 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 Director.

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 Director of Procurement of the Port Authority of New York and New Jersey or her/his designee. The appeal shall be in writing, sent via facsimile and certified mail, or by hand delivery to the Director of Procurement as follows:

Director of Procurement  
Port Authority of New York and New Jersey  
Two Montgomery Street, 3<sup>rd</sup> Floor  
Jersey City, NJ 07302  
Fax: (201) 395-3467

No evidence or information may be introduced or relied upon in the appeal that has not been presented to the Protest Officer. The Director of Procurement 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 Director 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 Director of Procurement or her/his designee shall be conclusive and final.

## B. FTA Funded Contracts

In the case of contracts funded by the Federal Transit Administration (FTA), where the protester has exhausted all administrative remedies with the Port Authority, the protester can pursue a protest with the FTA. An appeal to the FTA shall be received by the appropriate FTA regional or Headquarters Office within five (5) working days of the date the protester received or should have received the final adverse decision from the Director of Procurement, whichever occurs first. In addition, for FTA funded contracts, whenever any protest is received the Procurement Director will give notice thereof to the FTA.