



PURCHASING DEPARTMENT

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Letter of Intent to Award a Contract

June 27, 2018

Distribution List (see below)

Re: Dunkin' at Ramapo - RCNJ No. 2017-82-01C

Dear Bidders:

The college's intends to award a contract for the above subject project for the total bid amount. Given this intention, Molba Construction is the low bidder in the amount of \$479,498.

As provided for in the Instructions to Bidders, paragraph IB2, "(a)ny bidder that wishes to protest a notice to award shall have five (5) business days from the date of receipt of said notification to file an appeal in writing." A copy of the appeal procedure is attached.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debi Elezovic".

Debi Elezovic
Contract Administrator/Procurement Specialist
Division of Procurement/Administration and Finance

Cc: Donnelly Construction, Tim Goetz, Project Executive
Ramapo College of New Jersey, Daniel Roche, Director of Capital Planning

Appeal Procedure

- 1B2.1 Within sixty (60) days of a bid opening, the College shall provide to all bidders a copy of a "Notice of Intent to Award a Contract;" and shall notify any nonresponsive/nonresponsible bidder of the basis for disqualification, unless, within the sixty (60) day period, The College requests that bidders agree to permit the bids to be held for a longer time period for consideration pending issuance of a "Notice of Intent to Award."
- 1B2.2 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 Contracting Officer 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.
- 1B2.3. 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 1B2.4 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.
- 1B2.4 The Contracting Officer 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.
- 1B2.5 Any bidder who intends to be represented by an attorney at an in-person presentation must notify the Contracting Officer in advance to give the College an opportunity to have the college's counsel 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 presentation will not be rescheduled in this situation.
- 1B2.6 The Contracting Officer 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).
- IB2.7 The College reserves the right to waive any immaterial defects in the bid or the bidding process.
- IB2.8 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 Officer", 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).