

# Bid Challenges & Other Related Items What You Need to Know

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## Other Court Case

- Sajo Transport, Inc. v. The Village of Ridgewood
  - Appellate Division dismissed the case as Sajo had no standing since they failed to challenge within the three day window. Specs must be challenged prior to the opening.

Cumberland County has only had one bid specification challenge in my time (40 years) with the County. That was a challenge (2012) in Superior Court over the removal of a specification requirement for a Project Labor Agreement. The Court upheld the removal. All of our other challenges have been post-award over the declaration of the lowest, responsive, responsible bidder

#### Prior Negative Experience

Assembly Bill No. 4021: would permit local government to use the prior negative experience of other local governments. Under 18A, any Bd. of Education can use the prior negative experience that any Bd. of Education has had with a bidder in the past ten years.

## Reasons Prior Negative Experience

Bidder via court, arbitration, mediation or alternate dispute resolution to have failed to perform or complete the project in a timely manner.

Bidder defaulted on a contract resulting in the government unit bringing in another vendor to complete the project.

Bidder defaulted resulting in the government unit looking to the bidder's surety to complete the project.

### My Experience With Prior Negative Experience

County knew of the low, responsive, responsible bidder's negative experience with other government units.

We had no reason to declare non-responsive or non-responsible. Surety informed the County that the bidder was well financed.

Problems from the start. We kept the Surety on-notice from the first problem.

What was suppose to be a ten and one-half month project turned into a twenty-one month project.

County defaulted the contractor and pulled their bond after fourteen months. It took the Surety another seven months to complete the project.

To my knowledge this same contractor defaulted on several other government projects.

