

PUBLIC CONTRACTS

The Cole Schotz construction team routinely handles complex matters involving public contracts awarded by federal, state and local agencies, including municipalities, the New Jersey Department of Transportation, the New York Department of Transportation, the Port Authority of New York and New Jersey and the United States military. We represent contracting agencies, prime contractors, subcontractors and material suppliers in the preparation of contracts and bid documents, bid protests, bid qualification disputes, debarments, contract disputes and contract claims against public agencies. In handling these matters we regularly appear before governmental agencies and the United States Government Accountability Office, and in federal and state courts, including the United States Court of Federal Claims.

REPRESENTATIVE MATTERS

After disqualifying the first low bidder, a municipality awarded a \$9 million school construction project to the second low bidder. We represented the third low bidder in challenging this award. Our review of the second low bid revealed that the contract amount would exceed the second low bidder's aggregate rating limit. Our construction team filed suit and the trial court ordered the contract to be awarded to our client. We successfully defeated the second low bidder's subsequent appeals to the Appellate Division of the New Jersey Superior Court and the New Jersey Supreme Court.

We successfully represented a vendor in a dispute with a state agency involving a bid for a substantial public contract. The vendor alleged that the agency awarded the contract to another entity in violation of public bidding laws and the terms of the agency's request for proposal. Our construction team filed a bid protest on behalf of the vendor, but the agency summarily rejected it without a hearing. We then filed an application for emergent relief in the Appellate Division, which ordered the agency to conduct a hearing on the bid protest. Following the hearing, we assisted the vendor, in a novel resolution of the bid protest, in negotiating the sale of the vendor's business on favorable terms to the first low bidder.