



LFN 2020-10

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Local Finance Notice

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COVID 19 - Supplemental Emergency Procurement Guidance

In light of [Executive Order 107](#)'s restrictions on public gatherings to mitigate the spread of COVID-19, the Division recommends alternatives to reduce in-person contact during the competitive bidding process. This Notice supplements the emergency procurement guidance in [Local Finance Notice 2020-06](#).

Except where necessitated by public exigency, local contracting units are encouraged to specify a return date for bid or RFP submissions in published advertisements that is beyond the minimum specified in statute. In the case of a bid, requiring responses within 10 days of publication could be unrealistic for many bidders under present circumstances. Advertisements should also encourage bid and RFP responses to be submitted via certified mail or overnight delivery, which not only avoids the need for hand delivery but also confirms the delivery date. Local contracting units that cannot accommodate hand delivery of bids or RFP responses due to building closures or public access restrictions should include that fact in their advertisements. If you have implemented modified hand delivery methods or acceptance procedures for certified mail and overnight delivery, describe them in full in the bid advertisement.

If a local contracting unit can hold a public bid opening with in-person bidder attendance and maintain appropriate social distancing by selecting a large enough (or outdoor) venue, it is encouraged to do so. Local contracting units holding such bid openings are also encouraged to offer bidders and the public the option of viewing the bid opening remotely but in real time. If the contracting unit cannot accommodate in-person attendance at a bid opening for public health reasons and must prohibit attendance from bidders and the general public, the contracting unit may broadcast the bid opening live at the contracting unit's facilities by using web-conference call or online livestreaming technology with both video and audio capability.

The conduct of a live online bid opening must clearly demonstrate transparency and local contracting units are encouraged to go above and

beyond to make sure bidders and the general public are confident in the process. Options may include using more than one camera view of the bid opening, using one camera view but with sufficient scope and coverage so that the official opening the bids can be clearly seen to be opening only the bid packages timely submitted.

Therefore, in addition to the date, time, and place of the bid opening, the advertisement for bids or RFPs must include explicit instructions on how the public can remotely access the bid opening, along with a statement that in-person attendance is prohibited due to restrictions on public gatherings under the State of Emergency. Any document providing instructions to bidders should incorporate the same information. Please review the Division's [remote meeting guidance](#) for further information on using this technology; however, a contracting unit is not required to facilitate public comment for a bid opening as it would for a governing body meeting.

At the bid opening, the contracting unit should clearly announce the title of the bid and display each sealed bid package, back and front, for the camera prior to the bids being opened. The contents of each bid package shall be read aloud upon opening, including the price(s) and noting, at minimum, the presence of any documents required to be part of the bid submission.

After the close of the bid opening, at a minimum, the bid package of the apparent low bidder shall be fully scanned and posted to the contracting unit website. Ideally, if you have capacity on the website, all bids should be scanned and posted to provide full transparency that would be available during an in-person bid opening. In cases where there is no single low bidder, but many low bidders due to the method of award by individual items, all bids should be scanned and posted to the website. Instructions should be provided to all bidders with the full web address where the bid results can be found.

Contracting units should record both the video and audio of a bid opening conducted via remote meeting technology, maintaining the recording in the event of any bid challenges, as well as archive the recording on their websites.

Approved: Melanie R. Walter, Director

Document	Internet Address
Exec. Order 107	https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf
LFN 2020-06	https://www.nj.gov/dca/divisions/dlgs/lfns/20/2020-06.pdf
DLGS Remote Meeting Guidance	https://nj.gov/dca/divisions/dlgs/pdf/GovConnectNotice-NewRemotePublicMeetingsGuidance.pdf