

#52-12 (OAL Decision: Not yet available online)

BUSINESS AUTOMATION TECHNOLOGIES, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE TOWNSHIP :
OR BERNARDS, SOMERSET COUNTY, :
AND OPTIMUM LIGHTPATH, :
RESPONDENTS. :

SYNOPSIS

Petitioner, Business Automation Technologies, challenged the rejection of its bid for a voice and data services contract with respondent Board, which instead awarded the contract to Optimum Lightpath (Optimum). Petitioner alleged that the Board improperly scored the bids, resulting in the award of the contract to Optimum. Respondent contended that it acted at all times in full compliance with applicable laws and regulations, and filed a motion for summary decision.

The ALJ found, *inter alia*, that: there are no genuine issues of material fact in this case, and the matter is ripe for summary decision; pursuant to *N.J.S.A. 18A:18A-4.5(d)*, respondent Board properly evaluated proposals in accordance with the methodology described in the RFP, and in all ways complied with the requirements of Public School Contracts Law; Optimum's proposal received the highest score of all the interested vendors, and provided the maximum benefit to the District; petitioner failed to show that the Board improperly weighted the price criterion; Optimum was the most responsive to the technical requirements of the RFP; and petitioner received a low score in terms of financial stability. Accordingly, the ALJ concluded that the Board awarded the contract to Optimum in accordance with Public School Contracts Law and granted the Board's motion for summary decision.

Upon full review and consideration of the record, the Commissioner concurred with the ALJ that the Board did not act in an arbitrary, capricious or unreasonable manner in awarding the bid for voice, data and telecommunication services to Optimum. Accordingly, the Commissioner granted summary decision to the respondents and dismissed the petition.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

February 10, 2012

OAL DKT. NO. EDU 6304-11
AGENCY DKT. NO. 101-4/11

BUSINESS AUTOMATION TECHNOLOGIES, :
PETITIONER, : COMMISSIONER OF EDUCATION
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RESPONDENTS. :

The Commissioner has reviewed the record of this matter and the Initial Decision of the Office of Administrative Law (OAL) on the Board's motion for summary decision. Respondent Optimum Lightpath (Optimum) joined in the Board's motion. No exceptions were filed by any party as provided by *N.J.A.C. 1:1-18.4*.

Upon his considered review, the Commissioner concurs with the Administrative Law Judge (ALJ) that this matter is ripe for summary decision as there are no genuine issues of material fact to resolve. For the reasons cogently presented in the ALJ's decision, the Commissioner agrees that the Board – in anticipation of the district's growing and future requirements for voice, data and telecommunication services – did not act arbitrarily, capriciously or unreasonably in awarding the bid for these services to Optimum.

Accordingly, summary disposition is granted to the respondents and the petition is dismissed.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 10, 2012

Date of Mailing: February 14, 2012

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)