

DIVISION OF MENTAL HEALTH SERVICES
Administrative Bulletin Transmittal Memorandum

August 13, 1996

Subject: Administrative Bulletin 9:11
Request for Proposal (RFP) Award Appeals

This Administrative Bulletin is being forwarded for your review, action if necessary, distribution to staff as appropriate, and retention in your Administrative Bulletin manual. Please be advised that each recipient of this Bulletin is responsible for being familiar with its content and ensuring that all affected Department personnel adhere to it.



Alan G. Kaufman
Director

DIVISION OF MENTAL HEALTH SERVICES

Administrative Bulletin 9:11

Subject: Request for Proposal (RFP) Award Appeals

Purpose

The Department of Human Services regulation at N.J.A.C.10:3-3.10(b) provides for appeals of RFP award decisions by RFP applicants "... according to the procedures established by the Departmental component or CHSAC/designated entity which shall be referenced in the notice of decision to the applicant." A.B.9:11 establishes the policies and procedures regarding these appeals in administrative bulletin format.

Scope

This bulletin applies to all RFP award decisions of the Division of Mental Health Services.

Authority:

N.J.A.C.10:3-3.10(b).

Policies

1. All award decisions to RFP applicants from the Division shall include a copy of the appeals policies and procedures.
2. The appeals process is not an opportunity for an applicant to receive feedback regarding the perceived strengths and limitations of its proposal from Divisional staff.
3. Applicant disagreement with the review panel's exercise of its proper discretion or professional judgment in the evaluation of a proposal is not a permissible basis for an appeal.
4. Such feedback may be available outside of the appeals process, however, access to the RFP submissions of other applicants will be provided to applicants by the Division after the award decisions have been announced.
5. Unsuccessful applicants may appeal their award denial if any of the following procedural or substantive elements are part of the Divisional review panel's RFP decision-making process:
 - a) denials which are based upon a material misinterpretation or misunderstanding of a critical element of the applicant's proposal.
 - b) denials in which the Divisional review panel did not consider material facts in the applicant's proposal;

- c) denials significantly influenced by an improper motive on the part of a Divisional review panel member; i.e., motivation other than the honest exercise of professional judgment;
- d) denials based on representations made by the applicant in their proposal alleged by a reviewer to be untrue;
- e) denials based on the lack of timeliness of the applicant's proposal.

Procedures

1. Appeals must be made in writing and be received by the Division Director by mail or fax no later than seven days from the date the Division announced its RFP award decision.
2. Appeals must prominently reference which basis for appeal is being utilized by the applicant and provide the evidence available to the applicant to sustain the appeal. The appeal will be considered based solely on the written documentation submitted by the applicant.
3. The Director may designate either the Deputy Director or an Assistant Director to review the basis for the appeal, discuss the appeal with Divisional staff as deemed appropriate and make a recommendation for action to the Division Director.
4. The Division Director shall communicate the agency's final decision regarding the appeal in writing to the appellant no later than fifteen days from the date the Division announced its RFP award decision.


Alan G. Kaufman, Director

8/13/96
Date