

What is a “fair and open procurement process”? *

Under N.J.S.A. 19:44A-20.4 et seq., a “fair and open” process is a competitive process compliant with the rules and restrictions set forth by the State’s Local Unit Pay-to-Play law. Specifically, the “fair and open” process shall include, at minimum:

- Public advertisement (either conventionally in newspapers OR posted on the entity’s website) with “sufficient time to give notice,” and
- Award under “a process that provides for public solicitation of proposals OR qualifications,” and
- Established on the basis of an award and disclosure process documented in writing prior to any solicitation, and
- Publicly opened and announced when awarded.

* https://www.state.nj.us/dca/divisions/dlgs/resources/poli_docs/p2pfaq.pdf