

# Stevens & Lee

Powerful partnerships. Standout solutions.



## Maeve E. Cannon

Shareholder

maeve.cannon@stevenslee.com

Princeton

609.243.6423

### Practice

Bid and Grant Proposals and Procurement Planning

Administrative Law and Government Contracts

Litigation

Maeve is Chair of the Administrative Law and Government Contracts Group. She concentrates her practice in public procurement and government contracts litigation, cannabis licensing, administrative law and regulatory compliance. She assists corporate clients, large and small, in navigating New Jersey's government contracting world. She has litigated numerous bid protests, both as challenger and defender, in state court and before state administrative agencies for 30 years. She has an active appellate practice and regularly brings emergent applications in the Appellate Division and County courts. She also appears before state agencies and state and administrative courts on a variety of regulatory issues. Maeve has substantial experience in all aspects of government contracting disputes at the state and local levels and advises clients at each stage of the public bidding and related contract processes, including:

- Challenges to specifications; challenge and defense of contract awards
- Post bid contract issues, including change order negotiation, complaint response and defense, and contract extension negotiation
- Prevailing wage compliance, and administrative defense
- Suspension and debarment proceedings
- Cooperative Purchasing Systems, including creation of a CPS by lead agency
- Small, women and minority owned business certifications
- Pay-to-play compliance

Maeve has represented litigants in significant published and unpublished procurement cases, including the lottery, state health benefits and vehicle inspection contracts. She represents clients in connection with any competitively conferred rights, including most recently, cannabis licensing in New Jersey, both at the State

and local levels. She also represents clients before a number of New Jersey state administrative agencies including labor, treasury, personnel and environmental protection. She has represented clients in connection with New Jersey Department of Labor prevailing wage audits, enforcement actions and hearings. Maeve has conducted client in-house trainings on bid preparation and compliance. She also has conducted client in-house training on prevailing wage compliance, including contracts spanning multiple jurisdictions and contracts involving both prevailing wage and non-prevailing wage work, as well as work on state lease properties.

Maeve has served as counsel to a number of public entities at the state and local levels. She currently serves as General Counsel to Ewing Township, NJ and was former General Counsel to the Borough of Princeton, NJ, where she served as counsel during the consolidation of Princeton Borough and Princeton Township. She was also general counsel to the Trenton Housing Authority for a number of years. She has served as outside counsel for Stockton University for Open Public Records Act- related litigation. She has served as outside procurement and appeals counsel to the New Jersey Schools Development Authority and represented that agency on a number of matters involving the agency's many procurements. She is a frequent lecturer on procurement and related topics.

Maeve is a regular contributor to the Appellate Law Center.

## Experience

### Representative Matters

- **Contract Award Challenge** – We represented an unsuccessful bidder in a \$6.5 billion contract for pharmacy benefits management services. We appealed the award decision by the New Jersey Division of Purchase and Property, arguing that the successful bidder included an improper pricing reservation in its bid proposal that rendered it fatally defective. In a published decision, the New Jersey Appellate Division agreed with our argument, finding the successful bidder's pricing exception to be a material, nonwaivable deviation from the bid specifications. The Court therefore reversed the State's contract award to the low bidder and ordered a rebid. (In the Matter of Request for Proposals #17DPP00144, 454 N.J. Super. 527 (App. Div. 2007))
- **Cannabis License Award Challenge** – We successfully challenged the State of New Jersey's award of medicinal cannabis licenses. The New Jersey Department of Health, the state agency responsible for soliciting and awarding medicinal cannabis licenses, awarded a total of six licenses to six different vendors under which vendors may cultivate, manufacture and dispense medicinal cannabis products to qualified patients throughout the State. We represented an unsuccessful applicant in an appeal of the denial of its license and grant of those license awards to the New Jersey Appellate Division, arguing, among other things, that the license awards must be reversed both because the award procedures failed to adhere to tenets of administrative due process and also because the scoring of applicants was highly inconsistent and arbitrary, capricious and unreasonable. In a published opinion, the Appellate Division agreed with our arguments, finding that the award processes administered by the Department of Health were discordant with administrative due process and that its inconsistent scoring of applicants was arbitrary, capricious and unreasonable. The Court therefore vacated the Department of Health's license award decision and remanded for further proceedings. (In the Matter of the Application for Medicinal Marijuana Alternative Treatment Center for Harvest of New Jersey, LLC, 465 N.J. Super. 343 (App. Div. 2020))

- **Contract Award Defense** – We successfully opposed an appeal seeking to overturn the New Jersey Division of Property Management and Construction's award of a \$200 million dollar contract for the comprehensive renovation and restoration of the New Jersey Executive State House. In a case of first impression, the New Jersey Appellate Division agreed with our argument, finding that Building Control Systems (C043), a sophisticated, complex and highly technical global mechanism involving the total integration of a building's various control systems, does not constitute a subset of the Heating Ventilation Air Conditioning Refrigeration (HVACR) (C032) trade, such that it must be disclosed by a prime contractor in its bid pursuant to the subcontractor disclosure statute, N.J.S.A. 52:32-2b. In addition to preserving the proper award of the contract to Daniel J. Keating Company, the Appellate Division's published opinion will serve as a seminal case for public bidding in New Jersey and the naming of subcontractors. (In re Protest of Contract Award for Project A1150-08, N.J. Executive State House Comprehensive Renovation & Restoration, 466 N.J. Super. 244 (App. Div. 2021) (A-1193-19T1))
- **Emergent Application** – We successfully represented a large solid waste management company in challenging the award of a \$137 million contract for the operation of two solid waste transfer stations in Morris County obtaining emergent restraints in the Appellate Division restraining the implementation of the contract and clarifying the standard of review for imposition of temporary restraints in bidding cases. After the stay was ordered, the underlying award of the contract to another vendor was overturned and a rebid ordered. (*Waste Management of New Jersey v. Morris County Utility Authority*, 433 N.J. Super. 445, (App. Div. 2013))
- **Defense of Award** – we successfully defended the award of a bus transportation contract to our client by NJ Transit after the award was challenge by a rejected low bidder. In a published opinion after oral argument with all the parties, the Appellate Division declined to stay the implementation of the new contract. The challenger subsequently dismissed its appeal. (In the Matter of NJ Transit Award of Contracts No. 21-048A and No. 21-048B to Orange, Newark, Elizabeth Bus, Inc., I/P/A Coach USA, LLC 473 N.J. Super. 261 (App. Div. 2022))
- **Cannabis Licensing Process** – we successfully challenged the wrongful rejection of our client's cannabis retailer licensing application and subsequent failure to conduct a competitive process for the award of cannabis retailer endorsements. The Superior Court Law Division, held that our client had been wrongly rejected under an erroneous interpretation of the Township's own cannabis ordinance, and vacated the endorsements provided by the town under the wrongful process. The Court remanded back to the Township to conduct a competitive process for retailer licensing endorsements in accordance with its ordinance.
- **New Jersey State Inspection Contract** – representation of the state inspection contractor since the contract was first privatized by the State in 1998. Representation has included the defense of the initial privatization decision in the Appellate Division, representation before the State Commission of Investigation, and the State Audit Committee, multiple re-procurements of the Contract, specification challenges, negotiation of change orders, equitable adjustments due to change in law and complaint defense. She was involved in two successful protests to the award of the \$207 million re-procurement of the contract, resulting in contract extension for the incumbent client. On rebid, after challenges to both the specifications and the award, while on appeal, the State determined to terminate the contract award to the low bidder, extend the client's contract and rebid the contract incorporating the issues that had been raised in the specification and bid protests.

- Obtained reversal of the state's intended award and a rebid of the contract arguing that awarded bidder had improperly conditioned its bid. (*In the Matter of Reflective Sheeting License Plates*, 315 N.J. Super. 266 (App. Div. 1998))
- **City of Camden, Solid Waste Collection Contract** – successfully challenged intended award of \$12 million solid waste collection contract resulting of disqualification of the two lowest bidders and award to the client and successfully defended award to client through multiple superior court proceedings and appeal. (*Suburban Disposal, Inc. v. City of Camden and Waste Management*, 2017 WL 3161083)
- **Cooperative Pricing Systems (Co-ops)** – We represented a New Jersey Educational Research and Services Corporation in connection with its formation and start-up of a New Jersey Department of Community Affairs registered cooperative pricing system as well as in connection with issues related to the operation of cooperative pricing system.

### Affiliations

- Womanspace, Inc., Board of Directors
- Mercer County Bar Association
- New Jersey State Bar Association
- Notre Dame High School, Board of Directors

### Recognition

- Named to *The Best Lawyers in America*, Government Contracts, 2016-present
- Recognized as a New Jersey Super Lawyer, Administrative Law, State, Local & Municipal, 2015-present

### Education

- Fordham University School of Law, J.D.
- Colorado College, B.A., Economics

### Bar Admissions

- New Jersey