



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR
33 WEST STATE STREET
P. O. BOX 039
TRENTON, NEW JERSEY 08625-0039
<https://www.njstart.gov>

Telephone (609) 292-4886 / Facsimile (609) 984-2575

CHRIS CHRISTIE
Governor

FORD M. SCUDDER
State Treasurer

KIM GUADAGNO
Lt. Governor

MAURICE A. GRIFFIN
Acting Director

July 13, 2017

Via Electronic Mail [dgola@mainaccesssystems.com] and USPS Regular Mail

Denise Gola, Controller
Main Access Systems, Inc.
9 Princess Road, Suite J
Lawrenceville, New Jersey 08648

RE: Protest of Notice of Intent to Award
Solicitation #17DPP00085: T2424 Surveillance and Access Control Security Systems

Dear Ms. Gola:

This correspondence is in response to your letter dated June 21, 2017, to the Hearing Unit of the Division of Purchase and Property (hereinafter "Division") on behalf of Main Access Systems, Inc. (hereinafter "Main Access"). In that letter, Main Access protests the June 15, 2017, Notice of Intent to Award (hereinafter "NOI") Master Blanket Purchase Orders (Blanket P.O.s) {Contracts} for Solicitation #17DPP00085: T2424 Surveillance and Access Control Security Systems. Specifically, Main Access alleges that two vendors, TDK Systems, Inc. (hereinafter "TDK") and A+ Technology and Security Solutions, Inc. are not licensed to perform the services sought by the Bid Solicitation {Request for Proposal (RFP)} (hereinafter "RFP") as required.

By way of background, this RFP was issued on January 19, 2017, by the Division's Procurement Bureau (hereinafter "Bureau") on behalf of the Treasury Division of Revenue and Enterprise Services (hereinafter "DORES") - Interdepartmental Security Unit (hereinafter "ISU") to solicit Quotes {Proposals} (hereinafter "Proposals") for Vendors {Bidders} (hereinafter "Bidders") to install and maintain Access Control Systems and Surveillance / CCTV Security Systems. RFP § 1.1 *Purpose and Intent*. Vendors {Contractors} (hereinafter "Contractors") must be certified by RS2 Technologies, LLC on the "Access It! Universal" (AIU) security ACS currently used by ISU. *Ibid.* The intent of this RFP is to award Contracts to those responsible Bidders whose Proposals, conforming to this RFP, are most advantageous to the State, price and other factors considered. *Ibid.* Specifically, it is the intent of the Bureau to award Contracts in two (2) geographical zones within the State of New Jersey, as follows:

- Bidders will be allowed to bid on both zones, but will be awarded a Blanket P.O. Contract designated as "primary" or "secondary", for only one (1) zone;
- Bidders not designated as "primary" or "secondary" for either zone, may be awarded the designation of "backup" for one (1) or both zones;
- While the minimum goal is to award at least five (5) contracts: two (2) for each zone with a designation as primary, or secondary, and one (1) or two (2) backup contracts to cover both zones, up to six (6) separate bidders could be awarded a Contract; and

- Bidders will be ranked and designated as “primary” or “secondary” Bidder for only one (1) zone. Bidders awarded a Contract as a “backup” may cover both zones.

On March 16, 2017, seven Proposals received by the submission deadline were opened by the Proposal Review Unit. After evaluation of the proposals received, on June 15, 2017, the Bureau issued the NOI indicating that Contracts would be awarded as follows:

It is the intent of the Director or the Division of Purchase and Property (Division) to make a Master Blanket Purchase Order (Blanket P.O.) {Contract} (hereinafter contract) award to the following vendor(s) pursuant to the proposal(s) submitted in response to the referenced Bid Solicitation {Request for Proposal} (hereinafter RFP).

1. The recommended awardees for new project service tasks via RFQ mini-bids are:

A+ Technology & Security Solutions Inc. (A+)
Commercial Technology Contractors Inc. (CTCI)
Dynamic Security LLC (Dynamic)
Main Access Systems Inc. (Main Access)
Signal Electric Corp. (Signal)
TDK Systems Group Inc. (TDK); and
Triad Security Systems (Triad)

2. The recommended awardees for maintenance services are:

North Zone:¹	
Primary:	Signal
Secondary:	Triad
Backup:	Dynamic
Backup:	CTCI

South Zone:²	
Primary:	TDK
Secondary:	Main Access
Backup:	A+

On June 16, Main Access submitted a protest to the Division alleging that TDK and A+ do not maintain the required licenses. Specifically Main Access states:

Listed below are the issues:

1. Main Access Systems, Inc. visited the State of NJ Division of Consumer Affairs site and discovered that neither vendor had the required Contractor State Mandated Licensing for Burglar Alarm or Electrical which is required to perform the tasks of the contract.
https://newjersey.mylicense.com/verification_4_6/Search.aspx?facility=Y
2. Neither Vendor is compliant with Section 5.12 Licenses and Permits of the Bid.

¹ The North Zone is designated as “North Zone is all northern counties from and including Monmouth and Mercer counties north, and Trenton City Proper limits east of Route 1 in Mercer County.” RFP § 3.2.1 *North Zone*.

² The South Zone is designated as “South Zone is all southern counties from and including Burlington and Ocean counties south, including Trenton Proper limits west of Route 1 in Mercer County.” RFP § 3.2.2 *South Zone*.

3. NJ Public Law P.L.1962, c.162 (C.45:5A-1 et seq.) and 1997, c.305 requires this type of work under this contract to only be performed by licensed Burglar Alarm or Electrical contractors.

Licensed individuals are not considered licensed contractors and therefore not in compliance of the law. These contractors are in violation of the current law and should not be contracting under the current contract or the new contract. Based on Section 6.8 Paragraph 4 "*After evaluation of quotes {proposals} and as applicable, negotiations(s), and/or BAFO(s), the Division will recommend, to the Director, the responsible Vendors(s) {Bidder(s)} whose quote(s) {proposal(s)}, conforming to the Bid Solicitation {RFP}, is/are most advantageous to the State, price, and other factors considered.*", in our opinion this is not a responsible bid conforming to the bid solicitation due to the fact that NJ Law requires a Burglar Alarm or Electrical license to perform the work under this contract

In connection with its review of this protest, on June 28, 2017, the Hearing Unit wrote to TDK and A+ providing each with the opportunity to respond to the protest. A+ submitted its response to the protest on July 6, 2017. No response has been received from TDK.

As noted above, this solicitation is for the installation and maintenance of Access Control Systems and Surveillance / CCTV Security Systems. RFP § 1.1 *Purpose and Intent*. While the RFP identifies certain requirements placed on Bidders, RFP § 4.0 *Quote {Proposal} Preparation and Submission*, RFP Section 5.0 *Special Contractual Terms and Conditions*, sets forth requirements placed on the Contractor. The RFP defines Contractor as the Bidder awarded a Contract resulting from the RFP. RFP § 2.2 *General Definitions*. This solicitation did not require that a Bidder hold a specific license at the time of proposal submission. Rather, RFP § 5.12 *Licenses and Permits* requires that:

The Vendor {Contractor} shall obtain and maintain in full force and effect all required licenses, permits, and authorizations necessary to perform this Blanket PO {Contract}. The Vendor {Contractor} shall comply with all New Jersey Department of Labor requirements. Notwithstanding the requirements of the RFP, the Vendor {Contractor} shall supply the State Contract Manager with evidence of all such licenses, permits and authorizations. This evidence shall be submitted subsequent to this Blanket PO {Contract} award. All costs associated with any such licenses, permits, and authorizations must be considered by the Vendor {Bidder} in its quote {proposal}.

[*Emphasis added.*]

Here, these requirements are placed on the Contractors and are therefore required to be obtained and maintained after the contract award.

Applicable to the work to be performed under this Contract, Public Law 1997, c. 305, N.J.S.A. 45:5A-1 et seq., entitled the "The Electrical Contractors Licensing Act of 1962", signed by Governor Whitman in 1998 requires that individuals and business obtain a license to install, service and maintain burglar alarms, fire alarms and/or electronic security systems. In order to obtain a license to perform these services, a provider must complete an application, be fingerprinted, undergo a criminal history background check, and must successfully complete the applicable examination. In accordance with this law and the RFP requirements, the Contractors awarded this contract, not the Bidders, must obtain and maintain a

license to install, service and maintain burglar alarms, fire alarms and/or electronic security systems as required by the Contract.

A review of the New Jersey Department of Law and Public Safety – Division of Consumer Affairs' (hereinafter "Consumer Affairs") website did not reveal a license for either A+ or TDK. However, in response to the protest A+ advised that its president, David Antar, holds a current New Jersey Burglar Alarm License. A subsequent review of the Consumer Affairs' website indicates that Mr. Antar does hold an Electrical Contractors Burglar Alarm License which expires on August 31, 2019. As no response to the protest was received from TDK, the Division cannot confirm whether any of TDK's individual employees holds a burglar alarm, fire alarm and/or electronic security system license. However, these intended awardees can obtain the required license(s) after contract award as indicated in the RFP.

In light of the findings set forth above, the Bureau's NOI is sustained. However, I note that the governing statutes and regulations however require that both the business and individual(s) hold necessary license. N.J.S.A. 45:5A-9; N.J.A.C. 13:31A-3.4 to 3.7. Therefore, the Bureau is advised to ensure that all intended awardee, and individuals employed by the intended awardees have the license(s) necessary to perform the services sought by the RFP prior to any Contractor performing work under the Contract. This is my final agency decision with respect to the protest submitted by Main Access.

Thank you for your interest in doing business with the State of New Jersey and for registering your company with **NJSTART** at www.njstart.gov, the State of New Jersey's new eProcurement system.

Sincerely,


Maurice A. Griffin
Acting Director

MAG: RUD

c: J. Strype
J. Woodside
M. Tagliaferri