



## 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

KIM GUADAGNO  
Lt. Governor

FORD M. SCUDDER  
State Treasurer

MAURICE A. GRIFFIN  
Acting Director

April 6, 2017

Via Electronic Mail [[gvondohlen@pnrw.com](mailto:gvondohlen@pnrw.com)] and USPS Regular Mail

Jerry Von Dohlen  
Newark Refrigerated Warehouse  
104 Avenue C  
Newark, New Jersey 07114

Re: Protest of Notice of Proposal Rejection  
Solicitation #17DPP00112: Food Storage Facilities

Dear Mr. Von Dohlen:

This letter is in response to an email dated April 4, 2017, on behalf of Newark Refrigerated Warehouse (Newark), to the Division of Purchase and Property's (Division) Proposal Review Unit. In that email, Newark protests the Division's Proposal Review Unit's Notice of Proposal Rejection. The record of this procurement reveals that Newark's proposal was rejected for failing to submit a completed and signed *Offer and Acceptance Page*, *Disclosure of Investment Activities in Iran* form, and *Ownership Disclosure Form*. The Hearing Unit accepts Newark's email as a protest of the Notice of Proposal Rejection.

By way of background, the Division's Procurement Bureau (Bureau) issued the subject RFP on behalf of the New Jersey Department of Agriculture – Division of Food and Nutrition (NJDA), to solicit proposals from qualified bidders to provide for the storage of foods donated by the United States Department of Agriculture under the National School Lunch Program, Child and Adult Care Feeding Program and Summer Food Service Program to NJDA. The foods are picked-up from the storage facilities by various recipient agencies which include school districts, non-profit organizations and State Agencies. RFP § 1.1 *Purpose and Intent*. The intent of the RFP "is to award up to (2) Master Blanket Purchase Orders (Blanket P.O.(s)) {Contract(s)} to those responsible Vendors {Bidders} whose Quotes {Proposals}, conforming to this Bid Solicitation {RFP} are most advantageous to the State, price and other factors considered. The State may award any and all price lines." *Ibid*. This solicitation was a procurement of similar services provided under T0303, which currently expires on April 30, 2017. RFP § 1.2 *Background*.

On March 24, 2017, the Proposal Review Unit opened the two (2) proposals received by the submission deadline of 2:00 p.m. After conducting a review of the proposals submitted, the Proposal Review Unit found that Newark's proposal did not contain a completed and signed *Offer and Acceptance Page*, *Disclosure of Investment Activities in Iran* form, or *Ownership Disclosure Form*. Accordingly, the Proposal Review Unit issued a Notice of Proposal Rejection. On April 4, 2017, Newark wrote to the Division's Proposal Review Unit stating:

Since 1984 we have hand delivered our bids, obviously a large number, just to avoid this kind of problem. We did the same this year and, as usual, we have a State signed, dated, and time stamped receipt proving our hand delivery. We also submitted electronically. We absolutely did sign the bid and the signature pages together with your receipt are attached. Do you still maintain that we did not sign the bid? Please respond with all haste.

Later that same day, Newark wrote to the Division's Proposal Review Unit stating:

We believe your position that we failed to sign our bid is absolutely incorrect but we accept your position because, after further analysis, we find the current contract unprofitable. The NJDA delayed their purchases and significantly reduced our revenues and our costs have not been reduced. We will consider re-bidding if you solicit new bids but our earlier bid is no longer valid.

*[Emphasis added.]*

Based upon Newark's second email of April 4, 2017, in which Newark withdrew its proposal, Newark's protest is moot; and therefore, there is no need to render a decision on the merits of Newark's protest.

I note that while there were two proposals received for this procurement, the proposal submitted by the other bidder was rejected by the Division's Proposal Review Unit for the failure to submit mandatory forms. Accordingly, this solicitation will be cancelled and all bidders are advised to review the Division's website for future solicitations related to these services.

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

Sincerely,



Maurice A. Griffin  
Acting Director

MAG: RUD

c: G. Olivera  
K. Woolford  
B. Gallagher  
A. Nelson  
D. Rodriguez