



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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November 30, 2016

Via Electronic Mail [dkoncur@fpsflawfirm.com] and USPS Regular Mail

Dorthy A. Koncur, Esq.
Florio Perrucci Steinhardt & Fader, LLC
218 Rt. 17 North, Suite 410
Rochelle Park, NJ 07662

Re: Protest of Notice of Intent to Award
RFP # 17-X-24266: Snow Removal & Salting Services – Statewide (T-2724)

Dear Ms. Koncur:

This letter is in response to your November 14, 2016 letter on behalf of Gres Paving, Inc. (Gres) received by the Hearing Unit of the Division of Purchase and Property (Division). In that letter, Gres protests the Division's Procurement Bureau's (Bureau) Notice of Intent to Award (NOI) a contract to Winter Services, Inc. (Winter) for the above referenced solicitation. Gres alleges that Winter's proposal contains a material deviation from the RFP requirements and that Winter's proposed pricing structure raises issues about their ability to perform the scope of work sought under by this solicitation. Gres requests that it be designated as the lowest responsive and responsible bidder and be awarded a contract.

By way of background, the Request for Proposal (RFP) was issued by the Bureau on June 15, 2016, on behalf of various State agencies to solicit proposals to engage a contractor to provide snow removal and salting services. RFP § 1.1 *Purpose and Intent*. The intent of the RFP is to award one (1) contract for each location group identified, to those bidders whose proposals, conforming to this RFP are most advantageous to the State, price and other factors considered. Ibid.

Awarded contractors will be responsible for providing one or all of the following services related to snow removal: (1) snow plowing; (2) snow hauling; (3) snow shoveling; (4) ice removal; and, (5) salt spreading. RFP § 3.1 *General Requirements*. The contractors will be responsible for furnishing the necessary manpower, tools, supplies, equipment and vehicles to include, but not be limited to, plow trucks, graders, loaders, salt spreading trucks, drivers/operators, snow shovels, hands-free mobile communication devices and supervisors necessary to perform the work required under the contract. RFP § 3.2 *Contractor Requirements*. The contractor shall be available and ready to respond to a snow event within 120 minutes and shall be responsible for securing an adequate supply of deicing salt, including, but not limited to, calcium chloride. Ibid.

On September 1, 2016, proposals were received by the submission deadline of 2:00 p.m. and were opened by the Proposal Review Unit. On November 4, 2016, the Bureau issued the Notice of Intent to Award (NOI) identifying the regions awarded to each contractor.¹

¹ On November 9, 2016 the Bureau issued an amended NOI extending the protest period from November 10, 2016 to November 14, 2016.

On November 14, 2016, Gres submitted its protest letter to the Division. In that letter, Gres protests the Division's intended award of Group Price Lines 0001 – 00055, 01290-01293 and 01294-01317 to Winter and requests that the Division award a contract to Gres for these price line groups as its proposal was responsive to the RFP and would be in the best interest of the State.

In connection with its review of the protest, on November 17, 2016, the Hearing Unit forwarded a copy of Gres' protest to Winter for review and comment. On November 22, 2016 Winter submitted a letter to the Division requesting that it be permitted to withdraw its proposal from consideration for award because of "a substantive and material mistake with respect to the calculations utilized in [the] bid."

Based upon Winter's letter, on November 28, 2016 the Bureau issued an Amended NOI. In light of the fact that the Bureau has issued an Amended NOI, Gres' protest is moot and there is no need to render a decision on the merits of Gres' protest.

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, the State of New Jersey's new eProcurement system.

Sincerely,



Maurice Griffin
Chief Hearing Officer

MAG: RUD

c: G. Olivera
K. Woolford
B. Gallagher
M. Moore