



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR
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May 1, 2018

Via Electronic Mail [jdcontracting@gmail.com] and USPS Regular Mail

Victor Hayashida, Manager
Joselyn & Jean Contracting, LLC
1120 Walnut Street
Roselle, NJ 07203

Re: I/M/O Bid Solicitation #18DPP00205 Joselyn & Jean Contracting, LLC
T0777 Snow Plowing and Spreading Services

Dear Mr. Hayashida:

This letter is in response to your email of April 14, 2018, on behalf of Joselyn & Jean Contracting, LLC (“J&J”) to the Division of Purchase and Property requesting that the Division accept a late Quote in response to Bid Solicitation #18DPP00205 - T0777 Snow Plowing and Spreading Services (“Bid Solicitation”).

By way of background, on January 30, 2018, the Division’s Procurement Bureau (“Bureau”) issued the Bid Solicitation on behalf of the New Jersey Department of Transportation (NJDOT), to solicit Quotes from qualified Vendors {Bidders} to provide snow plowing and spreading services on all State interstates and highways under the jurisdiction of NJDOT. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State’s intent to award Statewide Master Blanket Purchase Orders (“Blanket P.O.s”)¹ to those responsible Vendors {Bidders} whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. Ibid.

¹ For consistency, this final agency decision uses terminology employed by the State of New Jersey’s **NJSTART** eProcurement system. For ease of reference, the following is a table which references the **NJSTART** term and the statutory, regulatory and/or legacy term.

| NJSTART Term | Statutory, Regulatory and/or Legacy Term |
|-------------------------------|---|
| Bid Solicitation | Request For Proposal |
| Bid Amendment | Addendum |
| Change Order | Contract Amendment |
| Master Blanket Purchase Order | Contract |
| Offer and Acceptance Page | Signatory Page |
| Quote | Proposal |
| Vendor {Bidder} | Bidder |
| Vendor {Contractor} | Contractor |

On February 28, 2018, the Bureau issued Bid Amendment #1 responding to the questions posed by potential Vendors {Bidders}. On March 16, 2018, the Division's Proposal Review Unit opened 136 Quotes submitted through the State's **NJSTART** eProcurement system and 41 Quotes received in hardcopy format by the submission deadline of 2:00 pm eastern time.

On April 14, 2018, after the Quote submission deadline, J&J wrote the Division's Hearing Unit stating:

Attention: Hearing Unit.

This email is to request an exception in the rejection of the proposal submitted for Solicitation # 18DPP00205. The proposal was rejected due to it being deemed not timely submitted. We made an attempt to send the proposal via NJStart but had difficulties accessing site and uploading information on the proposal due date of March 16, 2018. We mailed the paper proposal via United States Postal Certified Mail Receipt (Tracking # 7017 1000 0000 3843 7850) on March 16, 2018.

We have been providing snow plow and spreading services to the State of New Jersey since 2012 and if given opportunity would love to continue working and providing our services. I hope you can take our existing relationship into consideration and consider rescinding the rejection and allow us to be part of the bid solicitation.

Should you require further additional information please do not hesitate to contact me at anytime.

I thank you in advance for your assistance and hope you can please consider my request.

Sincerely,

Victor Hayashida
Manager
Joselyn & Jean Contracting, LLC.
Tel: 201-852-3868
Fax: 908-445-4496
Mobile: 201-207-4724

In consideration of J&J's protest, I have reviewed the record of this procurement, including the Bid Solicitation, the relevant statutes, regulations, and case law. This review of the record has provided me with the information necessary to determine the facts of this matter and to render an informed Final Agency Decision on the merits of the protest. I set forth herein the Division's Final Agency Decision.

The Division's administrative regulations that govern the advertised procurement process establish certain requirements that must be met in order for a Quote to be accepted. The Division's governing regulations provide in relevant part: "[i]n order to be eligible for consideration for award of [Blanket P.O.], the bidder's [Quote] shall ... [b]e submitted on or before the due date and time and at the place specified in the [Bid Solicitation]." N.J.A.C. 17:12-2.2(a), *emphasis added*. If the requirements of N.J.A.C. 17:12-2.2 are not met, a Quote must be rejected. These regulations are stringently enforced to maintain the equal footing of all Bidders and to ensure the integrity of the State's bidding process.

Further, the Bid Solicitation advised all potential Vendors {Bidders} of the requirements for proper and timely Quote submission stating:

1.3.2 SUBMISSION OF QUOTES {PROPOSALS}

In order to be considered for award, the Quote {Proposal} must be received by the Procurement Bureau of the Division at the appropriate location by the required time.

Vendors {Bidders} shall submit a Quote {Proposal} either electronically through **NJSTART** or via hard copy.

QUOTES {PROPOSALS} NOT RECEIVED PRIOR TO THE QUOTE {PROPOSAL} OPENING DEADLINE SHALL BE REJECTED. THE DATE AND TIME OF THE QUOTE {PROPOSAL} OPENING ARE INDICATED ON THE BID SOLICITATION {RFP} COVER SHEET AND ON THE "SUMMARY" TAB OF THE BID SOLICITATION WEBPAGE WITHIN [NJSTART](#).

IF THE QUOTE {PROPOSAL} OPENING DEADLINE HAS BEEN REVISED, THE NEW QUOTE {PROPOSAL} OPENING DEADLINE SHALL BE SHOWN ON THE POSTED BID AMENDMENT {ADDENDUM} AND ON THE "SUMMARY" TAB OF THE BID SOLICITATION WEBPAGE WITHIN [NJSTART](#).

Procedural inquiries concerning the use of [NJSTART](#) may be directed to njstart@treas.nj.gov and/or (609) 341-3500.

The State will not respond to substantive questions related to the Bid Solicitation {RFP} or any other Blanket P.O. {Contract} via this e-mail address or phone number. For inquiries related to substantive questions refer to Section 1.3.1 (Electronic Question and Answer Period).

[Emphasis in the original.]

Moreover, the Bid Solicitation advised the potential Vendors {Bidders} to consult the Division's Quick Reference Guides (QRG) and supporting videos in preparing and submitting a Quote; specifically,

1.3.3 VENDOR BIDDER SUPPORT

Vendors {Bidders} are strongly encouraged to visit the [NJSTART Vendor Support Page](#), which contains Quick Reference Guides (QRGs), supporting videos, a glossary of [NJSTART](#) terms, and helpdesk contact information.

The Vendor {Bidder} should utilize the QRGs before attempting to submit its Quote {Proposal} using the [NJSTART](#) process. It is the Vendor's {Bidder's} responsibility to ensure that the [NJSTART](#) Quote {Proposal} and attachments have been properly submitted.

With the above principals in mind, Vendors {Bidders} are cautioned to allow adequate time to ensure that the Quote is properly submitted.

As noted in the protest email, J&J submitted its Quote to the Division by placing it in the mail with the United States Postal Service on March 16, 2018 – the submission due date. J&J's Quote was not received by the Division until March 20, 2018.

Despite J&J's desire to submit a Quote for the subject solicitation, under the provisions set forth above, the statutory procurement laws, and the regulations of the State of New Jersey, the Division is unable to accept J&J's Quote as timely submitted. Such acceptance would un-level the Vendor's {Bidder's} playing field as the Division received 177 Quotes by the submission deadline. In light of the findings set

forth above, I must unfortunately deny your request for eligibility to participate in the competition for the subject Blanket P.O. This is my final agency decision.

This is an unfortunate situation for the State, as we encourage competition and appreciate your expertise in the field. In the future, I encourage earlier initiation of submissions to ensure timely receipt of Quotes and to allow for any issues which may arise during the electronic submission process. Thank you for registering your company with **NJSTART** at www.njstart.gov, the State of New Jersey's eProcurement system. I look forward to your company's continuing interest in doing business with the State of New Jersey.

Sincerely,

A handwritten signature in blue ink, appearing to read "magriff", is positioned above the printed name.

Maurice A. Griffin
Acting Director

MAG: RUD

c: P. Michaels
L. Spildener
M. Groninger