



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR

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Lt. Governor

October 13, 2021

Via Electronic Mail Only curinc@aol.com

John R. Weber, Jr. MAI
Ronald A. Curini Appraisal Company, Inc.
1540 Kuser Road, Suite A-7
Hamilton, NJ 08619

Re: IMO Bid Solicitation 20DPP00580 Ronald A. Curini Appraisal Company, Inc.
T2957 Appraisal Services for the NJ Department of Environmental Protection

Dear Mr. Weber:

This final agency decision is in response to your emails of October 8, 2021 and October 12, 2021, to the Division of Purchase and Property's (Division) Procurement Bureau (Bureau) on behalf of Ronald A. Curini Appraisal Company, Inc. (Curini). Those emails were forwarded to the Division's (Division) Hearing Unit for review. In those emails Curini requests that the Division extend the Quote submission date for Bid Solicitation 20DPP00580 T2957 Appraisal Services for the NJ Department of Environmental Protection (Bid Solicitation), stating that it did not have notice of the Bid Solicitation until after the Quote Opening Date.

By way of background, on July 30, 2021, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the New Jersey Department of Environmental Protection. Bid Solicitation § 1.1 *Purpose and Intent*. The purpose of the Bid Solicitation was to solicit Quotes from qualified New Jersey Certified General Real Estate Appraisers to provide appraisal services related to the State of New Jersey's acquisition of properties for open space preservation or for flood plain protection. *Ibid*. It is the State's intent to award Master Blanket Purchase Orders (Blanket P.O.s) to those responsible Vendors {Bidders} whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. *Ibid*. On October 7, 2021, the Division's Proposal Review Unit opened twenty-four (24) Quotes that were received by the submission deadline.

On October 8, 2021, after the Quote submission deadline, Curini wrote the Bureau stating:

We just noticed that the Bid request information went to our junk mailbox for the RFP. After finding this we also noticed the submission date was 10/7/2021. Is there any appeal process for this RFP? Thanks. We have been performing DEP Green Acres and Blue Acres Appraisals as well as SADC Appraisals since 1985. Thanks.

Thereafter, on October 12, 2021, Curini wrote to the Bureau stating:

I respectfully request that N.J. Start expands the time limit for RFP #DPP00580, T2957. I have appraised over 75 farms for SADC since the inception of the program in 1990 and hundreds of appraisals and projects for DEP/Green Acres since 1985. In the past, when an RFP was due for DEP/Green Acres appraisers were notified by letter. We were never advised that an RFP was on the horizon with N.J. Start or DEP. If I am not permitted to file for inclusion on the DEP/Green Acres List of Approved Appraisers, I will lose all my work in these fields because every county and municipality requires an appraiser to be on the Approved Appraisers List for DEP. I am 80 years old and still enjoy appraising farms for preservation and open space projects and have become an expert in the field over the years. I firmly believe that an e-mail with so much importance could have been sent multiple times to the present approved appraisers on the DEP/Green Acres list.

In consideration of Curini'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.

The Division's public procurement program reflects the New Jersey statutory and regulatory requirements that have been affirmed by New Jersey courts. A basic precept of the Division's governing statutes and regulations requires that Quotes must be submitted by the deadline specified in the public advertisement and website notice. The Division's regulations set forth procurement notification requirements at N.J.A.C. 17:12-2.1 *Advertising* which states in pertinent part:

- (a) Advertising is required when the contract amount is expected to exceed the public bidding threshold or is not subject to the relevant exceptions of N.J.S.A. 52:34-6, 9, or 10. Public notice of the bidding opportunity shall be placed on the Division's website and with other media, including newspapers, as required by law at N.J.S.A. 52:34-12 and determined by the State Treasurer to provide best notice thereof to bidders. Advertisements shall be made a minimum of seven business days in advance of the announced deadline for receipt of proposals to encourage free and open competition.
- (b) If, during the course of an advertised procurement pursuant to (a) above, it becomes necessary to alter any of the terms, conditions, or requirements of the request for proposal, such alterations shall be set forth in addenda to the RFP and shall be advertised a minimum of seven business days in advance of the announced deadline for receipt of proposals.
- (c) In addition to statutorily mandated public advertising, the Division shall also publish notices of bidding opportunities on the Division's website.

The record of this procurement shows that notice of the subject Bid Solicitation was publicly advertised in The Star-Ledger on July 30, 2021, as required by the applicable regulation. N.J.A.C. 17:12-2.1(a) and (c).

NOTICE OF BID SOLICITATION
NEW JERSEY SMALL BUSINESS
SUBCONTRACTING SET-ASIDE PROVISIONS

NOTICE IS HEREBY GIVEN THAT SEALED QUOTES WILL BE RECEIVED BY THE PROPOSAL REVIEW UNIT, ELECTRONICALLY THROUGH NJSTART (WWW.NJSTART.GOV), UNTIL 2:00 P.M. ON SEPTEMBER 15, 2021, FOR THE FOLLOWING BID SOLICITATION:

21DPP00580 / T2957 – APPRAISAL SERVICES FOR NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

QUOTES WILL BE PUBLICLY OPENED AND ANNOUNCED BY TELEPHONE CONFERENCE (DIAL-IN PHONE NUMBER: 888-204-5984 / ACCESS CODE: 2602305).

AN OPTIONAL PRE-QUOTE CONFERENCE WILL BE HELD AS FOLLOWS:
DATE: 8/11/2021
TIME: 10:30 AM
TELEPHONE CONFERENCE DIAL-IN NUMBER: 888-204-5984
ACCESS CODE: 2602305

INFORMATION ABOUT NJSTART AND THE BID SOLICITATION DOCUMENTS ARE AVAILABLE AT: WWW.NJSTART.GOV.

SMALL BUSINESS SET-ASIDE SUBCONTRACTING WILL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C. 17:13 ET SEQ. A VENDOR SEEKING TO ESTABLISH OR VERIFY ELIGIBILITY AS A NEW JERSEY SMALL BUSINESS PURSUANT TO THE PROVISIONS OF N.J.A.C. 17:13 ET SEQ. SHOULD CONTACT THE DEPARTMENT OF THE TREASURY'S DIVISION OF REVENUE AND ENTERPRISE SERVICES, SMALL BUSINESS REGISTRATION AND M/WBE CERTIFICATION SERVICES UNIT.

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
7/30/21 \$122.36

Additionally, notice of the Bid Amendment #1 and Bid Amendment #2 were also published in The Star-Ledger on September 1, 2021 and September 20, 2021 respectively.

NOTICE OF BID SOLICITATION AMENDMENT

NOTICE IS HEREBY GIVEN THAT BID AMENDMENT #1 HAS BEEN POSTED FOR THE FOLLOWING BID SOLICITATION:

21DPP00580 / T2957 – APPRAISAL SERVICES FOR NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEALED QUOTES WILL BE RECEIVED BY THE PROPOSAL REVIEW UNIT, ELECTRONICALLY THROUGH NJSTART (WWW.NJSTART.GOV), UNTIL 2:00 P.M. ON SEPTEMBER 15, 2021.

QUOTES WILL BE PUBLICLY OPENED AND ANNOUNCED BY TELEPHONE CONFERENCE (DIAL-IN PHONE NUMBER: 888-204-5984 / ACCESS CODE: 2602305).

INFORMATION ABOUT NJSTART AND THE BID SOLICITATION DOCUMENTS ARE AVAILABLE AT: WWW.NJSTART.GOV.

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
9/1/21 \$54.25

NOTICE OF BID SOLICITATION AMENDMENT

NOTICE IS HEREBY GIVEN THAT BID AMENDMENT #2 HAS BEEN POSTED FOR THE FOLLOWING BID SOLICITATION:

21DPP00580 / T2957 – APPRAISAL SERVICES FOR NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEALED QUOTES WILL BE RECEIVED BY THE PROPOSAL REVIEW UNIT, ELECTRONICALLY THROUGH NJSTART (WWW.NJSTART.GOV), UNTIL 2:00 P.M. ON OCTOBER 7, 2021- THE REVISED QUOTE OPENING DATE.

QUOTES WILL BE PUBLICLY OPENED AND ANNOUNCED BY TELEPHONE CONFERENCE (DIAL-IN PHONE NUMBER: 888-204-5984 / ACCESS CODE: 2602305).

INFORMATION ABOUT NJSTART AND THE BID SOLICITATION DOCUMENTS ARE AVAILABLE AT: WWW.NJSTART.GOV.

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
9/20/21 \$55.80

All advertisements were placed in The Star Ledger more than seven business days prior to the Quote opening as required by N.J.A.C. 17:12-2.1(a).

With respect to electronic procurement notification, the Division's governing regulations state:

As a service to vendors interested in competing for State contracts to be awarded by the Division and to any other parties seeking information about bidding opportunities available via the Division's competitive contract procurement program, the Division provides an on-line self-registration service on its website. Vendors and other interested parties can register to receive direct e-mail notices pertaining to the Division's procurements for goods or services based upon specific commodity classes or codes. As this is a self-registration process, it does not create an entitlement for any party to receive notice of any particular solicitation of proposals, and the Division and the State shall not be liable for any losses, claims, or damages of any kind if a vendor or other party, for any reason, is not registered or does not receive an e-mail notice. It is the responsibility at all times for registrants to exercise due diligence in reviewing the notices on the Division's website to assure their awareness of State bidding opportunities announced by the Division.

[N.J.A.C. 17:12-2.1(d).]

In keeping with regulation, all Vendors {Bidders} who were registered with **NJSTART** for any of the NIGP Commodity Codes associated with this procurement received electronic notification of the procurement. The responsibility of registration, selection of commodity codes, and maintenance of the business entity's contact information, necessarily rests solely with the potential Vendor {Bidder} who will only receive an electronic notification for procurements associated with those commodity codes for which it is registered, sent to the email address on file in the **NJSTART** eProcurement system. A review of record of this procurement reveals that Curini was registered for at least one of the NIGP Commodity Codes associated with this procurement, and did in fact receive electronic notice of the procurement, sent to the email address listed in its Vendor Profile at the time of this procurement.

V00004420	RONALD A CURINI Appraisal Co., Inc.	Email	Bid Available: Emailed to CURINC@AOL.COM at 07/30/2021 09:03:53 AM Bid Amendment: Emailed to bsteppy@yahoo.com at 09/01/2021 10:23:35 AM Emailed to CURINC@AOL.COM at 09/01/2021 10:23:35 AM Bid Amendment: Emailed to bsteppy@yahoo.com at 09/14/2021 03:44:02 PM Emailed to CURINC@AOL.COM at 09/14/2021 03:44:02 PM Bid Amendment: Emailed to bsteppy@yahoo.com at 09/23/2021 08:44:45 AM Emailed to CURINC@AOL.COM at 09/23/2021 08:44:45 AM	No
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In the October 8, 2021 correspondence, Curini states that the email notifications regarding the current Bid Solicitation went to its junk mailbox and therefore it did not have notice that the contract was being re-procured. Additionally, in the October 12, 2021 correspondence, Curini states that it should have received a letter notifying it of the reprocurement. The Division's governing statutes and regulations do not require that potential Vendors {Bidders} receive a letter advising of an upcoming Bid Solicitation. Here however, Curini received at least two letters advising that the services sought could be subject of an upcoming procurement.

Specifically, on July 12, 2019, the Bureau issued Bid Solicitation #19DPP00335 – T2957 Appraisal Services for New Jersey Department of Environmental Protection, which sought the same services as the subject Bid Solicitation. Curini submitted a Quote in response to Bid Solicitation #19DPP00335.¹ Unfortunately, due to an ambiguity between the Bid Solicitation and the State-Supplied Price Sheet, the Division determined that it was in the public’s interest to reject all Quotes submitted and cancel the Bid Solicitation. On December 1, 2021, the Bureau advised all Bidders in writing, including Curini, that Bid Solicitation #19DPP00335 was being canceled and that the subject services would be re-procured.

Further, on May 14, 2021, the Bureau sent a letter to Curini requesting that it extend its then current Blanket P.O. for a period of six months from August 1, 2021 through January 31, 2022, the timeframe covering the advertisement of the subject Bid Solicitation. That letter specifically advised Vendors {Bidders} that the reprourement of the subject services might occur during the extension term:²

As a reminder, if this contract is extended, reprocurement of this contract may occur during this extension period. If you have not already done so, you are encouraged to visit the Division of Purchase and Property’s eProcurement system, *NJSTART*, at www.njstart.gov to view current bidding opportunities and to ensure that your company is registered for all applicable commodity codes related to your company’s business in order to receive notices when new bidding opportunities are announced. Instructions on how to select commodity codes, can be found in the Division of Purchase and Property’s Quick Reference Guide entitled “Vendor Registration,” which can be found at: <http://www.state.nj.us/treasury/purchase/njstart/pdf/QRG-Vendor-Registration.pdf>.

[Emphasis added.]

On or about May 25, 2021, Curini responded to the Bureau’s letter agreeing to extend its then current contract.

Accordingly, in addition to the required public notice of the Bid Solicitation posted in The Star Ledger and on the State’s eProcurement system *NJSTART*, Curini received at least two additional letters advising that the subject services would be re-procured.

Here, Curini did not contact the Division until after the Quote submission date had passed. Although Curini requests that it be permitted to participate in the procurement process, the administrative regulations that govern the Division’s 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. If the Division were to permit Curini to submit a Quote after the Quote opening deadline, Curini would be placed in a position of advantage over all other

¹ The record of Bid Solicitation #19DPP00335 reveals that Curini utilized the same email address for that procurement.

² The May 14, 2021, extension letter was sent to the same email address listed on Curini’s *NJSTART* Vendor Profile to which the notification of the Bid Solicitation were sent, the same email address from which the current protest was received.

Vendors {Bidders}. Under the provisions set forth above, the statutory procurement laws, and the regulations of the State of New Jersey, the Division cannot accept a late Quote from Curini or any other Vendor {Bidder}. Such acceptance would un-level the Vendor's {Bidder's} playing field.

In light of the findings set forth above, I must deny your request for eligibility to participate in the competition for the subject Blanket P.O. This is an unfortunate situation for the State, as we encourage competition and appreciate your expertise in the field. This is the Division's final agency decision.

Thank you for your company's continuing 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 eProcurement system. I encourage you to log into *NJSTART* to select any and all commodity codes for procurements you may be interested in submitting a Quote for, and to ensure that contact information is up to date, so that you may receive notification of future bidding opportunities.

Sincerely,



Rachel U. Doobrajh
Chief Hearing Officer

- c. R. Regan
- S. Isom
- A. Nelson
- D. Rodriguez