



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR
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Telephone (609) 292-4886 / Facsimile (609) 984-2575

September 29, 2014

Via Electronic Mail [EMeiseles@JNSFoods.com] and USPS Regular Mail

Eliot B. Meiseles, President
JNS Foods, LLC
1401 N. University Dr., Suite 602
Coral Springs, FL 33071

RE: Protest of Notice of Proposal Rejection
RFP #15-X-23597 Foods: Frozen Liquid Egg Products - DSS

Dear Mr. Meiseles:

This letter is in response to your email dated and received September 26, 2014, referencing the subject Request for Proposal ("RFP") and regarding the proposal submitted by JNS Foods, LLC ("JNS") to the Division of Purchase and Property ("the Division"). The record of this procurement notes that JNS's proposal was rejected for absence of a signed *Disclosure of Investment Activities in Iran* form.¹

I have reviewed the record of this procurement, including the RFP, JNS's proposal, and relevant statutes, regulations, and case law. This review has provided me with the information necessary to determine the facts of this matter and to render an informed determination on the merits of JNS's protest.

The record reveals that JNS's proposal was rejected on or about September 23, 2014. After receiving the notice of rejection, JNS contacted the Division for clarification of the rejection. The Division advised JNS that its proposal was rejected because the three-part Standard RFP Form was apparently scanned and submitted in a landscape orientation, rather than a portrait orientation, resulting in statutorily required certifying signatures and other relevant information not being visible. Thereafter, JNS properly filed a protest, stating: "[I]t was not the intent of JNS Foods to not send the document, but a failure of how the system scanned the documents." JNS rescanned the same documents originally included with its proposal, in the appropriate orientation, and attached them to the email protest. Because the Standard RFP Forms were completed in handwriting, it is apparent that JNS rescanned the original documents and no changes were made.

Therefore, I accept the documents submitted with your letter of protest, as it was JNS's clear intention to submit the completed forms with its proposal. The Procurement Bureau is directed to include JNS's proposal in the evaluation of the subject RFP.

Thank you for your interest in doing business with the State of New Jersey. I invite you to take this opportunity to register your business with **NJ START** at www.njstart.gov, the State of New Jersey's new

¹ Please note there is a valid *Ownership Disclosure Form* on file with the Division.

eProcurement system, which is scheduled to go live this fall and will provide a “one-stop shop” for vendors to submit proposals, maintain required forms and certifications, and present purchase orders and invoices for payment.

Sincerely,



Ronald G. Wengerd
Chief Hearing Officer

RGW:DF

c: L. DuBois
R. Sharbaugh
J. Signoretta
G. Gerstenacker
D. Rodriguez