



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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ANDREW P. SIDAMON-ERISTOFF
State Treasurer

JIGNASA DESAI-MCCLEARY
Director

Telephone (609) 292-4886 / Facsimile (609) 984-2575

January 7, 2014

Via Electronic Mail [tsheehan@comcast.net] and USPS Regular Mail

Timothy Sheehan
President
T.W. Sheehan & Associates
P.O. Box 641
Haddonfield, NJ 08033

RE: Protest of Notice of Proposal Rejection
RFP #14-X-23294 Green Acres Program — Appraisal Services

Dear Mr. Sheehan:

This letter is in response to your emails received December 24, 2013, referencing the subject Request for Proposal (“RFP”) and regarding the proposal submitted by T.W. Sheehan & Associates (“T.W.”) to the Division of Purchase and Property (“the Division”). The record of this procurement notes that T.W.’s proposal was rejected for absence of a signed *Ownership Disclosure Form* and *Disclosure of Investment Activities in Iran* form. In your emails, you contend that all documents were properly submitted through the eBid system and you attached a copy of a *Proposal Submittal Confirmation* and the documents listed as missing.

I have reviewed the record of this procurement, including the RFP, T.W.’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 T.W.’s protest.

The above-referenced solicitation was comprised of the RFP and other documents, one of which was the three-part document titled *NJ Standard RFP Forms*. This document is comprised of three expandable forms, namely an *Ownership Disclosure Form*, a *Disclosure of Investigations and Other Actions Involving Bidder Form*, and a *Disclosure of Investment Activities in Iran* form.

Pursuant to N.J.A.C. 17:12-2.2, a bidder's proposal must "[c]ontain all RFP-required certifications, forms, and attachments, completed and signed as required" or "be subject to automatic rejection." As set forth in RFP 4.4.1.2, 4.4.1.2.1, and 4.4.1.2.2, the submission of a completed and signed *Ownership Disclosure Form* prior to or as part of the proposal and a completed and signed *Disclosure of Investment Activities in Iran* form as part of a bidder's proposal was required.

In this case, a review of the electronic records reveals that T.W.'s submission contained a duplicate *Source Disclosure Certification Form*, uploaded by T.W. in the place of the *NJ Standard RFP Forms* (please see attachment). With respect to T.W.'s contention that it received a *Proposal Submittal Confirmation* and therefore assumed the submission was complete, the eBid System cannot differentiate what documents are uploaded. Rather, it accepts any document the bidder uploads in a required document field. The responsibility for the contents of the proposal or submittal necessarily and appropriately rests solely with the bidder.

Notwithstanding T.W.'s interest in competing for this procurement, it would not be in the State's best interests to allow a bidder who did not provide the required certifications to be eligible to participate in the procurement process. Such acceptance would unlevel the bidders' playing field, as the State received responsive proposals in which certifications were provided as required. The deficiency at issue cannot be remedied after the proposal submission deadline, as acceptance of T.W.'s proposal under these circumstances would be contrary to the provisions of the governing statute and would provide T.W. with disclamation options not available to those bidders whose proposals were fully responsive. In light of the findings set forth above, I must deny your request for eligibility to participate in the competition for the subject contract. This is my final agency decision on this matter.

This is an unfortunate situation for the State, as we encourage competition and appreciate your expertise in the field. Thank you for your interest in doing business with the State of New Jersey and I look forward to T.W.'s participation in future procurement opportunities.

Sincerely,



Ronald G. Wengerd
Chief Hearing Officer

RGW:DF

Attachment

c: L. DuBois
R. Beauregard
J. Kemery
D. Rodriguez



Purchase & Property > Purchase Bureau > eBid Openings > Submitted ebids > 12_20_2013 > 14-x-23294 > Submitted > TW Sheehan Associates, LLC, 1

All Sites

Submitted ebids

ebids submitted

Name	Modified	Solicitation Number	FEIN	Vendor Name	Bid Status	Duplicate FEIN	Duplicate Business Registration	Revenue Valid	Verified	ebid Created	Vendor	Created	Created By	Release Bid	ebid Document Num
137805_GA_StandardTermsandConditio	12/27/2013 3:14 PM	14-x-23294	145649735000	TW Sheehan & Associates, LLC	Submitted	False	False	False	False	True		12/27/2013 3:14 PM	Fischetti, Danielle	No	NJ Standard Terms and Conditions
137806_GA_SourceDisclosure_2013	12/27/2013 3:14 PM	14-x-23294	145649735000	TW Sheehan & Associates, LLC	Submitted	False	False	False	False	True		12/27/2013 3:14 PM	Fischetti, Danielle	No	Source Disclosure Certification
137807_GA_CooperativePurchase_201	12/27/2013 3:14 PM	14-x-23294	145649735000	TW Sheehan & Associates, LLC	Submitted	False	False	False	False	True		12/27/2013 3:14 PM	Fischetti, Danielle	No	Cooperative Purchase Form
137808_GA_SourceDisclosure_2013	12/27/2013 3:14 PM	14-x-23294	145649735000	TW Sheehan & Associates, LLC	Submitted	False	False	False	False	True		12/27/2013 3:14 PM	Fischetti, Danielle	No	NJ Standard GFP Forms
137802_GA_SignaturePage_2013	12/27/2013 3:14 PM	14-x-23294	145649735000	TW Sheehan & Associates, LLC	Submitted	False	False	False	False	True		12/27/2013 3:14 PM	Fischetti, Danielle	No	Signature Page
137803_GA_AttachmentB_Bidder_2013	12/27/2013 3:14 PM	14-x-23294	145649735000	TW Sheehan & Associates, LLC	Submitted	False	False	False	False	True		12/27/2013 3:14 PM	Fischetti, Danielle	No	Bid Specific Forms & Attachment B - Price Sheet
137804_GA_BidderDataPacketV1_201	12/27/2013 3:14 PM	14-x-23294	145649735000	TW Sheehan & Associates, LLC	Submitted	False	False	False	False	True		12/27/2013 3:14 PM	Fischetti, Danielle	No	Bidder Data Packet