



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR
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December 15, 2015

Via Electronic Mail [Jason.Smith@SterlingHelicopter.com] and USPS Regular Mail

Jason M. Smith, General Manager
Sterling Helicopter
1226 River Road
Croydon, PA 19021

RE: Protest of Notice of Automatic Proposal Rejection
RFP #16-X-24044 Maintenance of Aircraft Parts and Service

Dear Mr. Smith:

This letter is in response to your letter of protest dated December 3, 2015, referencing the subject Request for Proposal (RFP) and regarding the proposal submitted by Sterling Helicopter (Sterling) to the Division of Purchase and Property (Division). The record of this procurement indicates that Sterling's proposal was rejected for failing to include a *Signatory Page* with its proposal submitted in response to the subject solicitation. Your letter contends that there was no *Signatory Page* available for completion by bidders in the eBid Required Forms Work Area for the subject solicitation and that Sterling met all of the RFP requirements.

I have reviewed the record of this procurement, including the RFP, Sterling'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 Sterling's protest.

By way of background, the subject RFP was issued by the Division's Procurement Bureau on behalf of the Department of Law & Public Safety (State Police) and the New Jersey State Forest Fire Services to solicit proposals for Fixed Wing, Helicopter Parts, and Maintenance Service. RFP §1.1 *Purpose and Intent*. The intent of the RFP was "to award one or more contracts to the responsive bidder/bidders whose proposal, conforming to this RFP is most advantageous to the State, price and other factors considered." *Ibid*. The RFP was posted to the Division's website on October 21, 2015, with a proposal submission date of December 2, 2015.

A review of the electronic records associated with this solicitation reveals that due to a system error, the Division's eBid system did not generate a document for public posting to the web. Due to this computer glitch, I overturn the rejection of Sterling's proposal and direct the Procurement Bureau to review and clarify, as necessary, the bidder's acceptance of all terms, conditions, and requirements of the RFP and to proceed with a Notice of Intent to Award if warranted. This is my final agency decision.

Thank you for your interest in doing business with the State of New Jersey and for registering your business with NJSTART, the State's new eProcurement system.

Sincerely,



Maurice Griffin
Chief Hearing Officer

MG:DF

c: G. Olivera
J. Signoretta
D. Delaney
A. Nelson