



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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September 19, 2019

Via Electronic Mail [VVogel@archerlaw.com] and USPS Regular Mail

Victor G. Vogel, Esq.
Archer & Greiner, P.C.
Once Centennial Square
Haddonfield, NJ 08033

Re: I/M/O Bid Solicitation #17DPP00118 North Highland Company
Protest of Notice of Intent to Award
T2599 – Quality Assurance/Project Management Services for IT and Non-IT Projects

Dear Mr. Vogel:

This letter is in response to your correspondence of July 26, 2019, on behalf of North Highland Company (North Highland) which was received by the Division of Purchase and Property's (Division) Hearing Unit. In that correspondence, North Highland protests the Notice of Intent to Award issued by the Division's Procurement Bureau (Bureau) for Bid Solicitation #17DPP00118: T2599 – Quality Assurance/Project Management Services for IT and Non-IT Projects (Bid Solicitation).

By way of background, on August 8, 2017, the Bureau issued the Bid Solicitation on behalf of New Jersey State Agencies to solicit Quotes to create a pool of up to five (5) Vendors {Contractors} to provide Project Management and Quality Assurance services related to Information Technology engagements, including, but not limited to, applications development, network upgrades, systems implementations, process automation, e-government/web enablement, infrastructure planning initiatives, modernization efforts, enterprise solutions, and the development of Bid Solicitations. Bid Solicitation § 1.1 *Purpose and Intent*. Additionally, the Bid Solicitation sought Quotes to create a second pool of up to five (5) Vendors {Contractors} to assist Agencies with providing Project Management and Quality Assurance services for Non-Information Technology engagements and Quality Assurance services for programs related to Non-Information Technology engagements, including, but not limited to, project monitoring, change request management, and standards and procedures. *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 the Bid Solicitation, are most advantageous to the State, price, and other factors considered. *Ibid*.

In accordance with the Bid Solicitation Instructions, potential Vendors Bidders were permitted to submit questions to the Bureau, using the Division's *NJSTART* eProcurement system through August 22, 2017. *See*, Bid Solicitation Section 1.3.1 *Electronic Question and Answer Period*. The Bureau received 124 questions. Through the posting of Bid Amendment #2 on October 20, 2017 and Bid Amendment #6 on December 12, 2017, the Bureau answered all 124 questions received.

On January 19, 2018, the Division's Proposal Review Unit opened 33 Quotes received by the submission deadline of 2:00 pm eastern time. Between January 24 and February 14, 2018, the Division's Proposal Review Unit conducted a review of the Quotes received and issued a Notices of Proposal Rejection to Analysis IQ, Inc., Cognizant Technology Solutions (Cognizant) and Refined M, LLC for failure to submit the *Ownership Disclosure Form* with the submitted Quote as required by N.J.S.A. 52:25-24.2, N.J.A.C. 17:12-2.2 and Bid Solicitation Section 4.4.1.2.1 *Ownership Disclosure Form*. A Notice of Proposal Rejection was also issued to Domino Systems, Inc. (Domino) for failure to submit pricing information with its Quote as required by Bid Solicitation § 4.4.5 *Price Sheet/Schedule*.

After completing the administrative review of the submitted Quotes, the Proposal Review Unit forwarded those Quotes which conformed to the administrative requirements for Quote submission to the Bureau for review. The Bureau then conducted a preliminary review of those submitted Quotes, to determine whether those remaining Quotes were responsive to the mandatory requirements for Quote submission and were eligible for award based upon statutory requirements. In conducting this review, the Bureau determined that eight Quotes were non-responsive to the mandatory requirements for Quote submission or were ineligible for award based upon statutory requirements. Specifically, the Quotes submitted by Sure Thing Analytics and Impower Energy, Inc. were deemed non-responsive for failing to provide a technical Quote as required by Bid Solicitation Section 4.4.3 *Technical Quote {Proposal}*; the Quote submitted by PM Solutions was deemed non-responsive for failing to provide all-inclusive hourly rates on the price sheet for all professional skill classifications listed for either IT or Non-IT engagements, as required by Bid Solicitation Section 4.4.5.2 *Price Sheet/Schedule Attachment*; the Quotes submitted by TEK Systems and First Data Government Solutions were deemed non-responsive for taking exceptions to the State of New Jersey's Standard Terms and Conditions; the Quote submitted by North Highland was deemed non-responsive responsive due to Source Disclosure requirements; and the Quotes submitted by Mathtech, Inc. and North Highland Company were deemed non-responsive for not disclosing all parties owning a 10% or greater interest in the corporation or partnership on the submitted *Ownership Disclosure Form* as required by Bid Solicitation Section 4.4.1.2.1 *Ownership Disclosure Form*. Specifically, with respect to the Quote submitted by North Highland:

North Highland was deemed non-responsive due to not disclosing on the original Ownership Disclosure form the parties owning a 10% or greater interest in the corporation or partnership. Pursuant to Section 4.4.1.2.1, "Pursuant to N.J.S.A. 52:25-24.2, in the event the Vendor {Bidder} is a corporation, partnership or limited liability company, the Vendor {Bidder} must complete an Ownership Disclosure Form. A current completed Ownership Disclosure Form must be received prior to or accompany the submitted Quote {Proposal}."

[See, Evaluation Committee Report, p. 7; Recommendation Report 4.]

The remaining Quotes were forwarded to the Evaluation Committee for review and evaluation consistent with the requirements of Bid Solicitation Section 6.7 *Evaluation Criteria*. After the completing the review and evaluation of the Quotes received, those Vendors {Bidders} whose submitted Quotes were within the competitive range, having received a technical evaluation score of "good or better" (score over 500) were asked to submit a Best and Final offer as permitted by Bid Solicitation Section 6.8 *Negotiation and Best and Final Offer (BAFO)*. The BAFO pricing submitted by those Vendors {Bidders} was then evaluated by the Bureau using a consumption model. On March 4, 2019 the Evaluation Committee prepared a report recommending Blanket P.O. awards for the both the IT and Non-IT Engagements sought by the Bid Solicitation. On May 28, 2019, consistent with the Evaluation Committee Report, the Bureau prepared a Recommendation Report which recommended that Blanket P.O.s be awarded as follows:

IT Engagements

1. CGI Technologies and Solutions (CGI);
2. Cognizant Technology Solutions U.S. Corporation (Cognizant);
3. ESytems Inc. (ESystems);
4. Health Tech Solutions, LLC (Health); and
5. Price Waterhouse Coopers Public Sector, LLP (PWC).

NON-IT Engagements

1. CGI Technologies and Solutions (CGI);
2. Cognizant Technology Solutions U.S. Corporation (Cognizant);
3. Grant Thornton LLP (Grant);
4. Maximus Human Services Inc. (Maximus); and
5. Price Waterhouse Coopers Public Sector, LLP (PWC).

[Recommendation Report, p. 1]

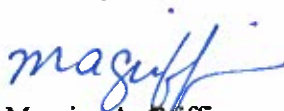
North Highland was not listed as an intended awardee.

On May 31, 2019, consistent with the Evaluation Committee Report and the Recommendation Report, the Bureau issued a Notice of Intent to Award (NOI) letter advising all Vendors {Bidders} of those companies who were recommended for a Blanket P.O. award.¹

On June 13, 2019, the Division received a protest from KPMG, LLC and on July 26, 2019 the Division received a protest from Mathtech, Inc. Additionally, on July 26, 2019, North Highland submitted a letter to the Division's Hearing Unit protesting the Bureau's determination that its submitted Quote was non-responsive. The Hearing Unit's review of the protests submitted by KPMG and Mathtech resulted in the Bureau being directed to cancel the subject Bid Solicitation and re-bid it. In light of the this, I find that North Highland's protest is moot and need not be addressed at this time. This is my final agency decision with respect to this matter.

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. 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 so that you may receive notification of future bidding opportunities.

Sincerely,



Maurice A. Griffin
Acting Director

MAG: RUD

c: L. Spildener

¹ On July 11, 2019 the Bureau reissued the NOI extending the protest period to July 26, 2019.