



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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June 12, 2020

Via Electronic Mail Only mehmetbaram28@live.com

Mehmet Bayram
BYM Trucking, LLC
1302 Hammond Road
Burlington, NJ 08016

Re: I/M/O Bid Solicitation #20DPP00525 BYM Trucking, LLC
Protest of Notice of Proposal Rejection
T0777 Snow Plowing and Spreading Services - NJDOT

Dear Mr. Bayram:

This letter is in response to your July 11, 2020, correspondence to the Division of Purchase and Property's (Division) Hearing Unit behalf of BYM Trucking, LLC (BYM). In that correspondence, BYM protests the Notice of Proposal Rejection issued by the Division's Proposal Review Unit. The record of this procurement reveals that BYM's Quote was found to be non-compliant with the mandatory submission requirements. Specifically, BYM's Quote was rejected for "missing pricing information."

By way of background, on April 9, 2020, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the New Jersey Department of Transportation (NJDOT), to solicit Quotes from qualified Vendors {Bidders} to provide snow plowing and spreading services on all State interstates and highways under the jurisdiction of NJDOT. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State's intent to award Statewide 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 May 14, 2020, the Bureau issued Bid Amendment #1 extending the Quote Submission Due Date to 2:00 p.m. eastern time on June 2, 2020. On May 28, 2020 the Bureau issued Bid Amendment #2 responding to the questions posed by potential Vendors {Bidders}. Bid Amendment #2 also extended the Quote Submission Due Date to 2:00 p.m. eastern time on June 9, 2020. On June 9, 2020, the Division's Proposal Review Unit opened 215 Quotes submitted by Quote Submission Due Date to 2:00 p.m. eastern time. After conducting a review of the Quotes received for compliance with the mandatory requirements for Quote submission, the Division's Proposal Review Unit issued a Notice of Proposal Rejection to BYM.

On June 11, 2020, BYM wrote the Division's Hearing Unit stating in relevant part:

I completed and followed the state supplied guidelines for the bid T0777 Snow plowing and spreading however I was rejected due to pricing missing. However I attached it and submitted it.

In consideration of BYM's protest, I have reviewed the record of this procurement, including the Bid Solicitation, BYM's Quote and protest, 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. I set forth herein the Division's Final Agency Decision.

The Division's administrative regulations that govern the advertised procurement process establish certain requirements that must be met in order for a Quote to be accepted. Those regulations provide in relevant part that:

- (a) In order to be eligible for consideration for award of contract, the bidder's proposal shall conform to the following requirements or be subject to designation as a non-responsive proposal for non-compliance:

...

6. Include all RFP-required pricing information.

[*N.J.A.C. 17:12-2.2(a)*]

Among those attachments required to be submitted with the Quote is the State-Supplied Price Sheet discussed in Bid Solicitation Section 4.0 *Quote Preparation and Submission – Requirements of the Vendor {Bidder}*. More specifically, as to the submission of an electronic Quote using the **NJSTART** eProcurement system, the Bid Solicitation alerted Vendors {Bidders} the following requirements of uploading documents:

When submitting a **NJSTART** Quote, do not use any symbols (i.e., #, @, \$, &, *) in the filename. Uploaded files should be compatible with Microsoft Office and/or Adobe software applications. DO NOT UPLOAD files with extensions such as .zip, .numbers, or .pages.

[Bid Solicitation Section 4.3.1 **NJSTART** *Submission of Quote*, emphasis added.]

The request that Vendors {Bidders} not upload files using file extensions such as .zip, .numbers, or .pages is set forth in the Bid Solicitation because neither the Proposal Review Unit nor the Bureau is able to open these files.

The record of this procurement reveals that on June 8, 2020, BYM uploaded the documents comprising its Quote to the **NJSTART** eProcurement system. As shown on the screenshot below, BYM uploaded eight attachments:

Quote 00004669 - BYM Trucking LLC

General Items Questions Subcontractors Terms & Conditions **Attachments(8)** Evaluations Preference Reminders Summary

Files

Name	Description	Confidential	Order	Attached By	Attached Date
OFFER ACCEPTANCE (view details)		<input checked="" type="checkbox"/>	0	Nejla Bayram	06/08/2020
T0777 Revised Attachment 1 - Experience of Vendor Bidder BYM.pdf (view details)		<input checked="" type="checkbox"/>	0	Nejla Bayram	06/08/2020
T0777 Subcontractor Utilization Form BYM.pdf (view details)		<input type="checkbox"/>	0	Nejla Bayram	06/08/2020
T0777 Ownership Disclosure Form BYM.pdf (view details)		<input checked="" type="checkbox"/>	0	Nejla Bayram	06/08/2020
T0777 Disclosure of Investments in Iran Form BYM.pdf (view details)		<input checked="" type="checkbox"/>	0	Nejla Bayram	06/08/2020
BYM SPREADING PRICE.numbers (view details)		<input checked="" type="checkbox"/>	0	Nejla Bayram	06/08/2020
BYM BUSINESS REGISTRATION.pdf (view details)		<input checked="" type="checkbox"/>	0	Nejla Bayram	06/08/2020
BYM COI-1.pdf (view details)		<input checked="" type="checkbox"/>	0	Nejla Bayram	06/08/2020

Forms

No Form Attachments

Save & Continue Close Window

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The files were saved and uploaded to **NJSTART** in various formats including: .pdf and .numbers. Unfortunately, the .numbers file is not compatible with Microsoft Office or Adobe and therefore the Division’s Proposal Review Unit was unable to open BYM’s uploaded price sheet; therefore the Notice of Proposal Rejection was issued. See, Bid Solicitation Section 4.3.1 **NJSTART Submission of Quote** (altering Vendors {Bidders} that they should not upload “files with extensions such as .zip, .numbers, or .pages.”) The **NJSTART** system does not prevent a Vendor {Bidder} from submitting a Quote without all of the required forms and documents attached as mandated by the specifications. The responsibility for ensuring that all necessary forms and other submittals, are uploaded into **NJSTART** necessarily and appropriately rests solely with the Vendor {Bidder}. Bid Solicitation § 1.4.2 *Vendor {Bidder} Responsibility*.

With the protest, BYM submitted a copy of its Quote price sheet in a .pdf format. In reviewing the protest, the Hearing Unit was able to open BYM’s Quote price sheet entitled “BYM SPREADING PRICE.numbers” and confirmed that the details and pricing submitted on the Quote price sheet entitled “BYM SPREADING PRICE.numbers” was identical to the price sheet submitted with the protest entitled “BYM SPREADING PRICE.pdf”. Because the Hearing Unit was able to confirm that the documents are identical, the Bureau can accept the protest price sheet entitled “BYM SPREADING PRICE.pdf” as part of the submitted Quote.

In light of the findings set forth above, I overturn the Proposal Review Unit’s Notice of Proposal Rejection. BYM’s Quote will be forwarded to the Bureau for evaluation along with all other Quotes submitted. In the future, BYM should be mindful to submit documents compatible with common programs such as Microsoft Office™ or Adobe™.

Thank you for your company's continuing interest in doing business with the State of New Jersey and for registering your business with **NJSTART** at www.njstart.gov. This is my final agency decision on this matter.

Sincerely,

Rachel Doobraj

Rachel U. Doobraj
Acting Chief Hearing Officer

c: M. Dunn
R. Regan
K. Popso
K. Centofanti
D. Rodriguez
A. Nelson