



State of New Jersey

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

Via Electronic Mail Only triplertruck@gmail.com

Christine Gomes, Director of Operations
Triple R Truck & Auto Leasing
P.O. Box 1148
Kearny, NJ 07032

Re: I/M/O Bid Solicitation #20DPP00525 Triple R Truck & Auto Leasing
Protest of Notice of Proposal Rejection
T0777 Snow Plowing and Spreading Services - NJDOT

Dear Ms. Gomes:

This letter is in response to your emails of June 10, 2020 and June 11, 2020, on behalf of Triple R Truck & Auto Leasing (Triple R) to the Division of Purchase and Property's (Division) Hearing Unit. In those emails Triple R requests that it be permitted to submit a late Quote in response to Bid Solicitation #20DPP00525 - T0777 Snow Plowing and Spreading Services (Bid Solicitation). With the June 11, 2020 email, Triple R included the documents comprising its proposed Quote submission. On June 11, 2020, the Division's Proposal Review Unit issued a Notice of Proposal Rejection to Triple R advising that the Quote was rejected as "not timely submitted."

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.

On June 10, 2020, at 11:18 am, after the Quote submission deadline, Triple R wrote the Division's Hearing Unit stating in relevant part:

Yesterday, 6/9/20, the bids for Bid # 20DPP00525, T0777 - Snow Plowing and Spreading Services - NJDOT were due at 2pm. Unfortunately the wording of NJSTART misled me to believing the start time was 6/9/20 at 2pm. All of the bid solicitation documentation that was posted has the wording of "bid opening date". Open to me means available. If that is the when bids were due, the wording of closed date or bid due by would have been easier to understand the deadline. I had been working on the bid through njstart and at 2pm when the bid was due to open, when I clicked submit, the site looked as if the bid was taken down. I emailed several people asking if the bid was removed or if there was in issue with the site and it was then I was informed the bid was 'due' at 2pm and not open at 2pm.

On June 11, 2020 at 8:37 am, Triple R submitted a supplemental email to the Division's Hearing Unit stating:

I am requesting consideration of my technical difficulties and my misunderstanding of the terminology from NJSTART to be able to submit our bid for snow plowing. To be given a second chance to submit our bid would be a blessing, especially during these times. I have attached our full bid both Parts 1 and Part 2 for your review. Since I was working on NJSTART attaching all of our documentation and saved it as I was working before I was kicked off; you maybe able to see my progress on your end. All of the documents were uploaded before I was kicked off but our bid was not successfully submitted. This was an honest mistake on my part to think the bid was open at 2pm on 6/9 and not realizing that was to mean a deadline for submission.

Triple R's proposed Quote submission was forwarded to the Division's Proposal Review Unit. On June 11, 2020, the Division's Proposal Review Unit issued a Notice of Proposal Rejection to Triple R advising that the Quote was rejected as "not timely submitted."

In consideration of Triple R's protest, I have reviewed the record of this procurement, including the Bid Solicitation, 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:

- (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:
...

2. Be submitted on or before the due date and time and at the place specified in the RFP;

[N.J.A.C. 17:12-2.2(a)(2).]

If the requirements of N.J.A.C. 17:12-2.2 are not met, a Quote must be rejected. These regulations must be stringently enforced to maintain the equal footing of all Vendors {Bidders} and to ensure the integrity of the State's bidding process.

As noted in the protest email, Triple R did not submit its Quote prior to the listed deadline for Quote submission because "unfortunately the wording of NJSTART mislead me to believing the start time was 6/9/20 at 2pm". Admittedly, as shown on the screen shot below, the Open Bids page on the [NJSTART](#) website lists the submission date for each item as "Bid Opening Date".



However, the Bid Solicitation language made clear that Quotes must be received prior to the listed Bid Opening Date.

Specifically, with respect to the mandatory Quote submission due date and time, the Bid Solicitation advised all potential Vendors {Bidders} of the requirements for proper and timely Quote submission stating:

1.3.2 SUBMISSION OF QUOTES

In order to be considered for award, the Quote must¹ be received by the Procurement Bureau of the Division at the appropriate location by the required time.

Vendors {Bidders} shall submit Quotes electronically through [NJSTART](#).

QUOTES NOT RECEIVED PRIOR TO THE QUOTE OPENING DEADLINE SHALL BE REJECTED. THE DATE AND TIME OF THE QUOTE OPENING ARE INDICATED ON THE BID SOLICITATION COVER SHEET AND ON THE "SUMMARY" TAB OF THE BID SOLICITATION WEBPAGE WITHIN [NJSTART](#).

¹ Bid Solicitation Section 2.2 *General Definitions* defines "Must" as "that which is a mandatory requirement."

IF THE QUOTE OPENING DEADLINE HAS BEEN REVISED, THE NEW QUOTE OPENING DEADLINE SHALL BE SHOWN ON THE POSTED BID AMENDMENT AND ON THE “SUMMARY” TAB OF THE BID SOLICITATION WEBPAGE WITHIN [NJSTART](#).

[Emphasis in the original, highlighting added.]

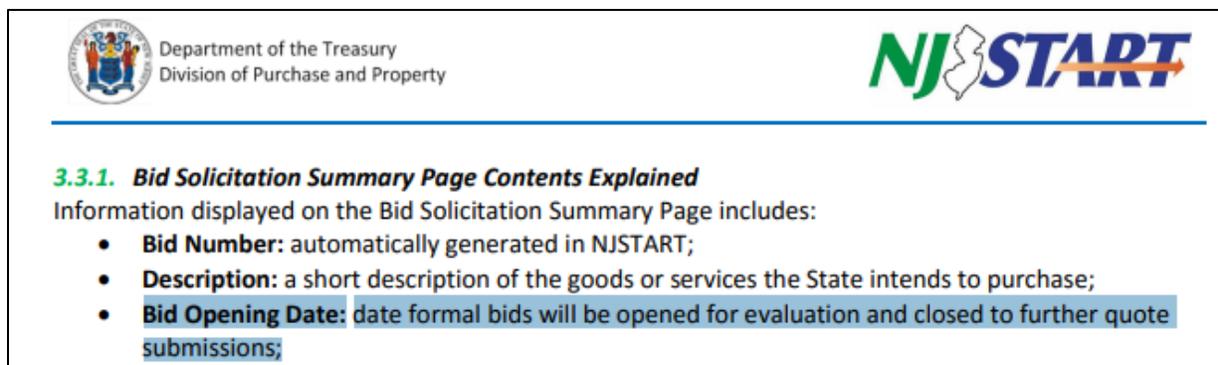
Moreover, the Bid Solicitation advised the potential Vendors {Bidders} to consult the Division’s Quick Reference Guides (QRG) and supporting videos in preparing and submitting a Quote; specifically,

1.3.3 VENDOR {BIDDER} SUPPORT

Vendors {Bidders} are strongly encouraged to visit the [NJSTART Vendor Support Page](#), which contains Quick Reference Guides (QRGs), supporting videos, a glossary of [NJSTART](#) terms, and helpdesk contact information.

The Vendor {Bidder} should utilize the QRGs before attempting to submit its Quote using the [NJSTART](#) process. It is the Vendor’s {Bidder’s} responsibility to ensure that the [NJSTART](#) Quote and attachments have been properly submitted.

As shown in the screenshot below, the “Submit a Quote” Quick Reference Guide defined the Bid Opening Date as the “date formal bids will be opened for evaluation and closed to further quote submissions.”



With the above principals in mind, Vendors {Bidders} are cautioned to allow adequate time to ensure that the Quote is properly submitted. See Bid Solicitation Section 4.2 *Quote Delivery* stating:

A Quote must arrive at the Division in accordance with this Bid Solicitation’s instructions within the time frames noted on the Bid Solicitation cover sheet and on the “Summary” page of the Bid Solicitation in [NJSTART](#), or as indicated on the posted Bid Amendment if the Quote Opening Date has been changed. Vendors {Bidders} submitting electronic Quotes via [NJSTART](#) are cautioned to allow adequate time to ensure timely uploads of all Quote documents to mitigate unforeseen delays or issues. State regulation mandates that late Quotes are ineligible for consideration.

Despite Triple R's desire to submit a Quote for the subject solicitation, under the provisions set forth above, the statutory procurement laws, and the regulations of the State of New Jersey, the Division is unable to accept Triple R's Quote after the Quote submission date has passed. Such acceptance would unlevel the Vendor's {Bidder's} playing field as the Division received 215 Quotes by the submission deadline. In light of the findings set forth above, I must unfortunately deny your request for eligibility to participate in the competition for the subject Blanket P.O. This is my final agency decision.

This is an unfortunate situation for the State, as we encourage competition and appreciate your expertise in the field. In the future, I encourage earlier initiation of submissions to ensure timely receipt of Quotes and to allow for any issues that may arise during the electronic submission process. I look forward to your company's continuing interest in doing business with the State of New Jersey.

Sincerely,



Rachel U. Doobrajh
Acting Chief Hearing Officer

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