



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

<https://www.njstart.gov>

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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ROBERT A. ROMANO
Acting State Treasurer

JIGNASA DESAI-MCCLEARY
Director

October 29, 2015

Via Electronic Mail [sfarrell@cohenseglias.com] and USPS Regular Mail

Mr. Shawn R. Farrell, Esq.
Cohen Seglias Pallas Greenhall & Furman PC
200 Riverfront Boulevard
Elmwood Park, NJ 07407

Re: Bellmawr Truck Repair Co. Reconsideration
RFP #15-X-23440 Maintenance & Repair for Heavy Duty Vehicles (T2108)

Dear Mr. Farrell,

This correspondence is in response to your letter dated and received October 16, 2015, submitted on behalf of Bellmawr Truck Repair Co., Inc. (Bellmawr), referencing the subject Request for Proposal (RFP) and regarding the award of the subject term contract by the Procurement Bureau (Bureau) of the Division of Purchase and Property (Division). As a follow-up to the Division's final agency decision dated September 2, 2015, your letter requests the Division "produce evidence that the RFP was properly advertised and publicized as claimed and represented" and "produce evidence of the August 29, 2014 email that allegedly provided notice to Bellmawr of the subject bid solicitation."

The subject RFP was issued on August 29, 2014, with a proposal submission date of October 10, 2014. The Bureau received 70 proposals by the proposal submission date. Following the evaluation of proposals, a Notice of Intent to Award Letter was issued on June 8, 2015. The protest period ended with the close of business on June 22, 2015. The resulting contract was awarded on July 21, 2015.

As noted in the September 2, 2015 final agency decision, although Bellmawr did not elect to register for Commodity Code-Class 060-66 and therefore did not receive a notification through the eRFP system,¹ the Bureau sent a courtesy email, also not required by law, to potential bidders, including incumbent contractors, on August 29, 2014, providing notice that the subject RFP had been finalized and published. This email also provided a link to access the RFP documents and informed all potential bidders that the proposal opening date was scheduled for October 3, 2014, and to "carefully review the RFP, as a lot of changes have been made." The record shows that info@bellmawrtruck.com was included

¹ It is unclear why Bellmawr did not elect to register for Commodity Code 060-66, as this was the same code used in the solicitation for the previous T2108 contract.

on the list of bidders who were sent this courtesy notice. A copy of this email is attached to this letter (Attachment 1).²

Furthermore, the Division's records evidence that notice of the subject solicitation was also properly posted to the Division's website. As evidence of the RFP's posting on the Division's website, the Bureau's internal records confirm that a "MACS-E buyer solicitation transaction" was issued on August 28, 2014, thereby generating an online posting on August 29, 2014, for contract T2108, RFP 15-X-23440 (Attachment 2). Please note that an open solicitation is removed from the Division's website once the proposal submission deadline has passed. Once a contract is awarded, updated information is posted under "Vendor Information" on the Division's website.

Finally, as required by law, the Division's records also confirm that a notice was placed in *The Star-Ledger* on September 2, 2014. As the Division's Administrative Code requires "[a]dvertisements shall be made a minimum of seven business days in advance of the announced deadline for receipt of proposals to encourage free and open competition[,]" this was well within the required timeframe. N.J.A.C. 17:12-2.1(a). Attached to this letter is a copy of page 13 of the newspaper from the day of its posting, along with enlarged copy of the advertisement for your convenience (Attachment 3).

I believe these attachments should address your concerns regarding the notices to the public and potential vendors for this solicitation.

Sincerely,



Maurice A. Griffin
Chief Hearing Officer

MAG:df

Enclosures

c: D. Reinert
K. Thomas
V. Bequer
D. Rodriguez
A. Nelson

² Although your letter states that "despite several requests, the Division has failed to produce a copy of the purported courtesy email," the Division has no record of this request until the October 16, 2015 letter.