



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

FORD M. SCUDDER
State Treasurer

JIGNASA DESAI-MCCLEARY
Director

December 16, 2016

Via Electronic Mail [SBH@FREEHOLDCARTAGE.COM] and USPS Regular Mail

Suzanne Blanchet-Hirst
Office of the President
Freehold Cartage Inc.
825 Highway 33 East
P.O. Box 5010
Freehold, NJ 07728-5010

RE: Protest of Notice of Proposal Rejection
Bid Solicitation {Request for Proposal} #17DPP00045 – Solid Waste Disposal/Recycling –
NJDOT Maintenance Facilities

Dear Mr. Ely:

This correspondence is in response to your letter of December 8, 2016, sent on behalf of Freehold Cartage Inc. (FCI) in response to the Notice of Proposal Rejection (Rejection Notice) sent by the Division of Purchase and Property's (Division) Proposal Review Unit. The Rejection Notice indicated that the Quote {Proposal} (proposal) submitted by FCI failed to contain a completed and signed *Offer and Acceptance Page*. I treat your December 8, 2016 letter as FCI's protest of the Rejection Notice.

I have reviewed the record of this procurement, including the Bid Solicitation ({Request for Proposal} (RFP)), the Rejection Notice, FCI's proposal, FCI's December 8, 2016 letter of protest, 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 this protest.

By way of background, the subject RFP was issued by the Division's Procurement Bureau (Bureau) on behalf of the New Jersey Department of Transportation (NJDOT) for solid waste removal and disposal/recycling/reuse services at participating NJDOT maintenance facilities located in each of three (3) designated regions (North, Central, and South). RFP § 1.1 *Purpose and Intent*. The intent of the RFP is "to award one (1) Master Blanket Purchase Orders (Blanket P.O.) {Contract} [(hereinafter contract)] to that responsible Vendor {Bidder} whose Quote {proposal}, conforming to this [RFP] are most advantageous to the State, price and other factors considered." *Ibid.* The State may award any and all price lines. *Ibid.* This is a procurement of services similar to those offered by term contract T-2619. RFP § 1.2 *Background*.

On November 30, 2016, the Proposal Review Unit opened the Quotes {proposals} [hereinafter proposal] received by the submission deadline of 2:00 p.m. After conducting a review of the proposals submitted, the Proposal Review Unit found that FCI's proposal did not contain a completed and signed

Offer and Acceptance Page. Accordingly, the Proposal Review Unit issued the Rejection Notice to FCI. In response to the Rejection Notice, FCI sent a letter dated December 8, 2016, to the Division’s Hearing Unit, protesting the proposal rejection. In the letter FCI indicates that in checking its records its found that the *Offer and Acceptance Page* was completed and signed and attaches a completed and signed *Offer and Acceptance Page* for the Hearing Unit’s consideration.

The subject solicitation was comprised of the RFP and other documents, including the *Offer and Acceptance Page*. All RFP-required documents were available on the Division’s website as downloadable documents through the Bid Solicitation {RFP} process through NJSTART. The *Offer and Acceptance Page* is addressed in numerous locations in the RFP and is specifically listed under RFP Section 4.4.1, *Forms, Registrations and Certifications Required with Quote {Proposal}*, more specifically RFP Section 4.4.1.1, which states:

4.4.1.1 OFFER AND ACCEPTANCE {SIGNATORY} PAGE

The Vendor {Bidder} shall complete, including signature of an authorized representative of the Vendor {Bidder}, and submit the Offer and Acceptance Page {Signatory Page} accompanying this Bid Solicitation {RFP} (whether submitted through NJSTART or as a hard copy). If the Vendor {Bidder} is a limited partnership, the Offer and Acceptance Page {Signatory Page} must be signed by a general partner. All information requested must be submitted. If the Vendor {Bidder} is a joint venture, the Offer and Acceptance Page {Signatory Page} must be signed by a principal of each party to the joint venture. **Failure to comply will result in rejection of the Quote {Proposal}.**

RFP Section 4.4.1.1 (Emphasis added). Furthermore, as a courtesy to all bidders, the Division provided a Checklist as an accompaniment to the RFP. This Checklist is a resource showing, among other things, forms required to be submitted with the bidder’s proposal. The relevant portion of the Checklist is captured below. As indicated on the Checklist, one of the forms required to be submitted with the bidder’s proposal is the *Offer and Acceptance Page*.

**New Jersey Department of the Treasury
Division of Purchase and Property**

NJSTART PROCUREMENT PROGRAM CHECKLIST

Solicitation Number: 17DPP00045 Solicitation Title: Solid Waste Disposal/Recycling - NJDOT Mainten

This checklist was created as a guide to assist Bidders in preparing a complete and responsive proposal (quote) as part of the NJSTART Procurement Program. It is only advisory in nature.

It is the Bidder's responsibility to ensure that all requirements of the RFP/Bid Solicitation have been met.

Forms with an NJSTART icon can be accessed through the Maintain General Information section of the Vendor Profile. Forms that have a PDF icon next to them can be accessed on the Division website or by clicking on the icon.

| FORMS, REGISTRATIONS AND CERTIFICATIONS REQUIRED BY SECTION 4.4.1 THAT MUST BE SUBMITTED WITH THE VENDOR QUOTE (PROPOSAL) | | |
|---|----------|-----|
| Offer and Acceptance – MUST BE PHYSICALLY SIGNED AND COMPLETED. SEE RFP SECTIONS 1.3.4 AND 4.4.1.1 | | PDF |
| Disclosure of Investment Activities in Iran - Full Version - SEE SECTION 4.4.1.2.2 | NJ START | PDF |
| Disclosure of Investment Activities in Iran - Use with completed NJSTART Category ONLY SEE SECTION 4.4.1.2.2 | NJ START | |
| Ownership Disclosure - Full Version – SEE SECTION 4.4.1.2.1 | NJ START | PDF |
| Ownership Disclosure - Use with completed NJSTART Category ONLY - SEE SECTION 4.4.1.2.1 | NJ START | |

FORMS, REGISTRATIONS AND CERTIFICATIONS REQUIRED BY SECTION 4.4.2 THAT SHOULD BE SUBMITTED WITH THE VENDOR QUOTE (PROPOSAL) REQUIRED PRIOR TO CONTRACT AWARD

 at www.njstart.gov, the State of New Jersey's new eProcurement system.

Sincerely,



Maurice Griffin
Chief Hearing Officer

c: G. Olivera
K. Woolford
R. Regan
A. Nelson