



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
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April 15, 2019

Via Electronic Mail [[lcantie@premiersopp.com](mailto:lcantie@premiersopp.com)] and USPS Regular Mail

LaToya Cantie  
Premier Opportunities, LLC  
733 E. Elmer Street, 2<sup>nd</sup> Floor  
Vineland, NJ 08360

Re: Protest of Notice of Proposal Rejection  
I/M/O Bid Solicitation #19DPP00328 Premier Opportunities, LLC  
T1908 – Veterans Transitional Housing Program Behavioral Management Services

Dear Ms. Cantie:

This letter is in response to your email of March 20, 2019, on behalf of Premier Opportunities, LLC (Premier) to the Division of Purchase and Property's (Division) Hearing Unit requesting that the Division accept a late Quote in response to Bid Solicitation #19DPP00328 - T1908 – Veterans Transitional Housing Program Behavioral Management Services (Bid Solicitation).

By way of background, on December 27, 2018, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the Department of Military and Veterans Affairs (DMAVA), to solicit Quotes from qualified Vendors {Bidders} to provide support for homeless veterans residing in a transitional housing program. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State's intent to award a Master Blanket Purchase Order ("Blanket P.O.") to that responsible Vendor {Bidder} whose Quote, conforming to this Bid Solicitation is most advantageous to the State, price and other factors considered. Ibid.

On March 8, 2019, the Division's Proposal Review Unit opened three Quotes received by the submission deadline of 2:00 pm eastern time. On the same date, the Proposal Review Unit issued a notice of Proposal Rejection to Premier as its Quote was not timely submitted. The record of this procurement reveals that Premier delivered its Quote to the Division's Proposal Review Unit on March 8, 2019 at 4:22 pm, after the Quote opening deadline.

On March 20, 2019, Premier wrote the Division's Hearing Unit stating:

It is truly an honor for me to submit a quote for Veteran Haven Open Blanket Contract. I am a Veteran and worked as a Veteran Representative for the Department of Labor & Workforce Development. While working as a Veteran Representative assisting disable and homeless Veterans, I worked with the clinical team at Veteran Haven to place Veterans that were my customers at the Department of Labor into the Veteran Haven

Transitional Program. I have witness the amazing outcomes of this program, and how it has assisted Veterans in transitioning their lives. When I discovered the open solicitation for a contractor to recruit and staff a Behavioral Health Team, I was excited to apply. However while submitting my quote on March 8th 2019, I encountered some unforeseen events that prohibited me from getting my quoted delivered on time. After many times of attempting to load my paperwork onto NJSTART my computer was completely stuck. I then called the Department of Treasury to ask if there were other alternatives to submitting my quote. The representative stated that I called could bring the quote to Trenton, however I live in south Jersey and trying to get through the traffic on 295 is very cumbersome; nevertheless I continued to press my way to Trenton and dropped off the quote. I am protesting the rejection of my quote and I am asking that the board will reconsider my quote due to the unforeseen events that I encountered that prohibited me from turning my quote in on time.

In consideration of Premier'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. In relevant part the regulations provide that "[i]n order to be eligible for consideration for award of [Blanket P.O.], the bidder's [Quote] shall ... [b]e submitted on or before the due date and time and at the place specified in the [Bid Solicitation]." N.J.A.C. 17:12-2.2(a), *emphasis added*. If the requirements of N.J.A.C. 17:12-2.2 are not met, a Quote must be rejected. These regulations are stringently enforced to maintain the equal footing of all Bidders and to ensure the integrity of the State's bidding process.

In accordance with the Division's regulations, the Bid Solicitation advised all potential Vendors {Bidders} of the requirements for proper and timely Quote submission stating:

### **1.3.2 SUBMISSION OF QUOTES {PROPOSALS}**

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

Vendors {Bidders} shall submit a Quote either electronically through [NJSTART](#) or via hard copy.

**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](#).**

**IF THE QUOTE OPENING DEADLINE HAS BEEN REVISED, THE NEW QUOTE OPENING DEADLINE SHALL BE SHOWN**

**ON THE POSTED BID AMENDMENT {ADDENDUM} AND ON THE “SUMMARY” TAB OF THE BID SOLICITATION WEBPAGE WITHIN *NJSTART*.**

Procedural inquiries concerning the use of *NJSTART* may be directed to [njstart@treas.nj.gov](mailto:njstart@treas.nj.gov) and/or (609) 341-3500.

The State will not respond to substantive questions related to the Bid Solicitation or any other Blanket P.O. via this e-mail address or phone number. For inquiries related to substantive questions refer to Section 1.3.1 (Electronic Question and Answer Period).

*[Emphasis in the original.]*

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.

Additionally, Bid Solicitation Section 4.2 *Quote Deliver and Identification* advised Vendors {Bidders} that

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. Vendors {Bidders} submitting hard copy Quotes are cautioned to allow adequate delivery time to ensure timely delivery of Quotes. **State regulation mandates that late Quotes, regardless of submission method, are ineligible for consideration.**

With the above principals in mind, Vendors {Bidders} were cautioned to allow adequate time to ensure that the Quote is properly submitted.

In its protest, Premier indicates that it encountered difficulties while attempting to upload the documents into *NJSTART* and therefore it contacted the *NJSTART* help desk to enquire whether there were any other alternatives to submit the Quote. The Division’s records reveal that Premier did contract the *NJSTART* help desk. After speaking with the *NJSTART* help desk, Premier decided to hand deliver its Quote to the Division. Unfortunately, Premier was unable to deliver its Quote to the Division prior to

the Quote opening deadline. Despite Premier'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 Premier's Quote as timely submitted. Such acceptance would unlevel the Vendor's {Bidder's} playing field as the Division received other Quotes through **NJSTART** 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 which may arise during the electronic submission process. Thank you for registering your company with **NJSTART** at [www.njstart.gov](http://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.

Sincerely,



Rachel U. Doobraj  
Acting Chief Hearing Officer

MAG: RUD

c: A. Davis  
R. Regan  
J. Loughran  
D. Rodriguez  
A. Nelson