



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
PROCUREMENT BUREAU  
33 WEST STATE STREET  
P. O. BOX 039  
TRENTON, NEW JERSEY 08625-0039  
<https://www.njstart.gov>

ELIZABETH MAHER MUOIO  
*State Treasurer*

SHEILA Y. OLIVER  
*Lt. Governor*

MAURICE A. GRIFFIN  
*Acting Director*

June 27, 2019

Via Electronic Mail [wsteele@sinq.io] and USPS Regular Mail

Wayne Steele  
Sinq Technologies, LLC  
250 Parkway Dr., Suite 150  
Lincolnshire, IL 60069-4322

Re: I/M/O Bid Solicitation #: 19DPP00343 Sinq Technologies, LLC  
Protest of Notice of Proposal Rejection  
Bid Solicitation Title: T3099 Electronic Visit Verification Management System (EVMMS)  
Department of Human Services

Dear Mr. Steele:

This letter is in response to your email of June 25, 2019, on behalf of Sinq Technologies, LLC (Sinq) to the Division of Purchase and Property's (Division) Hearing Unit. In that email Sinq protests the Notice of Proposal Rejection issued by the Division's Proposal Review Unit for Bid Solicitation #19DPP00343 - T3099 Electronic Visit Verification Management System (EVMMS) (Bid Solicitation). The record of this procurement reveals that Sinq's Quote was rejected for failing to submit the *Ownership Disclosure Form* or pricing information with its Quote.

By way of background, on January 14, 2019, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the Department of Human Services (DHS), to solicit Quotes from qualified Vendors {Bidders} to provide a centralized web-based Electronic Visit Verification Management System (EVMMS) for Personal Care Services (PCS) and Home Health Care Services (HHCS) to prevent inappropriate billing/payment, safeguard against fraud, improve program oversight, and enhance quality of services. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State's intent to award a Statewide 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 June 20, 2019, the Division's Proposal Review Unit opened 11 Quotes submitted through the State's *NJSTART* eProcurement system by the submission deadline of 2:00 pm eastern time. After conducting a preliminary review of the Quotes submitted, on June 24, 2019 the Division's Proposal Review Unit issued a Notice of Proposal Rejection to Sinq advising that its Quote was rejected because it was missing required certifications, forms, and attachments. Specifically, Sinq's Quote was missing a completed *Ownership Disclosure Form* and pricing information. The Notice of Proposal Rejection also advised that while not a basis for rejection of the Quote, Sinq was not currently business-registered with the State of New Jersey, Department of the Treasury, Division of Revenue and Enterprise Services (DORES).

On June 25, 2019, Sinq submitted a protest to the Division's Hearing Unit stating in part:

Thank you in advance of your time and consideration. It has come to my attention that our company, Sinq Technologies, was determined not to have a business license in the State of New Jersey, however we do have documentation. Our bid on RFP 19DPP00343 T3099 for Electronic Visit Verification (EVMMS) has been submitted and we need to verify our license. Please see the attached photo of our license.

With the protest, Sinq included a copy of its Business Registration Certificate.

In consideration of Sinq's protest, I have reviewed the record of this procurement, including the Bid Solicitation, Sinq'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.

First, in response to Sinq's protest, as noted in Notice of Proposal Rejection and accompanying letter, proof of business registration is a requirement that must be fulfilled prior to the award of a Blanket P.O., not a mandatory item with the Quote submission. Therefore, failure to include the proof of business registration with the submitted Quote was not a basis upon which Sinq's Quote was rejected.<sup>1</sup> The purpose of the warning letter is to advise the Vendor {Bidder} of issues concerning its Business Registration, and to afford it the opportunity to address and correct any issues prior to the award of a Blanket P.O.

Second, though not raised in its protest, Sinq's Quote was rejected for failing to include the *Ownership Disclosure Form* and pricing information with its submitted Quote and therefore, I will briefly address those requirements here. 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<sup>2</sup> conform to the following requirements or be subject to designation as a non-responsive proposal for non-compliance:
- ...
4. Contain all RFP-required certifications, forms, and attachments, completed and signed as required. An RFP may designate certain

<sup>1</sup> While the Notice of Proposal Rejection and accompanying letter indicate that Sinq is "not currently business-registered," a review of Sinq's *NJSTART* Vendor Profile reveals that its business registration is "inactive."



<sup>2</sup> "Shall or Must – Denotes that which is a mandatory requirement. Failure to meet a mandatory material requirement will result in the rejection of a Quote {Proposal} as non-responsive." Should or May – "Denotes that which is permissible or recommended, not mandatory." Bid Solicitation § 2.2 *General Definitions*.

forms and/or certifications that need not be included in the bidder's proposal but that must be provided by a successful bidder upon request prior to an award of contract;

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

The subject solicitation was comprised of the Bid Solicitation, other documents and mandatory forms which were specifically addressed in Bid Solicitation Section 4.0 *Quote Preparation and Submission* which states in pertinent part:

Vendor's {Bidder's} failure to complete, sign and submit the forms in Section 4.4.1.2 shall be cause to reject its Quote as non-responsive.

[Bid Solicitation § 4.4.1.2 *NJ Standard Bid Solicitation Forms Required With The Quote*.]

Among those forms required to be submitted with the Quote is the *Ownership Disclosure Form*. With respect to ownership, the New Jersey Legislature, in implementing N.J.S.A. 52:25-24.2, mandated that a Vendor {Bidder} must supply its ownership information, prior to or with its Quote, to be eligible to enter into a Blanket P.O. with the State. N.J.S.A. 52:25-24.2 states in pertinent part:

No corporation, partnership, or limited liability company shall be awarded any [Blanket P.O.] nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of any public funds, by the State, or any county, municipality or school district, or any subsidiary or agency of the State, or of any county, municipality or school district, or by any authority, board, or commission which exercises governmental functions, unless prior to the receipt of the bid or accompanying the bid, of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

The *Ownership Disclosure Form* is specifically addressed in Bid Solicitation Section 4.4.1.2.1 *Ownership Disclosure Form* which states:

Pursuant to N.J.S.A. 52:25-24.2, in the event the Vendor {Bidder} is a corporation, partnership or limited liability company, the Vendor {Bidder} must complete an Ownership Disclosure Form.

A current completed Ownership Disclosure Form must be received prior to or accompany the submitted Quote. A Vendor's {Bidder's} failure to submit the completed and signed form with its Quote will result in the rejection of the Quote as non-responsive and preclude the award of a Blanket P.O. to said Vendor {Bidder} unless the Division has on file a signed and accurate Ownership Disclosure Form dated and received no more than six (6) months prior to the Quote submission deadline for this procurement. If any ownership change has occurred within the last six (6) months, a new Ownership Disclosure Form must be completed, signed and submitted with the Quote.

In the alternative, to comply with this section, a Vendor {Bidder} with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest. N.J.S.A. 52:25-24.2.

Vendors {Bidders} using **NJSTART** to submit a Quote shall make the appropriate certification on the "Maintain Terms and Categories" Tab within its profile by checking the applicable box and, if required, completing and attaching the shortened Ownership Disclosure Form. Vendors {Bidders} not using **NJSTART** to submit a Quote must complete the full Ownership Disclosure Form located on the [Division's website](#).

Vendors {Bidders} may refer to the QRGs "Vendor Forms" and "Attaching Files" for instructions on submitting the forms required by this section of the Bid Solicitation through **NJSTART**. Vendors {Bidders} may also refer to the QRG "Vendor Categories and Certifications" for additional instructions on completing shortened versions of required forms by completing certifications on the "Maintain Terms and Categories" Tab within its profile in **NJSTART**. QRGs are located on the [NJSTART Vendor Support Page](#).

In order to make this process of complying with the legislative requirement easier, the Division provides the bidding community with an *Ownership Disclosure Form* to be completed, signed and submitted with the Quote. As an alternative to the submission of the *Ownership Disclosure Form*, as noted in Bid Solicitation Section 4.4.1.2.1 above, Vendors {Bidders} using **NJSTART** to submit a Quote are required to make the appropriate certification regarding ownership disclosure on the "Maintain Terms and Categories" Tab within its profile.

As shown below, Sinq did complete the Ownership Disclosure category; however, Sinq's response to the Ownership Disclosure category required that it complete and submit the *Ownership Disclosure Form* either with its Quote or attach the form to its Vendor Profile within *NJSTART*.

**Category: Ownership Disclosure**

**Description:** N.J.S.A. 52:25-24.2 requires disclosure of the names and addresses of those individuals, partnerships and/or corporations owning a 10% or greater interest in the bidding entity ("interest owners"). Further, if any of these interest owners is itself a partnership or corporation, you must disclose the names and addresses of the interest owners of that partnership or corporation.

Neither statement is applicable. A current, true and complete Statement of Bidder Ownership on the attached form has been or will be uploaded to the vendor profile prior to the submission deadline and is intended to accompany the bidder's submission.

Sinq did not upload the *Ownership Disclosure Form* to its profile.

Vendor Profile - SinqTechnologies

Organization Information Users Address Commodity Codes and Services Regions Terms & Categories **Attachments** Vendor Performance

**Attachments Information**

No Attachments found for this vendor.

**Forms**

No Form Attachments

Close Window

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Nor did it submit the form with its Quote.

Quote 0002794 - SinqTechnologies

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

**Files**

No File Attachments

**Forms**

No Form Attachments

Close Window

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In reviewing a Quote submitted in response to a Bid Solicitation, the Division does not have the power to waive the legislative requirement that a Vendor {Bidder} provide its ownership information prior to or accompanying the Quote submission. Only the New Jersey Legislature can change a requirement it has mandated. Unfortunately, Sinq did not comply with any of the options available to it for the submission of ownership information. Accordingly, Sinq's Quote was properly rejected by the Division's Proposal Review Unit for failure to submit the mandatory *Ownership Disclosure Form* with its Quote.

Finally, Bid Solicitation Section 4.0 *Quote Preparation and Submission* addressed each of required documents and forms necessary for Quote submission. With respect to Quote content, the Bid Solicitation advised:

The Quote should be submitted in three (3) volumes with the content of each volume as indicated below.

A. Volume 1

Section 1 - Forms (Sections 4.4.1 and 4.4.2).

B. Volume 2

Section 2 - Technical Quote (Section 4.4.3);

Section 3 - Organizational Support and Experience (Section 4.4.4); and

Section 3A - Any other miscellaneous documents to be included by the Vendor {Bidder}.

C. Volume 3

Section 4 - Parts Cost and Pricing (Section 4.4.5)

Note: Vendors {Bidders} submitting Quotes through **NJSTART** must complete the State-Supplied Price Sheet (Volume 3) accompanying this Bid Solicitation and upload it as an attachment on the "Attachments" Tab (See Section 4.4.5 of this Bid Solicitation).

[Bid Solicitation Section 4.4 *Quote Content*.]

Bid Solicitation Section 4.4.5 *Price Schedule/Sheet* further advised that "[t]he Vendor {Bidder} must submit its pricing using the State-Supplied Price Sheet accompanying this Bid Solicitation and located on the "Attachments" Tab."<sup>3</sup> Emphasis added. Here, a review of Sinq's submitted Quote reveals that Sinq did not submit the mandatory pricing information as required by Bid Solicitation Section 4.4.5 *Price Schedule/Sheet*. In fact, Sinq did not include any attachment with its submitted Quote. (See screenshot on page 5 above.) Therefore, the Notice of Proposal Rejection issued by the Division's Proposal Review Unit is upheld.

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

<sup>3</sup> "Must - Denotes that which is a mandatory requirement." Bid Solicitation § 2.2 *General Definitions*. Failure to meet a mandatory material requirement will result in the rejection of a Quote as non-responsive.

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This is an unfortunate situation for the State as the Division encourages competition and appreciates the time and effort put forth in preparing and submitting a Quote. However, in light of the findings set forth above, I have no choice but to deny your request for eligibility to participate in the competition for the subject contract. This is my final agency decision on this matter.

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](http://www.njstart.gov), the State of New Jersey's new eProcurement system.

Sincerely,



Rachel U. Doobraj  
Acting Chief Hearing Officer

c: L. Leonardi  
M. Tagliaferri  
A. Giaquinto  
D. Rodriguez  
A. Nelson