



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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July 28, 2020

Via Electronic Mail Only ldtky@aol.com

Leslie De Marino
DeMarino Trucking
9 New England Drive
Ramsey, NJ 07446

Re: I/M/O Bid Solicitation #20DPP00525 De Marino Trucking
Protest of Notice of Intent to Award
T0777 Snow Plowing and Spreading Services - NJDOT

Dear Ms. De Marino:

This letter is in response to your July 20, 2020, correspondence to the Division of Purchase and Property's (Division) Hearing Unit, submitted on behalf of DeMarino Trucking (DeMarino). In that correspondence, DeMarino protests the Notice of Intent to Award (NOI) issued by the Division's Procurement Bureau (Bureau) on July 13, 2020. The NOI advised all Vendors {Bidders} of the Division's intent to award Master Blanket Purchase Orders (Blanket P.O.) to several Vendors {Bidders} who submitted Quotes in response to Bid Solicitation #20DPP000525 - T0777 Snow Plowing and Spreading Services - NJDOT (Bid Solicitation).

By way of background, on April 9, 2020, the 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 Contracts 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, at the closed of the Quote submission due date and time, the Division's Proposal Review Unit opened 215 Quotes, submitted by 197 Vendors {Bidders}. After conducting a review of the Quotes received for compliance with the mandatory requirements for Quote submission, the Division's Proposal Review Unit issued several Notices of Proposal Rejection to those Vendors {Bidders} whose submitted Quote failed to conform to the mandatory administrative requirements for Quote submission.

The remaining Quotes were forwarded to the Bureau for review and evaluation consistent with the requirements of Bid Solicitation Section 6.7 *Evaluation Criteria*, which states in relevant part as follows:

6.7.1.3 OTHER EQUIPMENT

The Division intends to make multiple awards to {Bidders} submitting an All-Inclusive Hourly Rate for other equipment on price lines 313-321. The hourly rates submitted on price lines 313-321 will be evaluated for reasonableness.

After the review and evaluation of all Quotes received in response to the Bid Solicitation was completed, the Bureau completed a Recommendation Report which recommended Blanket P.O. awards to those responsible Vendors {Bidders} whose Quotes, conforming to the Bid Solicitation are most advantageous to the State, price and other factors considered. On July 13, 2020, the NOI was issued advising all Vendors {Bidders} that it was the State's intent to award Blanket P.O.s consistent with the Bureau's Recommendation Report.¹

On July 20, 2020, the Division received DeMarino's protest challenging the intended Blanket P.O. awards. DeMarino alleges:

As per N.J.A.C. 17:12-3-3 De Marino Trucking is protesting bid solicitation # 20DPP00525 T0777 intent to award to Deb Dot Enterprises. Deb Dot bid a Class G loader for section # 5211263 at \$150.00 per hour. De Marino Trucking bid a Class H loader for section # 5211263 at \$142.00 per hour. De Marino Trucking is supplying a bigger loader for less money per hour as such we feel this award should be made to De Marino Trucking.

[De Marino's July 20, 2020, Protest Email.]

In consideration of De Marino's protest, I have reviewed the record of this procurement, including the Bid Solicitation, the submitted Quotes, 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 record of this procurement reveals that DeMarino submitted a Quote for Price Line 318 "Class "H" Front End Loader – 4 To 6 CY", and De Marino received an award for that Price Line, as is noted in the July 10, 2020 Recommendation Report. Contrary to the statement in DeMarino's July 20, 2020 protest, De Marino did not submit a Quote for Price Line 317 "Class "G" Front End Loader – 3 To 3 ¾ CY." A screenshot of the pertinent page of De Marino's submitted State-Supplied Price Sheet is shown below:

¹ The list of Vendors {Bidders} who are recommended to receive a Blanket P.O. award are listed in the Bureau's July 9, 2020 Recommendation Report.

LINE NO	DESCRIPTION	QTY	UNIT	QUANTITY OF TRUCKS AVAILABLE	HOURLY RATE	ALL-INCLUSIVE HOURLY RATE FOR OTHER EQUIPMENT	DO NOT U
317	CLASS "G" FRONT END LOADER - 3 TO 3 1/4 CY	1	HOURLY RATE	-	\$ -	\$ 142.00	
318	CLASS "H" FRONT END LOADER - 4 TO 6 CY	1	HOURLY RATE				
319	CLASS "I" FRONT END LOADER - 6 1/2 CY TO 8 CY	1	HOURLY RATE				
320	CLASS "J" FRONT END LOADER - 8 1/2 CY TO 10 CY	1	HOURLY RATE				
321	CLASS "K" FRONT END LOADER - 10 1/2 CY AND UP	1	HOURLY RATE				

Since De Marino did not bid on Price Line 317, it cannot be eligible for an award for that Price Line.²

By comparison, Deb-Dot Enterprises Inc. (Deb-Dot) submitted a responsive Quote for Price Line 317 “Class “G” Front End Loader – 3 To 3/ ¼ CY”, and therefore was recommended for an award, as is noted in the July 10, 2020 Recommendation Report.

Based upon the foregoing, I find no reason to disturb the Bureau’s recommendation for award. Accordingly, I sustain the July 13, 2020 Notice of Intent to Award. 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 the Quote.

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. I encourage you to log into **NJSTART** to select any and all commodity codes for procurements you may be interested in submitting a Quote for so that you may receive notification of future bidding opportunities. Please monitor the New Jersey Department of Transportation’s website the Division’s **NJSTART** eProcurement website for future bidding opportunities related to these services. This is my final agency decision with respect to the protest submitted by De Marino.

Sincerely,

Maurice A. Griffin
 Acting Director

MAG: TCR

c: M. Dunn

² De Marino is encouraged to review the submitted Quotes by following the instructions on the “How To Review a Submitted Quote” QRG found on the Division’s website.

R. Regan
K. Popso
K. Centofanti