



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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December 10, 2020

Via Electronic Mail Only ofox@servprofreehold.com

Oliver Fox, *Managing Member*
ServrPro Freehold
306 Monmouth Rd
Millstone NJ 08510

Re: I/M/O Bid Solicitation #19DPP00369 ServrPro Freehold
Protest of Notice of Intent to Award
T2881 Water Date Restoration Services - Statewide

Dear Mr. Fox:

This final agency decision is in response to your email of November 9, 2020, on behalf of ServrPro Freehold (ServrPro) which was received by the Division of Purchase and Property's (Division) Hearing Unit. In that email, you protest the November 5, 2020, Notice of Intent to Award (NOI) issued by the Division's Procurement Bureau (Bureau) for Bid Solicitation #19DPP00369 – T2881 Water Date Restoration Services - Statewide (Bid Solicitation).

By way of background, on January 9, 2020, the Bureau issued the Bid Solicitation on behalf of all State Agencies and Cooperative Purchasing Program Participants. Bid Solicitation § 1.1 *Purpose and Intent*. The purpose of the Bid Solicitation was to solicit Quotes from qualified Vendors {Bidders} to perform water damage and restoration services for State and Cooperative Purchasing Program participant owned properties. *Ibid*. The intent of the Bid Solicitation is to award Master Blanket Purchase Orders (Blanket P.O.s) to those responsible Vendors {Bidders} whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. *Ibid*. The Bid Solicitation was designated as a partial Small Business set-aside Blanket P.O. for Small Business Category I, II or III. The State intends to make multiple Blanket P.O. awards for each Region Award Grouping, with two (2) awards set-aside for qualifying Small Businesses in each Region. However, if no responsive Quotes with acceptable pricing were received from qualified Small Businesses, the Division will award those set-aside Blanket P.O.s to non-Small Business Vendors {Bidders}.

On February 13, 2020, the Division's Proposal Review Unit opened eight (8) Quotes received by the submission deadline. After conducting an initial review of the Quotes for the compliance with mandatory Quote submission requirements, the Division's Proposal Review Unit forwarded the Quotes to the Bureau for further review and evaluation consistent with the requirements of the Bid Solicitation Section 6.7 *Evaluation Criteria*.

On October 28, 2020, after completing the review and evaluation of the submitted Quotes, the Bureau prepared a Recommendation Report which recommended that Blanket P.O. awards be made to Active Environmental, Asbestos Mold Services, Corp., and A Women Owned Contractor, Inc., whose submitted Quotes were most advantageous to the State, price and other factors considered. Accordingly, on November 5, 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 dated October 28, 2020.

On November 9, 2020 the Division's Hearing Unit received ServrPro's email, protesting the Bureau's recommended Blanket P.O. award to A Women Owned Contractor, Inc. ServrPro did not protest the Bureau's intended Blanket P.O. awards to Active Environmental or Asbestos Mold Services, Corp., nor did it protest the Bureau's determination that ServrPro's Quote was non-responsive to the requirements of the Bid Solicitation rendering it ineligible for an award.

While ServrPro's protest was under review by the Division's Hearing Unit, on December 8, 2020, counsel for AWOC wrote to the Division requesting that AWOC be permitted to withdraw its submitted Quote pursuant to N.J.A.C. 17:12-11(b). In support of its request AWOC states that it relied upon out-of-date materials in the calculation of the prevailing wage rates applicable to the contract. AWOC states that "it would be unconscionable to enforce the contract resulting from AWOC's proposal as the prevailing wage rates proposed are in some cases close to or more than one-half of the prevailing wage rate required." In reviewing AWOC's request, I have determined that AWOC's request was made in good faith, and that the State will not be significantly prejudiced by granting the withdrawal of the Quote. Accordingly, I have granted AWOC's request to withdraw its submitted Quote pursuant to N.J.A.C. 17:12-11(b).

In light of the fact that I have granted AWOC's request to withdraw the submitted Quote, ServrPro's protest is moot. Accordingly, there is no need to render a decision on the merits of ServrPro's protest. For clarity, I do note that the remainder of the Bureau's November 5, 2020, NOI indicating that Blanket P.O. awards will be made to Active Environmental and Asbestos Mold Services, Corp., is sustained. 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. 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.

Sincerely,


Maurice A. Griffin
Acting Director

MAG: RUD

c: M. Dunn
R. Regan
K. Popso