



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
PROCUREMENT BUREAU
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August 18, 2020

Via Electronic Mail Only kegan@icccgrpinc.com

Kirra Egan, Director, Accounting & Administration
Industrial Commercial Cleaning Group, Inc.
14 S. Burnt Mill Road
Voorhees, NJ 08043

Re: I/M/O Bid Solicitation #19DPP00433 Industrial Commercial Cleaning Group, Inc.
Protest of Notice of Intent to Award
T1136 Lawn Maintenance Services Capital Complex, Glen Gardner, Paramus, and West Trenton

Dear Ms. Egan:

This final agency decision is in response to your August 13, 2020, email, on behalf of Industrial Commercial Cleaning Group, Inc. (ICCG), to the Division of Purchase and Property's (Division) Procurement Bureau (Bureau). That correspondence was forwarded to the Division's Hearing Unit and has been accepted as a protest of the Bureau's August 12, 2020, Notice of Intent to Award letter (NOI) letter.

By way of background, on January 7, 2020, the Bureau issued Bid Solicitation #19DPP00433 – T1136 Lawn Maintenance Services Capital Complex, Glen Gardner, Paramus, and West Trenton (Bid Solicitation) on behalf of the Division of Property Management and Construction to solicit Quotes from Vendors {Bidders} for turf management and maintenance services and chemical turf treatment. 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 the Bid Solicitation, is most advantageous to the State, price and other factors considered. Ibid.

This Bid Solicitation was designated as a full Small Business Set-Aside. N.J.S.A. 52:32-25 requires that, "When a contract or portion thereof has been designated as a set-aside, invitations for bids shall be confined to businesses designated by the department [Division of Revenue and Enterprise Services (DORES)] as appropriate for the set-aside and bids from other bidders shall be rejected." Further, N.J.S.A. 52:32-24 required that DORES "establish a procedure for annually reviewing the lists and determining whether the businesses on the lists shall continue to be designated as small businesses, minority businesses and female businesses." Accordingly, after receiving an initial certification, a certified business is required to submit an Annual Verification Form to DORES indicating whether or not there were any changes to the company's ownership status since the date of certification. The Annual Verification Form advises companies that the form must be submitted in order to maintain an active status.

Consistent with the statute, the Bid Solicitation included the following instructions regarding the Small Business Set-Aside requirement:

Pursuant to the provisions of N.J.S.A. 52:32-17 and N.J.A.C. 17:13 this is a full Set-Aside Blanket P.O. for **Category I, II, or III** for Small Businesses.

The Vendor {Bidder} must be registered as a qualifying small business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit by the date the Quote is received and opened. Evidence that the Vendor {Bidder} has registered as a small business should be submitted with the Quote. Vendors {Bidders} should verify its Small, Minority, Veteran, and Women Owned Business Certification status on the “Maintain Terms and Categories” Tab within its profile in **NJSTART**. In the event of an issue with a Vendor’s {Bidder’s} Small, Minority, Veteran, and Women Owned Business Certification status, **NJSTART** provides a link to take corrective action.

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**** IF THE VENDOR {BIDDER/CONTRACTOR} HAS PREVIOUSLY REGISTERED OR BEEN CERTIFIED AS A SMALL BUSINESS ENTERPRISE, THE VENDOR {BIDDER} SHOULD ENSURE IT IS REGISTERED AND THAT ITS REGISTRATION IS ACTIVE WITH THE DIVISION OF REVENUE AND ENTERPRISE SERVICES, SMALL BUSINESS REGISTRATION AND M/WBE CERTIFICATION SERVICES UNIT, PRIOR TO THE QUOTE OPENING DATE, TO BE ELIGIBLE FOR AWARD.**

[Bid Solicitation Section 4.4.1.4 *Small Business Set-Aside Blanket P.O.*, **emphasis added.**]

Potential Vendor(s) {Bidder(s)} were permitted to submit questions to the Bureau, using the Division’s **NJSTART** eProcurement system, by 2:00 pm eastern time on January 21, 2020. (Bid Solicitation Section 1.3.1 *Electronic Question and Answer Period*). The Bureau answered all questions received through the posting of Bid Amendment #1 on February 6, 2020. One question was received regarding the Small Business Set-Aside requirement as follows:

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
5	Section 4.4.1.4 Small Business Set-Aside Blanket P.O	<p>Does my firm need to be registered by the Quote Submission Due Date as a qualifying small business with the Division of Revenue and Enterprise Services in order to be eligible for award?</p> <p>Yes. This is a full Set-Aside Blanket P.O. for Category I, II, or III for Small Businesses. The Vendor {Bidder} must be registered as a qualifying small business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit by the date the Quote is received and opened.</p> <p>Please refer to Bid Solicitation Section 4.4.1.4 for more information.</p>

On February 14, 2020, the Division’s Proposal Review Unit opened three (3) Quotes submitted through the State’s **NJSTART** eProcurement system by the submission deadline of 2:00 p.m. eastern time. After conducting a preliminary review of the Quotes submitted, all three (3) Quotes were forwarded to the Bureau for review and evaluation consistent with the requirements of Bid Solicitation Section 6.7. As noted in the Recommendation Report, the Bureau found that the Quote submitted by ICCG was non-responsive to the mandatory requirements of the Bid Solicitation because ICCG was not registered as a Small Business Enterprise (SBE) as of the Quote opening date. On August 13, 2020, ICCG submitted a protest challenging the Bureau’s determination that it was not properly registered as a SBE.

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

With its August 13, 2020, email, ICCG submitted a copy of its certification from the DORES which indicated that on July 18, 2018, ICCG was approved as a SBE for Categories 2 and 4. The certification notes an expiration date of July 17, 2021. Thereafter, on August 14, 2020, ICCG submitted a supplement statement to the Hearing Unit stating “I believe there may have been an issue with the Annual Verification Forms that are sent for the SBE and MWBE certifications. I have attached two new ones that I will be sending to the State today via fax and regular mail to make sure they are received.” With that email, ICCG included a copy of the SBE - Annual Verification Form dated August 14, 2020.

In reviewing this protest, the Division’s Hearing Unit conducted a review of the DORES’ New Jersey Selective Assistance Vendor Information database. As shown in the screenshot below, ICCG was issued a SBE certification on July 18, 2018; however, that certification was revoked.

The screenshot displays the 'new jersey selective assistance vendor information' page for Industrial Commercial Cleaning Group Inc. The vendor information includes:

- Business Address:** 14 SOUTH BURNT MILL ROAD, VOORHEES, NJ 08043, Camden
- Mailing Address:** Same as Business
- Principal Owner:** Ms. KIM JORDAN, Position - PRESIDENT/CEO, Ethnicity - Black, Percent owned - 100, Gender - F
- Contact Information:** Name - Ms. KIM JORDAN, Position - P-PRESIDENT/CEO, Primary Phone - 8565417241, Secondary Phone - , Fax - 8565417243, Email - kjordan@iccgrpinc.com
- Business Information:** Business Type - Corporation, Established Date - 06/15/1994, Major field of operation - Complete facility support services, Gross Sales - Cat2 & Cat4 (G & S/Const Comb)

At the bottom, a table lists the vendor's designations:

Designation	Issued Date	Expiry Date	Status	Certificate No.
SBE	06/02/2014	06/02/2017	Revoked	
SBE	07/12/2005	07/11/2006	Expired	
SBE	07/12/2006	07/11/2007	Expired	
SBE	02/25/2008	02/24/2009	Expired	
MWBE	03/25/2009	03/24/2012	Expired	
SBE	03/27/2009	03/26/2012	Expired	
MWBE	04/13/2012	04/12/2015	Expired	
SBE	05/02/2012	05/01/2015	Revoked	
SBE			Denied	
MWBE	04/16/2015	04/15/2018	Revoked	
MWBE	07/14/2003	07/13/2008	Expired	
SBE	07/18/2018	07/17/2021	Revoked	
MWBE	08/22/2018	08/21/2021	REVOKED	

ICCG's **NJSTART** Vendor Profile further reveals that the certification was revoked on November 19, 2019, prior to the Quote opening date.

Category: Certification: Small Business Enterprise
Description: This Certification status is updated daily. If you have questions regarding Small Business eligibility, please see the following link:
Revoked or Expired
Notes:
EXPIRATION DATE 2021-08-21, REVOCATION DATE 2019-11-19

In its August 14, 2020, email, ICCG acknowledges that it failed to submit the annual verification statement as required. Unfortunately, at the time of Quote opening, ICCG was not certified as a SBE; and therefore, ICCG was ineligible for a Blanket P.O award. Accordingly, the Bureau properly determined that ICCG was ineligible for a contract award because it was not SBE certified as of the Quote opening date as required by the governing law.

The Division encourages competition and appreciates the time and effort put forth by ICCG in preparing and submitting a Quote, and while I am sure this was an oversight on the part of ICCG, the Division does not have the power to waive the statutory requirements for eligibility to bid on a Small Business Set Aside contract. In light of the findings set forth above, I have no choice but to uphold the Bureau's determination to award Master Blanket P.O. in the accordance with the August 12, 2020 NOI. 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: K. Popso
R. Regan
M. Dunn