



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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August 26, 2020

Via Electronic Mail Only crservices@comcast.net

Chris Robson
CRs Services LLC
305 Gracetown Road
Cape May Court House, NJ 08210

Re: I/M/O Bid Solicitation #20DPP00491 CR's Services LLC
Protest of Notice of Proposal Rejection
T2931 – Custom Farm Services for Field Operations - DEP

Dear Mr. Robson:

This final agency decision is in response to your email of August 25, 2020, to the Division of Purchase and Property's (Division) Hearing Unit, submitted on behalf of CRs Services LLC. In that email, CRs Services LLC protests the Notice of Proposal Rejection issued by the Division's Proposal Review Unit. The record of this procurement reveals that CRs Services LLC's Quote was found to be non-compliant with the mandatory submission requirements. Specifically, CRs Services LLC's submitted price sheet could not be opened and therefore the Quote was rejected for "missing pricing information."

By way of background, on March 13, 2020, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the New Jersey Department of Environmental Protection, Division of Fish and Wildlife, Bureau of Land Management, to solicit Quotes from qualified Vendors {Bidders} to provide Custom Farm Services for Wildlife Management Areas throughout the State. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State's intent to award Statewide 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.

On August 20, 2020, the Division's Proposal Review Unit opened four (4) Quotes submitted by Quote Submission Due Date through the **NJSTART** eProcurement system. After conducting a review of the Quotes received for compliance with the mandatory requirements for Quote submission, the Division's Proposal Review Unit issued a Notice of Proposal Rejection to CRs Services LLC.

On August 25, 2020, CRs Services LLC wrote the Division's Hearing Unit protesting the Notice of Proposal Rejection. With the protest, CRs Services LLC included a .pdf copy of its submitted price sheet.

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

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 conform to the following requirements or be subject to designation as a non-responsive proposal for non-compliance:

...

6. Include all RFP-required pricing information.

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

Among those attachments required to be submitted with the Quote is the State-Supplied Price Sheet discussed in Bid Solicitation Section 4.0 *Quote Preparation and Submission – Requirements of the Vendor {Bidder}*. More specifically, as to the submission of an electronic Quote using the **NJSTART** eProcurement system, the Bid Solicitation alerted Vendors {Bidders} the following requirements of uploading documents:

When submitting a **NJSTART** Quote, do not use any symbols (i.e., #, @, \$, &, *) in the filename. Uploaded files should be compatible with Microsoft Office and/or Adobe software applications. DO NOT UPLOAD files with extensions such as .zip, .numbers, or .pages.

[Bid Solicitation Section 4.3.1 **NJSTART** *Submission of Quote*, emphasis added.]

The request that Vendors {Bidders} not upload files using file extensions such as .zip, .numbers, or .pages is set forth in the Bid Solicitation because the Proposal Review Unit is able to open these files; and therefore, is unable to determine whether the Vendor {Bidder} has complied with the mandatory requirement for Quote submission.

The record of this procurement reveals that on June 13, 2020, CRs Services LLC uploaded fourteen documents comprising its Quote to the **NJSTART** eProcurement system. The files were saved and uploaded to **NJSTART** in various formats including: .pdf and .numbers. Unfortunately, the .numbers files are not compatible with Microsoft Office or Adobe and therefore the Division's Proposal Review Unit was unable to open CRs Services LLC's uploaded price sheet. Accordingly the Notice of Proposal Rejection was issued. See, Bid Solicitation Section 4.3.1 **NJSTART** *Submission of Quote* (altering Vendors {Bidders} that they should not upload "files with extensions such as .zip, .numbers, or .pages.") 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*.

As noted above, with the protest, CRs Services LLC submitted a copy of its Quote price sheet in a .pdf format. In reviewing the protest, the Hearing Unit was able to open CRs Services LLC's submitted Quote price sheet entitled "T2931 Px. Sheet – South 2 CRs Services 2020.numbers" and confirmed that the

details and pricing information submitted on the Quote price sheet was identical to the .pdf price sheet submitted with the protest entitled "T2931 Px. Sheet – South 2 CRs Services 2020.pdf". Because the Hearing Unit was able to confirm that the documents are identical, the Bureau can accept the .pdf price sheet submitted by CRs Services LLC with its protest as part of the submitted Quote.

In light of the findings set forth above, I overturn the Proposal Review Unit's Notice of Proposal Rejection. CRs Services LLC's Quote will be forwarded to the Bureau for evaluation along with all other Quotes submitted. In the future, CRs Services LLC should be mindful to submit documents compatible with common programs such as Microsoft Office™ or Adobe™.

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. This is my final agency decision on this matter.

Sincerely,



Rachel U. Doobrajh
Acting Chief Hearing Officer

c: M. Dunn
R. Regan
V. Taylor
D. Rodriguez
A. Nelson