



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
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June 17, 2020

Via Electronic Mail Only [salyilmaz12@gmail.com](mailto:salyilmaz12@gmail.com)

Koksal Yilmaz  
Crescent Home Improvement, LLC  
12 Crescent Avenue  
Spotswood, NJ 08884

Re: I/M/O Bid Solicitation #20DPP00525 Crescent Home Improvement, LLC  
Protest of Notice of Proposal Rejection  
T0777 Snow Plowing and Spreading Services - NJDOT

Dear Mr. Yilmaz:

This letter is in response to your July 12, 2020 email to the Division of Purchase and Property's (Division) Hearing Unit behalf of Crescent Home Improvement, LLC (Crescent). In that correspondence, Crescent protests the Notice of Proposal Rejection issued by the Division's Proposal Review Unit. The record of this procurement reveals that Crescent's Quote was found to be non-compliant with the mandatory submission requirements. Specifically, Crescent's Quote was rejected for "missing pricing information."

By way of background, on April 9, 2020, the Division's Procurement Bureau (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 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 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, the Division's Proposal Review Unit opened 215 Quotes submitted by Quote Submission Due Date to 2:00 p.m. eastern time. 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 Crescent. On June 12, 2020, Crescent submitted a protest to the Division's Hearing Unit. With the protest, Crescent submitted a 10 page pdf document which included the following:

- Page 1 - Screenshot of the On-Line Business Registration Certificate Service
- Page 2 - Business Registration Certificate

- Page 3 - Department of the Treasury – Internal Revenue Service Employer Identification Number Form
- Page 4 - New Jersey Department of the Treasury Certificate of Formation
- Page 5 - New Jersey Department of the Treasury Annual Report Certificate
- Page 6 - 10 - Excerpt of the State Supplied Price Sheet

In consideration of Crescent's protest, I have reviewed the record of this procurement, including the Bid Solicitation, Crescent'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 requirements for Quote submission.

The record of this procurement reveals that on May 9, 2020 and May 11, 2020, Crescent uploaded the documents comprising its Quote to the **NJSTART** eProcurement system. As shown on the screenshot below, Crescent uploaded nine attachments:

**Quote 00004252 - crescent home improvement LLC**

General Items Questions Subcontractors Terms & Conditions **Attachments(9)** Evaluations Preference Reminders Summary

**Files**

Name	Description	Confidential	Order	Attached By	Attached Date
<b>T0777 Attachment Experience of Vendor Bidder~1.pages</b> (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
OfferandAcceptance-2020.pdf (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
OwnershipDisclosure2020.pdf (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
4-28-20 NJ Department of Transportation.pdf (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
Forms-6.pdf (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
T0777 Disclosure of Investments in Iran Form.pdf (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
T0777 Subcontractor Utilization Form.pdf (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
<b>certificate of business</b> (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/09/2020
<b>T0777 State Supplied Price Sheet Spreading Services 1-2020.numbers</b> (view details)		<input checked="" type="checkbox"/>	0	Faith Yilmaz	05/11/2020

**Forms**

No Form Attachments

Save & Continue Close Window

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The files were saved and uploaded to **NJSTART** in various formats including: .pdf, .pages and .numbers. Unfortunately, the .numbers and .pages files are not compatible with Microsoft Office or Adobe and therefore the Division’s Proposal Review Unit was unable Crescent’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*.

With respect to the Notice of Proposal Rejection, in reviewing the protest, the Hearing Unit determined that the Procurement Bureau was able to open Crescent’s Quote price sheet entitled “T0777 State Supplied Price Sheet Spreading Service 1-2020.numbers” which was uploaded to **NJSTART** as part of Crescent’s submitted Quote. Accordingly, the Bureau will use that document in reviewing and evaluating Crescent’s submitted Quote.<sup>1</sup>

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

<sup>1</sup> I note that pages 6-10 of the pdf attachment included with Crescent protest were not identical to the price sheet uploaded as part of Crescent’s submitted Quote; and therefore, will not be considered by the Bureau in the evaluation of Crescent’s 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](http://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  
K. Popso  
K. Centofanti  
D. Rodriguez  
A. Nelson