



State of New Jersey

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

Via Electronic Mail Only stonemastersnj@yahoo.com

Adem Turker, President
Stone Masters, LLC
1503 Taylors Lane
Cinnaminson, NJ 08077

Re: I/M/O Bid Solicitation #20DPP00525 Stone Masters, LLC
Protest of Notice of Intent to Award
T0777 Snow Plowing and Spreading Services - NJDOT

Dear Mr. Turker:

This letter is in response to your July 14, 2020, correspondence to the Division of Purchase and Property's (Division) Hearing Unit, submitted on behalf of Stone Masters, LLC (Stone Masters). In that correspondence, Stone Masters 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 a Master Blanket Purchase Orders (Blanket P.O.) to several Vendors {Bidders} who submitted Quote 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 EVALUATION CRITERIA

The following evaluation criteria categories, not necessarily listed in order of significance, will be used to evaluate Quotes received in response to this Bid Solicitation.

- A. Experience of Vendor {Bidder} (Revised Attachment #1): The Vendor {Bidder} must have at least two (2) years of experience performing the specific service (snow plowing and/or spreading) on public roadways in order to be considered for award of that service;
- B. Equipment Preference: The type of Vendor {Bidder} equipment bid on the State-Supplied Price Sheet. See Section 6.7.1, subsections included; and
- C. Price: The Vendor's {Bidder's} pricing provided on the State-Supplied Price Sheet for each price line. See Section 6.7.1, subsections included, for information regarding the pricing evaluation methodology.

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 a Blanket P.O.s consistent with the Bureau's Recommendation Report.¹

On July 14, 2020, the Division received Stone Masters' protest challenging the intended Blanket P.O. award of price lines 348 and 349 to Big Boss Trucking. Specifically, Stone Masters states:

i have send my price sheet it was showing on board wetting system with spreading, but i see on notice on intent to award. it was giving to big boss trucking for price line: 348 and 349 for 155 dollars for only spreading. i sent my price sheet with on board wetting system price line 348 and 349. would you please consider award me for these sections,

In consideration of Stone Masters' 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 Stone Masters submitted a Quote for spreading services only. With respect to the evaluation of the Quotes submitted for spreading services, the Bid Solicitation specified as follows:

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.

6.7.1 EQUIPMENT PREFERENCE AND PRICING EVALUATION

The Division intends to award to one (1) responsive Vendor {Bidder} per price line for Snow Plowing and Hauling Services (excluding *Other Equipment – Loaders and Graders*, as detailed by Section 6.7.1.3), and to one (1) responsive Vendor {Bidder} per price line for Spreading Services.

Vendors {Bidders} will be evaluated based upon the equipment preferences detailed in Sections 6.7.1.1 and 6.7.1.2. If two (2) or more Vendors {Bidders} are offering the same equipment preference for the same price line, then the Division will evaluate and rank based upon pricing, from lowest to highest, as specified below:

...

A. Spreading Services – Pricing Evaluation Methodology

Vendors {Bidders} within the same equipment preference will be ranked based upon the hourly rate Unit Price for the respective price line.

If two (2) or more Vendors {Bidders} are offering the same equipment preference and are tied on pricing based upon the above pricing evaluation methodologies (both A & B), then the Division will rank based upon the years of experience recorded on Revised Attachment #1, for the respective service in question.

Please refer to the examples listed below in Section 6.7.1.1 and 6.7.1.2 for more information.

...

6.7.1.2 SPREADING SERVICES

1st Preference – Vendors {Bidders} supply all of the price line specific, required Class R, Q, and/or P trucks that are all Tailgate Mounted, all with an On-Board Wetting System;

2nd Preference – Vendors {Bidders} supply all of the price line specific, required Class R, Q, and/or P trucks that are all Tailgate Mounted, all without an On-Board Wetting System;

3rd Preference – Vendors {Bidders} supplying all of the price line specific, required Class R, Q and/or P trucks that are all Vbox, all with an On-Board Wetting System;

4th Preference – Vendors {Bidders} supplying all of the price line specific, required Class R, Q and/or P trucks that are all Vbox, all without an On-Board Wetting System;

5th Preference – Vendors {Bidders} supplying all of the price line specific, required Class R, Q and/or P trucks that are all Midbody, all with an On-Board Wetting System; and

6th Preference – Vendors {Bidders} supplying all of the price line specific, required Class R, Q and/or P trucks that are all Midbody, all without an On-Board Wetting System.

Style of Trucks - If the Vendor {Bidder} checks and/or circles more than one (1) of the options, only the least favorable preference option shall be considered and evaluated.

On-Board Wetting System – If the Vendor {Bidder} leaves this column blank, or circles and/or checks both “Yes” and “No”, the State will evaluate the Quote as if it is not providing On-Board Wetting Systems for the respective price line.

Refer to Bid Solicitation Section 4.4.5.2, *State-Supplied Price Sheets*, including subsections, for information regarding instructions for the State-Supplied Price Sheets.

After reviewing the Quote submitted, the Bureau determined that Stone Masters’ Quote was responsive to the requirements of the Bid Solicitation for all prices line submitted. As to price lines 348 and 349, Stone Masters submitted Quote price sheet including the following²:

348	SPREADING SERVICES – D.O.T. REGION: CENTRAL CREW #: 314 WEST TRENTON YARD BEAR TAVERN ROAD, WEST TRENTON, NJ	1	HOURLY RATE	Style of trucks that will be provided. Please circle and/or check one (1) option below. Tailgate Mount <input checked="" type="checkbox"/> Vbox <input type="checkbox"/> MidBody <input type="checkbox"/>	Circle and/or check YES or NO if you will be providing On-Board Wetting System for all trucks. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	\$ 199.00
	NUMBER OF TRUCKS REQUIRED: CLASS R - 4 CLASS Q - 5					
349	SPREADING SERVICES – D.O.T. REGION: CENTRAL CREW #: 316 LAWRENCE YARD LAWRENCEVILLE, NJ	1	HOURLY RATE	Style of trucks that will be provided. Please circle and/or check one (1) option below. Tailgate Mount <input checked="" type="checkbox"/> Vbox <input type="checkbox"/> MidBody <input type="checkbox"/>	Circle and/or check YES or NO if you will be providing On-Board Wetting System for all trucks. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	\$ 179.00
	NUMBER OF TRUCKS REQUIRED: CLASS R - 6 CLASS Q - 3					

Despite Stone Masters indication in its protest that it was providing the On-Board Wetting System, as shown in the screenshot above, Stone Masters clicked “No” on the price sheet submitted with its Quote indicating it was not including the On-Board Wetting System.³ Accordingly, Stone Masters’ Quote was evaluated as submitted along with all other Quotes submitted for the price lines.

² On June 23, 2020 the Bureau sent a BAFO request to Stone Masters as permitted by Bid Solicitation Section 6.8 *Negotiation and Best and Final Offer (BAFO)* which states in part “Any BAFO that does not result in more advantageous pricing to the State will not be considered, and the State will evaluate the Vendor’s {Bidder’s} most advantageous previously submitted pricing.” In response to the Bureau’s BAFO request, Stone Masters submitted higher hourly rates for prices lines 348 and 349. Therefore, the Bureau evaluated Stone Masters’ Quote with its originally submitted hourly rate pricing.

³ Should Stone Masters wish to review the submitted Quote, the Division has created and provided to the bidding community a QRG entitled *How to Review a Submitted Quote*. <https://www.state.nj.us/treasury/purchase/njstart/pdf/HowtoReviewaSubmittedQuote.pdf>. That QRG

For price line 348, eleven Vendors {Bidders} submitted a Quote. All Vendors {Bidders} submitted a Quote indicating a Tailgate Mounted truck and No On-Board Wetting System. Accordingly, the Bureau recommended that the Blanket P.O. award be made to Big Boss Trucking who submitted the lowest hourly rate at \$155.00/hour. For price line 349, twelve Vendors {Bidders} submitted a Quote. All Vendors {Bidders} submitted a Quote indicating a Tailgate Mounted truck and No On-Board Wetting System. Accordingly, the Bureau recommended that the Blanket P.O. award be made to Big Boss Trucking who submitted the lowest hourly rate at \$155.00/hour.

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 and the Division's **NJSTART** eProcurement website for future bidding opportunities for these services. This is my final agency decision with respect to the protest submitted by Stone Masters.

Sincerely,



Maurice A. Griffin
Acting Director

MAG: RUD

c: M. Dunn
R. Regan
K. Popso
K. Centofanti

provides step by step instructions with screenshots on how to find a submitted Quote and review the documents uploaded.