



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR

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July 7, 2025

Via Electronic Mail Only to rveniero@gmail.com

Raymond Veniero
A. Veniero & Son, Inc.
1 Wallace Street
Belleville, NJ 07109

Re: I/M/O Bid Solicitation #25DPP01134 A. Veniero & Son, Inc.
Protest of Notice of Intent to Award
T0777 – Snow Plowing and Spreading Services - NJDOT

Dear Mr. Veniero:

This final agency decision is in response to your letter delivered via electronic mail on behalf of A. Veniero & Son, Inc. (“Veniero”) received by the Division of Purchase and Property’s (“Division”) Hearing Unit on July 3, 2025 (“Protest”). In that letter, Veniero protests the Procurement Bureau’s (“Bureau”) June 27, 2025, Notice of Intent to Award letter (“NOI”) issued for Bid Solicitation #25DPP01134 – T0777 Snow Plowing and Spreading Services - NJDOT (“Bid Solicitation”). Veniero generally argues that the awarded Bidder of Price Lines 332 and 340 does not have sufficient equipment to fulfill the requirements of the awarded Contract and did not list any Subcontractors thereby certifying that they will be performing the work themselves.

By way of background, on January 23, 2025, the Bureau issued the Bid Solicitation on behalf of New Jersey Department of Transportation (“NJDOT”). The purpose of the Bid Solicitation was to solicit Quotes for snow plowing and spreading services on all State interstates and highways under the jurisdiction of the NJDOT. Bid Solicitation Sec. 1.1, *Purpose and Intent*. Bid Solicitation Section 1.2, *Background*, cautioned Bidders that this Bid Solicitation addressed the State’s current requirements. Pursuant to Bid Solicitation Section 3.17, *State Supplied Price Sheet Instructions*, there were three (3) categories (and accompanying price sheets) that Bidders could submit bids for. The first category is for Snow Plowing and Hauling Services. The second category is for Other Equipment that the Bidder can provide to the NJDOT. The third category is for Spreading Services. Pursuant to Bid Solicitation Section 1.1 *Purpose and Intent*, for the first category (Price Lines 1-317, Snow Plowing and Hauling Services), “the Division intends to award one (1) responsive Bidder per Price Line for Snow Plowing and Hauling Services, Class A Snow Plowing Truck – With Bidder Provided Snow Plow (1st preference), or Class A Snow Plowing Truck – With NJDOT Provided Snow Plow (2nd Preference).” (Emphasis in the original). With respect to the second category (Price Lines 318-326, Snow Plowing and Hauling Services; Other Equipment – Loaders and Graders), “the Division Intends to award all Price Lines to all responsive Bidders for Snow Plowing and Hauling Services; Other Equipment – Loaders and Graders.” Id. Finally, for the third category (Price Lines

327-392, Spreading Services), “the Division intends to award one (1) responsive Bidder per Price Line.”
Id.

In accordance with Bid Solicitation Section 2.5, *Optional Pre-Quote Conference*, an optional Pre-Quote Conference was held on February 6, 2025, providing all potential Bidders with an overview of the Bid Solicitation and Quote submission procedures and requirements. Representatives from eight (8) potential bidding entities attended (Mathis Construction, Jersey Construction, Inc., Mark Veniero Trucking, Seashore Asphalt Corp., IEW Construction Group, Inc., J&K Toro Trucking, Gomez Brothers Trucking, and Encalada Trucking).

In accordance with Bid Solicitation Section 2.1, *Electronic Question and Answer Period*, an electronic portal enabling the Bureau to receive questions electronically was available to all potential Bidders until 2:00 P.M. Eastern Time on February 13, 2025. One (1) Bid Amendment was issued for this Bid Solicitation, which provided revisions to the Bid Solicitation and responses to questions received from potential Bidders.

On April 4, 2025, the Division’s Proposal Review Unit (“PRU”) opened one hundred seventy-six (176) Quotes. The Quotes submitted by BLM Contractors LLC, Kaya Trucking, Longford Landscapes & Excavation, Inc., Mathis Construction Co Inc., Samson Concrete and Masonry, Shimp Farms, South Jersey Contracting LLC, V.A. Spatz and Sons Construction, Inc., and Woolston Construction Company, were Automatically Rejected by the PRU pursuant to the provisions of N.J.A.C. 17:12-2.2. Protests were received from Longford Landscapes & Excavation, Inc., Samson Concrete and Masonry, South Jersey Contracting LLC, V.A. Spatz and Sons Construction, Inc., and Woolston Construction Company. Final Agency Decisions responding to the protests and upholding the PRU automatic rejections were sent to these bidders and no appeals were filed in response to the Final Agency Decisions stemming from PRU rejections. The PRU also issued formal notice and a warning letter to four (4) Bidders that they were not in compliance with Business Registration Certificate requirements. The remaining one hundred sixty-eight (168) Quotes were deemed administratively complete by the Proposal Review Unit and released to the Bureau for further review and evaluation. The list of bidders who submitted administratively complete Quotes and could be evaluated by the Unit are listed below. Note, some bidders submitted separate quotes for different price lines. The list below contains the one hundred fifty five (155) bidders whose Quotes were evaluated by the Unit.

A & J Construction Co.	Jer-Car Inc.
A to Z Site Contractors Inc	Jerrell's Landscapes & Nurseries Inc
A&M Paving and Excavating LLC	Jersey Construction, Inc.
A.Veniero & Sons	JHONATAN TRUCKING LLC
AGS Materials & Supply LLC	JMN Paving and Masonry Inc.
AIT Express LLC	Kaanka Trucking, LLC
AKGUN TRANSPORTATION LLC	Katherine Transportation LLC
Alliance Materials	KCM CONSTRUCTION LLC
Alpha National LLC	Keeping it Savage LLC
Anatolia Transport LLC	Ken Nagy Jr and son trucking llc
ANKAPOINT LLC	KMG Contracting LLC
anthony yaros industries	LC Trucking LLC
Asc Logistics LLC	Leslie DeMarino
ATA LLC	Liberty Us Transport LLC
AW Kurth Trucking	Lourenco Contracting Co. Inc.
Beites Inc	M & M Trucking Gudullu LLC
Big Boss Trucking LLC	M MATIAS TRUCKING INC

Breen Topsoil Inc.	MARK VENIERO TRUCKING
BRENNAN BROS CONSTRUCTION LLC	Matthew J. Yuhas Trucking L.L.C
Brook Brothers Enterprises LLC	MECO INC
Burak Trucking LLC	Mershon Concrete LLC
BVW Services LLC	Messercola Excavating Co Inc.
C and J Property Management	Mike and Sons Trucking Hauling LLC
Caner Transportation, LLC	Mireku & Son LLC
Canyon Trucking Inc	MYK TRUCKING LLC
CCM Contracting, Inc.	NKO Trucking LLC
Cedar Ridge Lawn Care LLC	Nonstop Trucking LLC
Ceylan Trucking LLC	NSG GROUP LLC
Charles T. Matarazzo Excavating & Masonry	On Point Excavation LLC
Clarke Moynihan Landscaping & Construction LLC	OZY Trucking, LLC
Colonnelli Brothers, Inc.	P&O Transport LLC
Costa Haulers, LLC	P. Esposito Construction, LLC
D&R Paving LLC	P.M. Construction Corp.
Darby Trucking LLC	Paving Plus LLC
Dargi Trucking, LLC	Persistent Construction
Debex Contractors LLC	Pierson Landscaping and Design LLC
Demir Trucking LLC	Porchetta Land & Site llc
DI Trucking, LLC	Prieto Enterprises LLC
Diamond Materials, LLC	Quick Transport Co Inc
DKB Transport Corp	R&B Debris
Double O Contracting LLC	R.M. Tuit Paving & Trucking Contractor, LLC
Double O Landscape Design LLC	RJM LANDSCAPE AND DESIGN LLC
dvs trucking co	Rockstar Transportation LLC
Eazy Trucking llc	Rodota Trucking & Excavating, LLC
ECE Transport LLC	SALOMONE BROS INC
EL BO Incorporated	Sandra Scanlon LLC
Ema Trucking LLC	Sarp Transportation LLC
Encalada Trucking LLC	SDK Trucking LLC
Enes Trucking LLC	Seashore Asphalt Corp.
Eren Transportation LLC	SFB Trucking LLC
ESPOSITO CONSTRUCTION LLC	Shorty Trucking LLC
fafa trucking llc	SIL Trucking LLC
Fatma Ozbay, Khan Trucking	Sil-Kemp, Inc.
Firtina Landscaping LLC	Sky Hauler LLC
Fn Allocco Trucking LLC	Smyrna Express
Frank Brodeen OLC LLC	Stilo Excavation Inc
Frank Galbraith & Son Excavating and Demolition, llc	Stomper Enterprises, Inc.
Frank Sutton Trucking, LLC.	STONE TRUCKING LLC
Freiberger Excavating, LLC	Stratton Contracting, LLC
FS Trucking LLC	T Hiler Contractors, LLC
G Boys Excavating Inc.	TCG Trucking LLC
Garden State Pavement Solutions LLC	Terco Enterprises LLC
Gee Vee Trucking Inc	Terrytown Equipment LLC
Gomez Brothers Trucking Inc	TJA Enterprises LLC

Gondul Trucking Inc	Tree King Inc.
Hardrock Trucking & Excavating LLC	Triple R Truck & Auto Leasing
Harrington & Son	Twilight Express LLC
HAS TRANSPORTATION	UN Transportation Inc
Hunterdon Horizons Inc	US1 TRUCKING LLC
IEW Construction Group Inc	V.H. Motto Contracting Inc.
Ivyland Construction Co. Inc.	Victor Transport LLC
J&D Trucking Inc.	WASHINGTON COLLISION CENTER LLP
J&K Toro Trucking	Westphal Waste Services
J&R Transport, LLC	Whittendale Excavating Corp.
James Miller Contracting, Inc.	Yasmin Trucking LLC
JDG Transport LLC	Yukon Services LLC
JEFF HACKETT & ASSOCIATES	Zivali Trucking LLC
Jeff Lampart Services LLC	

As part of the responsiveness review, the Bureau determined that numerous Quotes required a Request for Clarification, in accordance with Bid Solicitation Section 8.4, *Clarification of Quote*, for the Bureau to determine whether or not the Quotes were responsive to mandatory material requirements of the Bid Solicitation as outlined in the Recommendation Report dated June 25, 2025 (“Recommendation Report”) with the resultant determination also contained within the Recommendation Report.

The Bureau determined that the Quotes submitted by Colonnelli Brothers, Inc., Whittendale Excavating Corp., Eazy Trucking LLC, NKO Trucking LLC, UIN Transportation Inc., Liberty US Transport LLC, M. Matias Trucking Inc., MYK Trucking LLC, Garden State Pavement Solutions LLC, Ankapoint LLC, Ken Nagy Jr and Son Trucking LLC, Seashore Asphalt Corpl, J&D Trucking Inc, DI Trucking LLC, Stratton Contracting LLC, and JDG Transport LLC, were fully non-responsive due to non-compliance with mandatory elements of the Bid Solicitation and therefore ineligible for award. Recommendation Report at pgs. 49-52. The Bureau found that the remaining Quotes met, and complied with, the mandatory requirements for at least one award-eligible Price Line of the Bid Solicitation.

Having completed its evaluation of the Quotes received in response to the Bid Solicitation, on June 27, 2025, the Bureau issued the NOI advising all Bidders that it was the State’s intent to award Contracts to the 64 Bidders set forth in the chart on pages 1-14 of the Recommendation Report.

On July 3, 2025, prior to the close of the protest period, Veniero submitted a Protest challenging the Division’s determination that KMG Contracting LLC was not able to adequately provide services for their awarded Price Lines.

Although Veniero did request an in-person presentation as permitted by N.J.A.C. 17:12-3.3(e), it should be noted that “[t]he Director has sole discretion to determine if an in-person presentation by the protester is necessary to reach an informed decision on the matter(s) of the protest. In-person presentations are fact-finding for the benefit of the Director.” Further, “[i]n cases where no in-person presentation is held, such review of the written record shall, in and of itself, constitute an informal hearing.” N.J.A.C. 17:12-3.3(d). I have reviewed the record of this procurement, including the Bid Solicitation, the Quotes received, the Bureau’s Recommendation Report, the relevant statutes, regulations, case law, and the protest submitted by Veniero. The issues raised in the protest were sufficiently clear such that a review of the record of this procurement 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 submitted by Veniero on the written record, as such an in-person hearing is not warranted. I set forth herein the Division’s Final Agency Decision.

DISCUSSION

Responsive Quotes were evaluated by the Bureau consistent with the requirements of Bid Solicitation Section 8.9 *Evaluation Criteria*, which states in relevant part as follows:

8.9 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. The evaluation criteria categories may be used to develop more detailed evaluation criteria to be used in the evaluation process.

8.9.1 TECHNICAL EVALUATION CRITERIA

- A. Experience of Bidder Attachment #3: The 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 Bidder equipment bid on the State-Supplied Price Sheet. See Section 8.9.2, subsections included; and
- C. Price: The Bidder's pricing provided on the State-Supplied Price Sheet(s) for each Price Line. See Section 8.9.2, 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 Contract awards to those responsive and responsible Bidders whose Quotes, conforming to the Bid Solicitation are most advantageous to the State, price and other factors considered. On June 27, 2025, the NOI was issued advising all Bidders that it was the State's intent to award Contracts consistent with the Bureau's Recommendation Report.¹ With respect to the Quote submitted by Veniero, the Bureau's Recommendation Report in part states the following:

The Quote submitted by AV&S was deemed by the Bureau to be responsive to the mandatory requirements of the Bid Solicitation. As part of its Quote, AV&S provided a Spreading Services State-Supplied Price Sheet and an Other Equipment State-Supplied Price Sheet. AV&S provided a completed Attachment 3 – Experience of Bidder form, denoting it has the minimum two (2) years' experience in both plowing and spreading services, and is thus eligible for award of both service categories. Additionally, AV&S provided a completed Ownership disclosure Form with its Quote.

¹ The list of Bidders who are recommended to receive Contract awards are listed in the Bureau's June 27, 2025 Recommendation Report.

The Bureau determined that the Bidder was responsive for all Price Lines submitted as part of its Quote.

[Recommendation Report, p. 39.]

On July 3, 2025, the Division received Veniero's protest challenging the intended Contract awards. Specifically, Veniero's Protest states in relevant part as follows:

We have had a contract with NJ DOT for salt spreading for over 20 years. No write-ups, excellent service. We are located less than 10 miles from both 332 and 340 line numbers. In emergencies like unforeseen snow squalls, we have deployed salt spreading in less than 1 hour. I own 16 trucks to be used for salting if awarded the contract. I protest the possible awarding of KMG Contracting LLC for line number 332 and 340. KMG Contracting LLC is listed as intended awarded due to 24/spreading/plowing routes totaling 151 trucks. They have not listed any subcontractor. As stated in the contract, if no subcontractors are listed, the bidder automatically certifies that, if selected for an award, the Bidder will be performing all the work required by the contract. Can they provide 151 truck registrations with salting equipment required and the manpower?

Veniero asks that the Division review the awards made.

Veniero submitted a Quote for Spreading Services: Price Lines 332, and 340 as well as Other Equipment Price Lines 321, 322, and 323 for Elizabeth 3 yard, and West Orange 23 yard. Veniero is protesting the awards of Price Lines 332 and 340.

Twenty four (24) responsive bidders (including Veniero) submitted Quotes for Spreading Services on Price Line 332. Thirty four (34) responsive bidders (including Veniero) submitted Quotes for Spreading Services on Price Line 340.

Bid Solicitation Section 3.17.3 *SPREADING SERVICES (PRICE LINES 327-392) PRICE SHEET INSTRUCTIONS* states in pertinent part:

Price Lines 327-392 Bidders will be required to provide the amount of truck(s) per Class required by each Price Line they are awarded. Bidders should only bid on a line if they have the required amount of trucks per Class required for that line. Each Price Line includes the following two (2) columns that the Bidder must complete: A. Unit Price – Per Truck for Spreading Services B. All-Inclusive Hourly Rate Spreading Superintendent;

The Recommendation Report indicates that for Price Lines 332, and 340, an award will be made to KMG Contracting LLC ("KMG"), who submitted a Quote for the lowest hourly rate for the Price Lines.

Turning now to Veniero's protest points, Veniero protests the Bureau's decision to list KMG as the intended awardee for ten (10) spreading services price lines,² as well as protesting the Bureau's decision to list KMG as the intended awardee for fourteen (14) snow plowing and hauling price lines.³ Veniero questions whether there was any indication that KMG has sufficient trucks to perform work required for the awarded areas.

With respect to a Bidder's ability to perform the work awarded, the Bid Solicitation was clear, advising all Bidders as follows:

Note: When a Bidder submits a rate for a specific Price Line, it is certifying that it shall provide the required quantity of trucks and Class of trucks called for by that specific Price Line. If awarded, the Bidder shall be contractually obligated to provide the services, trucks, and equipment as indicated on its State-Supplied Price Sheet.

[Bid Solicitation Section 3.17.3 *SPREADING SERVICES (PRICE LINES 327-392) PRICE SHEET INSTRUCTIONS* (Emphasis in the original).]

Accordingly, in submitting their Quote, KMG certified that they had the ability to provide the required number of trucks and equipment necessary to complete the work awarded.

With their submitted Quote, KMG did not list any subcontractors on the *Subcontractor Utilization Plan form*, nor in the "Subcontractor" tab in NJSTART. Bid Solicitation Section 3.13.8 *Subcontractor Utilization Plan* states in pertinent part:

For a Quote that does NOT include the use of any Subcontractors, the Bidder is automatically certifying that, if selected for an award, the Bidder will be performing all work required by the Contract.

However, pursuant to Bid Solicitation Section 3.13.8 *Subcontractor Utilization Plan* Bidders are allowed to add Subcontractors after award and upon approval by the State Contract Manager.

Bidders were not required to submit registration or other proof of the number of trucks owned by them with their Quote. As noted above, pursuant to Bid Solicitation Section 3.17.3 *SPREADING SERVICES (PRICE LINES 327-392) PRICE SHEET INSTRUCTIONS* by submitting a Quote, a Bidder certifies that they will provide the required quantity and Class of trucks called for by that specific Price Line(s). Pursuant to Bid Solicitation Section 4.12.2 *EQUIPMENT INSPECTIONS*, NJDOT can inspect all vehicles and equipment, whether provided by the Contractor or the NJDOT "at any time during the Contract term and/or a Call-Out." If there are concerns that a Bidder will not have the equipment necessary to service the Price Lines they were awarded, the NJDOT can inspect the Bidder's equipment as set forth in the Bid Solicitation.

CONCLUSION

Based upon the foregoing, I find no reason to disturb the Bureau's recommendation that the Contract be awarded as outlined in the Recommendation Report. Accordingly, I sustain the June 27, 2025, Notice of Intent to Award. This is my final agency decision.

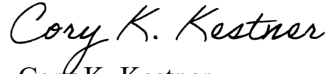
² The record of this procurement reveals that KMG submitted a Quote for fourteen price lines for spreading services.

³ The record of this procurement reveals that KMG submitted a Quote for fifteen price lines for plowing/hauling services.

Thank you for your company's interest in doing business with the State of New Jersey. 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.

This is the Division's final agency decision. Pursuant to N.J.A.C. 17:12-3.1, this determination is appealable to the Appellate Division of the Superior Court in accordance with the New Jersey Court Rules (R. 2:4-1) which provide a party 45 days to appeal this final agency decision.

Sincerely,



Cory K. Kestner
Acting Chief Hearing Officer

CKK:CMD

c: C. Clarke
M. Maciolek