



State of New Jersey

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

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September 12, 2025

Via Electronic Mail Only to jhac1964@gmail.com

Jeffrey S. Hackett
Jeff Hackett Associates, LLC
417 Hazen Oxford Road
Belvidere, NJ 07823

Re: I/M/O Bid Solicitation #25DPP01134 Jeff Hackett & Associates, LLC
Protest of Notice of Intent to Award
T0777 – Snow Plowing and Spreading Services - NJDOT

Dear Mr. Hackett:

This final agency decision is in response to your letter delivered via electronic mail on behalf of Jeff Hackett Associates, LLC (“Hackett”) received by the Division of Purchase and Property’s (“Division”) Hearing Unit on September 10, 2025 (“Protest”). In that letter, Hackett generally protests the Procurement Bureau’s (“Bureau”) process by which Price Line awards were made under Bid Solicitation #25DPP01134 – T0777 Snow Plowing and Spreading Services - NJDOT (“Bid Solicitation”) in the June 27, 2027 Notice of Intent to Award (“June NOI”) and the purported “8-27-25 [] awards”.¹

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

¹ It should be noted that there was no notice of intent to award letter sent to bidders dated August 27, 2025. The dates of any relevant correspondence will be outlined on pages 2 and 3 below.

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 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 Corp., 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 a Notice of Intent to Award letter (“June 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 dated June 25, 2025 (“Recommendation Report”). Several protests were received in response to the June NOI and were resolved. On July 15, 2025, the Bureau issued a Revised Notice of Intent to Award letter (“July NOI”). No protests were received in response to the July NOI. Finally, on September 5, 2025, a Revised Notice of Intent to Award letter (“September NOI”) was issued.

On September 8, 2025, prior to the close of the protest period set forth in the September NOI, Hackett submitted a Protest challenging the Division’s procurement process of T0777, and offering recommendations on potential improvements.

Although Hackett requested 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 Hackett. 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 Hackett on the written record, as such an in-person hearing is not warranted. I set forth herein the Division’s Final Agency Decision.

DISCUSSION

Hackett’s Protest does not request specific relief. In fact, Hackett did not have any lines rescinded after award. Rather, Hackett was awarded a new Price Line (Price Line 222) in the September NOI. Hackett’s protest centers on the process used to ensure bidders have the proper equipment to perform the services required in the Price Lines they were awarded and the process they believe the Bureau should follow with awarding Price Lines when it is found that a bidder did not have the necessary equipment required to service all Price Lines they bid on. As Hackett’s Protest centers around the wording and requirements set forth in the Bid Solicitation, they should have filed a Specification challenge at least seven (7) business days prior to the Bid Opening as required pursuant to N.J.A.C. 17:12-3.2, which would have been late March 2025 for this procurement. Additionally, Hackett could have submitted questions and requested changes to the Bid Solicitation during the *Electronic Question and Answer Period*, utilizing the electronic portal enabling the Bureau to receive questions electronically which was available to all potential Bidders until 2:00 P.M. Eastern Time on February 13, 2025.

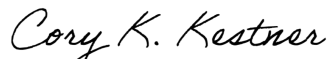
CONCLUSION

Based upon the foregoing, I find no reason to disturb the Bureau’s recommendation that the Contract be awarded as outlined in the Revised Recommendation Report. Accordingly, I sustain the September 5, 2025, Revised Notice of Intent to Award. This is my final agency decision.

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