



State of New Jersey

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

33 WEST STATE STREET

P. O. BOX 039

TRENTON, NEW JERSEY 08625-0039

<https://www.njstart.gov>

Telephone (609) 292-4886 / Facsimile (609) 984-2575

PHILIP D. MURPHY
Governor

ELIZABETH MAHER MUOIO
State Treasurer

TAHESHA L. WAY
Lt. Governor

AMY F. DAVIS, ESQ.
Acting Director

July 7, 2025

Via Electronic Mail Only to Marka@mvtrucking.com

Mark Veniero
Mark Veniero Trucking
172 Passaic Ave
Belleville, NJ 07109

Re: I/M/O Bid Solicitation #25DPP01134 Mark Veniero Trucking
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 Mark Veniero Trucking (“MVT”) received by the Division of Purchase and Property’s (“Division”) Hearing Unit on July 3, 2025 (“Protest”). In that letter, MVT 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”). MVT generally argues that the awarded Bidders of Price Lines 331 and 343 do not have sufficient equipment to fulfill the requirements of the awarded Contract and that and Subcontractors that Bidders are using will not have sufficient equipment to provide service for their own awarded Price Lines and those of the awarded Bidders of Price Lines 331 and 343.

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, MVT submitted a Protest challenging the Division’s determination that Ema Trucking LLC and KMG Contracting LLC were not able to adequately provide services for their respective lines.

Although MVT did 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 MVT. 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 MVT 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 MVT, the Bureau's Recommendation Report in part states the following:

The Quote submitted by Mark V. was deemed by the Bureau to be responsive to the mandatory requirements of the Bid Solicitation. As part of its Quote, Mark V. 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, Mark V. provided a completed Ownership disclosure Form with its Quote.

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

[Recommendation Report, p. 36.]

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

We submitted bids for routes 331, 342, 343 for spreading services. Our company has 33 years of public roadway spreading & plowing experience. We are located within 10 miles of routes 331 & 343. We own 35 dump trucks, all parked in one yard. We do not and have not utilized any sub-contractors. We are protesting route 331 Ema Trucking LLC and Route 343 KMG Contracting LLC.

With respect to Ema Trucking LLC, MVT argues:

Emma [sic.] Trucking is listed as the intended awardee of 14 spreading contracts for a total of 88 trucks. However, EMA Trucking LLC is registered with the USDOT with 1 truck. They have listed 3 sub-contractors: KAANKA TRUCKING LLC – registered 1 truck, Ordu Trucking LLC – registered 1 Truck, Daka Trucking LLC – registered 2 trucks. Ema, Kaanka, and Daka are registered to addresses that are approximately 80-90 miles from the Totowa DOT Yard. Kaanka trucking LLC, in addition to being listed as Ema trucking LLC's sub-contractor, is also the intended awardee of 4 routes and 33 trucks of their own. Ema trucking LLC is listed as one of Kaanaka's sub-contractors and vice versa. They are both listed as each other's sub-contractors. Can they provide two years verifiable experience on public roadways? Can they provide 88 truck registrations with 88 salters and the required manpower? Can Kaanka demonstrate the ability to fulfill it's own 33 trucks while also supporting ema as a sub-contractor?

With respect to KMG Contracting LLC, MVT argues:

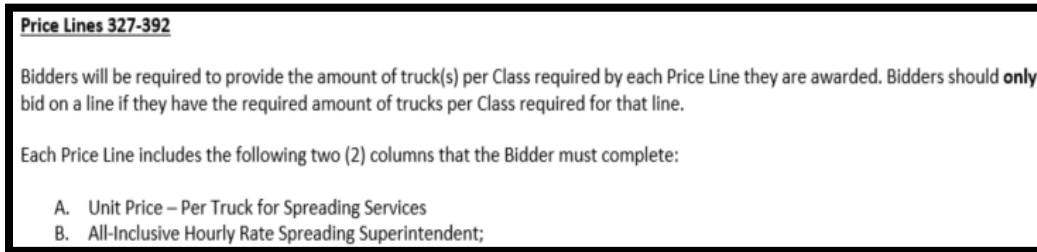
We have similar issues with route 343 KMG Contracting LLC. They are listed as the intended awardee 24 routes for plowing & salt spreading for a total of 151 trucks. They have not listed any sub-contractors. According to the contract, if no subcontractors are listed, the bidder 'automatically certifies that, if selected for an award, the Bidder will be performing all work required by the Contract.' Can they provide 151 truck registrations with salting/plowing equipment with the required manpower? Can they provide two years verifiable experience on public roadways?

MVT asks that the Division review the awards made.

MVT submitted a Quote for Spreading Services: Price Lines 331, 342, and 343 as well as Other Equipment Price Lines 321, 322 for Jersey City yard, Newark yard, and Totowa yard. MVT is protesting the awards of Price Lines 331 and 343.

Twenty nine (29) responsive bidders (including MVT) submitted Quotes for Spreading Services on Price Line 331. Thirty nine (39) responsive bidders (including MVT) submitted Quotes for Spreading Services on Price Line 343.

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



The Recommendation Report indicates that for Price Line 331, an award will be made to Ema Trucking LLC (“Ema”), who submitted a Quote for the lowest hourly rate for the Price Line. The Recommendation Report shows that for Price Line 343, an award will be made to KMG Contracting LLC (“KMG”) who submitted a Quote for the lowest hourly rate for the Price Line.

Turning now to MVT’s protest points, MVT protests the Bureau’s decision to list Ema as the intended awardee for fourteen (14) spreading services price lines.² MVT also protests the Bureau’s decision to list KMG as the intended awardee for fourteen (14) snow plowing and hauling price lines as well as ten (10) spreading services price lines.³ MVT questions whether there was any indication that either Ema or KMG have sufficient trucks to perform work required for the awarded areas, and how sub-contractors listed by Ema and KMG can provided services for their own awarded lines and sub-contracting services to Ema or KMG (as applicable).

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 Quotes, both Ema and 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:

² The record of this procurement reveals that Ema submitted a Quote for forty-five price lines for spreading services.

³ The record of this procurement reveals that KMG submitted a Quote for fourteen price lines for spreading services.

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.

Ema did list three (3) Subcontractors who were not approved at time of award as each has missing form(s). However, as stated on page 54 of the Recommendation Report, the Bidders can “submit proof of compliance after award, and the listed Subcontractors will be available for use upon approval by the Division.”

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.

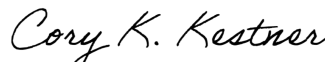
CONCLUSION

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.

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