



State of New Jersey

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

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October 28, 2025

Via Electronic Mail Only to nsggroup75@gmail.com

Abraham Ali
NSG Group, LLC
289 Colonia Blvd.
Colonia, NJ 07067

Re: I/M/O Bid Solicitation #23DPP00860 NSG Group, LLC
Protest of Notice of Intent to Award
T2924 – Snow Plowing Services By Area - NJDOT

Dear Mr. Ali:

This final agency decision is in response to your protest letter delivered via electronic mail on behalf of NSG Group, LLC (“NSG”) received by the Division of Purchase and Property’s (“Division”) Hearing Unit on October 22, 2025 (“Protest”). In that letter, NSG protests the Revised Notice of Intent to Award dated October 17, 2025 (“October 17, 2025 NOI”), by the Division’s Procurement Bureau (“Bureau”) for Bid Solicitation #23DPP00860 – T2924 Snow Plowing Services By Area - NJDOT (“Bid Solicitation”).

By way of background, on March 13, 2024, the Procurement Bureau (“Bureau”) issued the Bid Solicitation on behalf of New Jersey Department of Transportation (“NJDOT”). A Revised Bid Solicitation and Revised State Supplied Price Sheet were issued on May 28, 2024. The purpose of the Bid Solicitation was to solicit Quotes for “strike force” snow plowing services for areas of 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 3.21, *State Supplied Price Sheet Instructions*, there were Price Lines broken up into 14 maintenance areas, and type of equipment (Truck and Snow Plowing Equipment and/or Trucks Only). Bidders were not required to bid on all areas or types of equipment. Any Price Lines that Bidders submitted bids for they were also required to submit a snow plowing supervisor rate which could not exceed 30% of the plowing rate. Pursuant to Bid Solicitation Section 1.1 *Purpose and Intent*, the State intends to award a maximum of fifty six (56) contract awards per area and/or equipment type as set forth in the chart in Bid Solicitation Section 1.1.

In accordance with Bid Solicitation Section 2.5, *Optional Pre-Quote Conference*, an optional Pre-Quote Conference was held on March 27, 2024, providing all potential Bidders with an overview

of the Bid Solicitation and Quote submission procedures and requirements. Representatives from two (2) potential bidding entities attended (Akgun Transportation and NSG Group LLC).

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 April 12, 2024. Two (2) Bid Amendments were issued for this Bid Solicitation, which provided revisions to the Bid Solicitation and responses to questions received from potential Bidders. A Revised State-Supplied Price Sheet was also issued for this Bid Solicitation.

On June 12, 2024, the Division's Proposal Review Unit ("PRU") opened forty (40) Quotes which were deemed administratively complete by the Proposal Review Unit and released to the Bureau for further review and evaluation.

As part of the responsiveness review, the Bureau determined that numerous Quotes required a Request for Information, 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 May 19, 2025 ("Recommendation Report May 19, 2025") with the resultant determination also contained within the Recommendation Report.

The Bureau determined that the Quotes submitted by Cedar Hill Landscaping, EMA Trucking, M&M Trucking Gudullu LLC, and P. Maio Construction LLC, were non-responsive due to non-compliance with mandatory elements of the Bid Solicitation and therefore ineligible for award. Recommendation Report at pgs. 12-13. 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 6, 2025, the Bureau issued the NOI advising all Bidders that it was the State's intent to award Contracts to the fifteen (15) Bidders set forth in the chart on pages 1-5 of the Recommendation Report May 19, 2025.

As a result of numerous Bidders withdrawing their Quotes for Price Lines, the Bureau issued a Recommendation Report dated October 16, 2025 ("Recommendation Report October 16, 2025") to re-award those Price Lines. The October 17, 2025 NOI was sent to Bidders (along with the Recommendation Report October 16, 2025). Due to some pricing errors contained in the October 17, 2025 NOI, the Bureau issued a Revised Notice of Intent to Award dated October 20, 2025 ("October 20, 2025 NOI").

On October 22, 2025, prior to the close of the protest period, NSG submitted a Protest alleging that in the Recommendation Report May 19, 2025, they received an award for the following Price Lines: Truck Team #1 Area 36 - Trucks and Plows (14 trucks); Truck Team #2 Area 34 - Trucks and Plows (14 trucks); Truck Team #2 Area 35 - Trucks and Plows (14 trucks); Truck Team #2 Area 38 - Trucks and Plows (7) trucks; and Truck Team #2 Area 38 - Trucks Only (14 trucks) and that two (2) of those Areas (Truck Team #2 Area 35 - Trucks and Plows (14 trucks) and Truck Team #2 Area 38 Trucks Only (14 trucks) were recommended to be sent to waiver in the Recommendation Report October 16, 2025. Pursuant to the Recommendation Report 10/16/25, reasons given for NSG's previously awarded Price Lines were: Non-responsive for financials; Non-responsive for required Price Line in reference to Quote; and No bids received. NSG states that none of these reasons apply to

them and/or their two (2) Price Lines that were recommended to be sent to waiver in the Recommendation Report 10/16/25.

Although NSG 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 Reports, the relevant statutes, regulations, case law, and the protest submitted by NSG. 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 NSG on the written record, as such an in-person hearing is not warranted. I set forth herein the Division’s Final Agency Decision.

DISCUSSION

Pursuant to Bid Solicitation Section 4.12 *Snow Plowing Requirements*, a Bidder is required to “Provide seven (7) Class A trucks for each Maintenance Area it is assigned to”. This statement is reiterated in Bid Solicitation Section 4.12.1 *Snow Plowing Truck Requirements* where it is again stated that “The Contractor must supply seven (7) Class A trucks for each Maintenance Area it is assigned to.” The Revised State-Supplied Price Sheet also states in most areas (including Maintenance Area 34 – Trucks and Plows; and Maintenance Area 35 – Trucks and Plows which NSG bid on) the “Number of Trucks Required: 14 (2 teams of 7 trucks).” In some instances due to a clerical error the word “trucks” is not included in an area. In those cases, the wording is “Number of Trucks Required: 14 (2 Teams of 7)”. It is clear from the language in the Bid Solicitation, as well as what is written on the Revised State Supplied Price Sheet, that each Maintenance Area that NSG was awarded requires two (2) teams consisting of seven (7) trucks each.

The Recommendation Report 5/19/25 erroneously awarded NSG 14 trucks for the following awards:

- Truck Team #2 - Maintenance Area 34 (Trucks and Plows)
- Truck Team #2 - Maintenance Area 35 (Trucks and Plows)
- Truck Team #1 - Maintenance Area 36 (Trucks and Plows)
- Truck Team #2 – Maintenance Area 38 (Trucks and Plows)
- Truck Team #2 – Maintenance Area 38 (Trucks Only)

Pursuant to Bid Solicitation Section 4.12 *Snow Plowing Requirements*, Bid Solicitation Section 4.12.1 *Snow Plowing Truck Requirements* as well as the Revised State Supplied Price Sheet, NSG should have been awarded seven (7) trucks per area, not fourteen (14). This award of fourteen (14) trucks were clerical errors. All five (5) of NSG’s awards listed in the Recommendation Report 5/19/25 will be revised to reflect a team of seven (7) trucks, and the pricing will also be revised to reflect the award to NSG of one (1) team consisting of seven (7) trucks in each of the Areas awarded under Recommendation Report 5/19/25.

A review of the October 16, 2025 Recommendation Report shows that several lines were erroneously included in the list to send certain lines to waiver. Specifically, two of the Areas previously proposed for award to NSG in the Recommendation Report 5/19/25, namely Truck Team #2 Area 35 – Trucks and Plows; and Truck Team #2 Area 38 - (Trucks Only) were included on the list of lines recommended to be sent to waiver in the Recommendation Report 10/16/25 as a result of a clerical error. Based on the Hearing Unit's independent review, the original award to NSG of all lines in the Recommendation Report 5/19/25 (including for Truck Team #2 Area 35 – Trucks and Plows; and Truck Team #2 Area 38 – Trucks Only) remain awarded to NSG for the proper number of trucks per team with pricing in accordance to the rates submitted by NSG on its State-Supplied Price Sheet.

A further review of the October 16, 2025 Recommendation Report shows that several lines were erroneously included in the list to send certain lines to waiver. Specifically, the Areas previously proposed for award to Woolston Construction Co. Inc. in the Recommendation Report 5/19/25, namely Truck Team #2 Area 43 - (Trucks Only), and for award to Zingo Trucking in the Recommendation Report 5/19/25, namely Truck Team #2 Area 44 - (Trucks Only), were included on the list of lines recommended to be sent to waiver in the Recommendation Report 10/16/25 as a result of a clerical error. Based on the Hearing Unit's independent review, the original awards to Woolston and Zingo of all lines in the Recommendation Report 5/19/25 remain awarded to each contractor for their respective lines for the proper number of trucks per team with pricing in accordance to the rates submitted by NSG on its State-Supplied Price Sheet.

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 6, 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
D. Warren
K. Young