



State of New Jersey

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

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October 21, 2025

Via Electronic Mail Only to john.s.nelson@thomsonreuters.com

John S. Nelson
Thomson Reuters
2900 Ames Crossing Road
Suite 100
Eagan, MN 55121

Re: I/M/O Bid Solicitation #25DPP01070
Protest of Notice of Intent to Award
T1616 – Data Access Services: Web-Based Investigative and Locator Data

Dear Mr. Nelson:

This final agency decision is in response to the protest letter (“Protest”) submitted by Thomson Reuters, West Publishing Corporation (“West”), and received by the Division of Purchase and Property’s (“Division”) Hearing Unit on August 19, 2025. In that correspondence, West protests the Notice of Intent to Award letter (“NOI”) issued on August 5, 2025, by the Division’s Procurement Bureau (“Bureau”) for Bid Solicitation #25DPP01070 – T1616 – Data Access Services: Web-Based Investigative and Locator Data (“Bid Solicitation”). In their Protest, West argues:

- (1) The Division erroneously rejected West’s bid as non-responsive although West’s bid satisfied the Solicitation;
- (2) The Division failed to explain the basis for its disqualification decision;
- (3) The Division arbitrarily and inconsistently accepted bids from other Bidders, including the recommended awardee, that included the same information that caused the Division to reject West’s bid.

By way of background, on August 23, 2024, the Procurement Bureau issued the Bid Solicitation on behalf of New Jersey Statewide Using Agencies and Cooperative Purchasing Participants. The purpose of the Bid Solicitation was to solicit “solicit Quotes for web-based research, investigative, and locator data services to support investigations (both civil and criminal); the researching or investigating of persons and firms; and for news research for Statewide Using Agencies and Cooperative Purchasing Partners”. Bid Solicitation Sec. 1.1, *Purpose and Intent*. “It is the intent of the State to award Contract(s) to those responsible Bidders whose Quotes, conforming to this Bid Solicitation are most advantageous to the State of New Jersey (State), price and other factors considered.” Bid Solicitation Sec. 1.1, *Purpose and Intent*.

In accordance with Bid Solicitation Section 2.5, *Optional Pre-Quote Conference*, an Optional Pre-Quote Conference was held on September 4, 2024. Representatives from six (6) potential bidders attended, this Optional Pre-Quote Conference. 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 March 21, 2025. A second Electronic Question and Answer Period was conducted to address questions related to the answers provided to the questions received during the first Electronic Question and Answer Period. The electronic portal was available to all potential Bidders until 2:00pm Eastern Time on April 7, 2025. Four (4) Bid Amendments were issued for this Bid Solicitation, which provided extensions to Quote Submission due date and revisions to the Bid Solicitation and responses to questions received from potential Bidders.

As stated on page two (2) of the Recommendation Report dated August 1, 2025 (“Recommendation Report”), on April 29, 2025, the Division’s Proposal Review Unit opened seven (7) Quotes which were received by the submission deadline of 2:00 pm eastern time. After conducting an initial review of the Quotes received for compliance with mandatory Quote submission requirements, it was determined that all seven (7) responsive Quotes contained mandatory Bid Solicitation forms and were released to the Bureau for further evaluation.

Of the seven (7) Quotes released to the Bureau five (5) were determined to be non-responsive and the remaining two (2) were evaluated pursuant to Bid Solicitation Section 8.9, *Evaluation Criteria*, which evaluated a Bidder’s demonstration in the Quote that the Bidder understood and was able to complete the requirements pursuant to the Bid Solicitation.

Although West has offered to provide 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 West. 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 West on the written record, as such an in-person hearing is not warranted. I set forth herein the Division’s Final Agency Decision.

DISCUSSION

The New Jersey Courts have long recognized that the purpose of the public bidding process is to “secure for the public the benefits of unfettered competition.” Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307, 313 (1994). To that end, the “public bidding statutes exist for the benefit of the taxpayers, not bidders, and should be construed with sole reference to the public good.” Borough of Princeton v. Board of Chosen Freeholders, 169 N.J. 135, 159-60 (1997). The objective of New Jersey’s statutory procurement scheme is “to guard against favoritism, improvidence, extravagance and corruption; their aim is to secure for the public the benefits of unfettered competition.” Barrick v. State of New Jersey, 218 N.J. 247, 258 (2014) (citing Keyes Martin & Co. v. Dir. of Div. of Purchase and Prop., 99 N.J. 244, 256 (1985)).

The Bureau found that West's Quote was non-responsive as West "submitted a file entitled 'terms-and-conditions-exceptions,' indicating that Thomson Reuters has taken exception to several items." Recommendation Report, page 3. In their Protest, West states that they "did not take exception to the State's terms and Conditions. West submitted no file with the title 'terms-and-conditions-exceptions' as part of its bid." Protest, page 2.

It is unclear to the Division which document the Bureau is referring to in the Recommendation Report. The Quote uploaded by West for this Bid Solicitation does not contain a document titled "terms-and-conditions-exceptions" nor is that found within any of the Quote documents submitted by West for this Bid Solicitation. On June 10, 2025, John S. Nelson of West uploaded an executed, redlined version to reflect West's changes of the State of New Jersey's Standard Terms and Conditions, to the Attachments tab of West's Vendor Profile in NJSTART. The document does not identify any specific State of New Jersey contract, and is thus inapplicable to any contract. Regardless, as this document was uploaded after the April 29, 2025, Quote opening date, this generic document could not be considered with respect to the 25DPP01070 procurement.¹

In light of the findings set forth above, I find that West's Quote was conforming and they are eligible for consideration for contract award. I hereby remand West's Quote to the Bureau for further evaluation and possible award.

Thank you for your company's continuing 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, Esq.
Acting Chief Hearing Officer

CKK: DPK

c. M. Dunn
J. Pastuzyn
J. Sulzer

¹ It should be noted that if the same document had been uploaded specifically identifying the T1616 (25DPP01070) Bid Solicitation, the document would be deemed a non-permissible supplement to the Quote, and West would be ineligible for consideration of an award.