



State of New Jersey

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

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August 22, 2025

Via Electronic Mail Only to haydensoffice@yahoo.com

Christopher Hayden
Hayden's Service Center
28 Demarest Road
Sparta, NJ 07871

Re: I/M/O Bid Solicitation #24DPP01035 Hayden's Service Center
Protest of Notice of Proposal Rejection
T0085 Snow Plow Parts and Grader and Loader Blades - Statewide

Dear Mr. Hayden:

This final agency decision is in response to the protest dated July 17, 2025 ("Protest"), submitted by Hayden's Service Center ("Hayden's"). In that correspondence, Hayden's protests the Notice of Proposal Rejection issued on June 16, 2025, by the Division's Proposal Review Unit ("PRU") for Bid Solicitation #24DPP01035 – T0085 Snow Plow Parts and Grader and Loader Blades - Statewide ("Bid Solicitation"). The record of this procurement reveals that the Quote submitted by Hayden's was deemed non-responsive on the grounds of "[failing] to complete the required 'Region Served' filed on the State-Supplied Price Sheet for Price Lines 180 and 181, as required in Bid Solicitation Section 3.36." In their protest, Hayden's stated that NJSTART did not save edits to the "Region Served" section in its initial application. Hayden's sent in a completed application on April 23, 2025. Additionally, Hayden's attached copies of their email correspondence to the State attempting to rectify the mistake to its protest.

By way of background, on June 21, 2024, the Division's Procurement Bureau ("Bureau") issued the Bid Solicitation on behalf of the New Jersey Department of Transportation (NJDOT), Statewide Agencies, and Cooperative Purchasing Participants. The purpose of the Bid Solicitation was to solicit "Quotes for Snow Plow Parts and Grader and Loader Blades." Bid Solicitation Sec. 1.1, *Purpose and Intent*. "It is the intent of the State to award a Contract to those responsible Bidders whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. The State may award any or all price lines." Id.

On July 23, 2025, the PRU opened eleven (11) 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 Hayden's Quote was non-responsive for failing to complete the required "Region Served" field in the State-Supplied Price Sheet for Price Lines 180 and 181, as required in Bid Solicitation Section 3.36.

In consideration of the Hayden's protest, I have reviewed the record of this procurement, including the Bid Solicitation, the Quotes received, the relevant statutes, regulations, and case law. This review of the record 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. I set forth herein the Division's final agency decision.

The Division's administrative regulations that govern the advertised procurement process establish certain requirements that must be met in order for a Quote to be accepted. Those regulations provide in relevant part that:

(a) In order to be eligible for consideration for award of contract, the bidder's proposal **shall** conform to the following requirements or be subject to designation as a non-responsive proposal for non-compliance:

...

4. Contain **all** RFP-required certifications, forms, and attachments, completed and signed as required. An RFP may designate certain forms and/or certifications that need not be included in the bidder's proposal but that must be provided by a successful bidder upon request prior to an award of contract;

[N.J.A.C. 17:12-2.2(a) (emphasis added).]

If the requirements of N.J.A.C. 17:12-2.2 are not met, a Quote must be rejected. This regulation mandates stringent enforcement to maintain the equal footing of all Bidders and to ensure the integrity of the State's bidding process.

The subject procurement was comprised of the Bid Solicitation, other documents and mandatory forms which were specifically addressed in Bid Solicitation Section 3.0, *Quote Submission Requirements*, which states in pertinent part that:

The Bidder **shall** submit with its Quote the Specification Conformance Form. By submitting this form, the Bidders certifies that all items offered in response to this Bid Solicitation conform to the requirements set forth in the Bid Solicitation.

[Bid Solicitation Section 3.13.2, emphasis added.]

The term "must" denotes a mandatory requirement as further set forth in the Bid Solicitation's glossary:

Must – Denotes that which is a mandatory requirement.

[Bid Solicitation Section 9, *GLOSSARY*]

The term "shall" also denotes that which is a mandatory requirement as further set forth in the Bid Solicitation's glossary:

Shall – Denotes that which is a mandatory requirement.

[Bid Solicitation Section 9, GLOSSARY]

During the initial responsive review of a Quote, the Division is charged with ensuring that the Contract is awarded to that responsible Bidder, whose Quote, conforming to the Bid Solicitation, is most advantageous to the State, price and other factors considered. Bid Solicitation Section 1.1, *Purpose and Intent*. A responsive Quote is a Quote that is deemed by the Division to have adequately addressed all material provisions of a Bid Solicitation's terms and conditions, specifications, and other requirements. N.J.A.C. 17:12-1.3. A Quote that is not compliant or responsive to the material requirements of the Bid Solicitation shall not be eligible for further consideration for award of a Contract and the bidder offering said Quote shall receive notice of the rejection of its Quote. N.J.A.C. 17:12-2.7(c).

As shown below, Hayden's did not provide mandatory information for the field "Region Served" on Price Lines 180 and 181 of the SSPS with their Quote (nor at any point prior to the Quote Opening Date):

State-Supplied Price Sheet									
T0085, Bid Solicitation #24DP01035 - Snow Plow Parts and Grader and Loader Blades - Statewide									
Date: June 26, 2024									
Bidder Name:									
Cash Discount for Expedited Payment (See Bid Solicitation Section 3.36.2):									
CATEGORY 1 - Individual Price Lines - Price Lines 1 through 171									
Price Line Number	Description	Quantity	Unit	Unit Price (Each, Per Foot, or Per Pair, as Stated in the "Unit" Column) - See Bid Solicitation Section 3.36, Step 3	Total Amount - (Unit Price Multiplied by Quantity) - Bidders Shall Leave this Column Blank	Region Served - See Bid Solicitation Sections 3.36, Step 5, and 4.2 (REQUIRED)			Delivery Days After Receipt of Order (ARO) - See Bid Solicitation Section 3.36.1
						North	Central	South	
1	CATEGORY 1 - SNOW PLOW EDGES: BLADE "A" PART# V-3248 MFG: NIDOT SPECIFICATION DRAWING NO.4-168	1,000	EACH		\$0.00				
183	CATEGORY 2 - SNOW PLOW PARTS: VALK BRAND ONLY - PRICE LIST FOR PARTS FOR WORM GEAR REVERSIBLE PLOWS - NO SUBSTITUTIONS	1 LOT	VALK WORM GEAR REVERSIBLE PLOW PARTS						
184	CATEGORY 2 - SNOW PLOW PARTS: VALK BRAND ONLY - PRICE LIST FOR PARTS FOR CYLINDER REVERSIBLE PLOWS - NO SUBSTITUTIONS	1 LOT	VALK CYLINDER REVERSIBLE PLOW PARTS						
Agency Use Price Lines									
185	FOR AGENCY USE ONLY: This price line is for the payment of expedited delivery charges. Bidders shall not bid on this Price Line.								
186	FOR AGENCY USE ONLY: This price line is for the payment of return shipping charges and restocking fees. Bidders shall not bid on this Price Line.								
Bidders must provide the following information on the State-Supplied Price Sheet:									
1. Unit Price - For the Price Lines 1 through 171, the Bidder shall insert a firm, fixed price in U.S. dollars in the "Unit Price" field.									
2. Region Served for Price Lines 1 through 171 and Price Lines 72 through 184.									
3. Percentage Discount (-) or Markup (+) - For Individual Price Lines 172 through 184, the Bidder shall insert a firm, fixed percentage (%) discount or mark-up from the product catalog/price list, by entering the percentage discount or mark-up bid in the "Percentage (%) Discount (-) or Mark-Up (+)" field.									

When evaluating a Quote, if a deviation is found, the question is whether the deviation is material. It is firmly established in New Jersey that material deviations may not be waived. Twp. of Hillside v. Sternin, 25 N.J. 317, 324 (1957). In Meadowbrook Carting Co., 138 N.J. 307, 315 (1994), the New Jersey Supreme Court adopted the test set forth by the court in Twp. of River Vale v. Longo Constr. Co. for determining materiality. 127 N.J. Super. 207 (Law Div. 1974). "In River Vale, the court declared that after identifying the existence of a deviation, the issue is whether a specific non-compliance constitutes a substantial [material] and hence non-waivable irregularity." In re Protest of Award of On-Line Games Prod. and Operation Servs. Contract, 279 N.J. Super. 566, 594 (App. Div. 1995), citing River Vale, 127

N.J. Super. at 216. The River Vale court set forth a two-part test for determining whether a deviation is material:

First, whether the effect of a waiver would be to deprive the [government entity] of its assurance that the contract will be entered into, performed and guaranteed according to its specified requirements, and second, whether it is of such a nature that its waiver would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders or by otherwise undermining the necessary common standard of competition.

[River Vale, supra, 127 N.J. Super. at 216.]

“If the non-compliance is substantial and thus non-waivable, the inquiry is over because the bid is non-conforming and a non-conforming bid is no bid at all.” On-Line Games, supra, 279 N.J. Super. at 595 (citing River Vale, supra, 127 N.J. Super. at 222).

Not submitting mandatory information on a Price Line is a non-waivable deviation under River Vale. Allowing Hayden’s Quote to move forward without the required information on Price Lines 180 and 181 would place it “in a position of advantage over other bidders” in violation of the law set forth under River Vale.

Further, allowing Hayden’s to provide its pricing information after the Quote submission deadline would result in an impermissible supplementation of the Quote, which the Division cannot allow as doing so would be contrary to the Court’s holding in In re Protest of Award of On-Line Games Prod. & Operation Servs. Contract, Bid No. 95-X-20175, 279 N.J. Super. 566, 597 (App. Div. 1995). In On-Line Games, the Appellate Division held that “in clarifying or elaborating on a proposal, a bidder explains or amplifies what is already there. In supplementing, changing or correcting a proposal, the bidder alters what is there. It is the alteration of the original proposal which was interdicted by the RFP”. Id.

Whether the missing information from the SSPS was the result of “trouble [saving] the initial documents” or “not done on purpose” as Hayden’s stated in their Protest is immaterial. Allowing Hayden’s to fill in multiple cells as requested in their Protest would be an impermissible supplementation, and correction to the submitted Quote.¹

Included with their Letter and communications with the Division, Hayden’s provided Price Sheets marking the missing information. Hayden’s was non-compliant with the terms in Bid Solicitation Section 3.36. As such, Hayden’s Quote contained a non-waivable deviation rendering the Quote non-responsive. River Vale, supra, 127 N.J. Super. at 222.

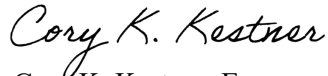
In light of the findings set forth above, I sustain the conclusions in the Bureau’s July 8, 2025 Recommendation Report, that Hayden’s Quote was non-responsive for failing to complete the required “Region Served” field on the State-Supplied Price Sheet for Price Lines 180 and 181, as required in Bid Solicitation Section 3.36, and uphold the recommended awards in the July 11, 2025, Notice of Intent to Award letter.

¹ The Bureau incorrectly sent a Letter of Clarification to Hayden’s on April 23, 2025, requesting an updated State-Supplied Price Sheet in an attempt to correct Hayden’s deficit Quote. The Bureau’s action was contrary to the case law cited above, and a corrected document could not be accepted even if one were provided because it would act as an impermissible supplementation.

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,

A handwritten signature in black ink that reads "Cory K. Kestner". The signature is written in a cursive, flowing style.

Cory K. Kestner, Esq.
Acting Chief Hearing Officer

CKK:NAA

c. K. Thomas
C. Murphy
T. Sharpley