



## 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 29, 2025

*Via Electronic Mail Only to vandines@aol.com*

Janine Hammond  
Van Dine Motors Inc.  
135 Railroad Avenue  
Hackensack, NJ 07601

Re: I/M/O Bid Solicitation #24DPP01035 VanDine Motors Inc.  
Protest of Notice of Proposal Rejection  
T0085 Snow Plow Parts and Grader and Loader Blades - Statewide

Dear Ms. Hammond:

This final agency decision is in response to the protest dated July 17, 2025 ("Protest"), submitted by VanDine Motors Inc. ("VanDine"). In that correspondence, VanDine protests the Notice of Proposal Rejection issued on June 16, 2025, by the Division's Proposal Review Unit ("PRU") for Bid Solicitation #25DPP01143 – T0790 Firefighter Protective Gear, Equipment and Supplies – Statewide ("Bid Solicitation"). The record of this procurement reveals that the Quote submitted by VanDine was deemed non-responsive on the grounds of "Missing required certification(s), form(s), or attachment(s)"; "Ownership Disclosure Form" In their letter, VanDine stated in pertinent part that VanDine "Missed attaching the Ownership Disclosure Form". Additionally, VanDine attached a completed Ownership Disclosure Form 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 VanDine's Quote was non-responsive for failing to submit a Specification Conformance Form, as required in Bid Solicitation Section 3.21, *Specification Conformance Form*.

In consideration of the VanDine 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*]

Included with their Letter, VanDine provided a Specification Conformance Form. VanDine was non-compliant with the terms in Bid Solicitation Section 3.21. As such, VanDine's Quote contained a non-waivable deviation rendering the Quote non-responsive. Twp. of River Vale v. Longo Constr. Co., 127 N.J. Super. 207, 222 (Law Div. 1974).

In light of the findings set forth above, I sustain the conclusions in the Bureau's July 8, 2025 Recommendation Report, that VanDine's Quote was non-responsive for failing to provide a Specification Conformance Form as required by the Bid Solicitation and uphold the recommended awards in the July 11, 2025, Notice of Intent to Award letter.

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

c. K. Thomas  
C. Murphy  
T. Sharpley