



State of New Jersey

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

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May 23, 2025

Via Electronic Mail Only to samsonconcrete@gmail.com

Robert Samson
Managing Member
Samson Concrete & Masonry, LLC
120 S. Main Street
Suite A
Phillipsburg, NJ 08865

Re: I/M/O Bid Solicitation #25DPP01134 Samson Concrete & Masonry
Protest of Notice of Proposal Rejection
T0777 Snow Plowing and Spreading Services - NJDOT

Dear Mr. Samson:

This final agency decision is in response to the protest dated April 22, 2025 ("Protest"), submitted by Samson Concrete & Masonry LLC ("Samson"). In that correspondence, Samson protests the Notice of Proposal Rejection issued on April 7, 2025, by the Division's Proposal Review Unit ("PRU") for Bid Solicitation #25DPP01134 – T0777 Snow Plowing and Spreading Services - NJDOT ("Bid Solicitation"). The record of this procurement reveals that the Quote submitted by Samson was deemed non-responsive on the grounds of "Missing required certification(s), form(s), or attachment(s)"; "Ownership Disclosure Form". In their Protest, Samson stated "We would ask you to reconsider the rejection as it was a clerical error." Protest, page 1. Samson further stated "It [Ownership Disclosure Form] was signed and completed correctly, however after receiving the rejection letter my secretary pulled up the bid and question number three was clicked "No". She was having many issues when completing the forms. The information that was typed would clear out, even when saved and she would later have to hand write it in. We think that is what happened with question number three." Protest, page 1. Samson attached a completed Ownership Disclosure Form to their Protest.

By way of background, on January 23, 2025, the Division's Procurement Bureau ("Bureau") issued the Bid Solicitation on behalf of the 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*. "It is the intent of the State of New Jersey (State) to award Contracts 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 April 4, 2025, the PRU opened one hundred seventy seven (177) 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 Samson's Quote was non-responsive for failing to submit a completed Ownership Disclosure Form, as required in Bid Solicitation Section 3.13.2. With their Quote, Samson submitted an Ownership Disclosure Form with the pertinent sections shown below:

	YES	NO
1. The vendor is a Non-Profit Entity ; and therefore, no disclosure is necessary.	☐	☒
2. The vendor is a Sole Proprietor ; and therefore, no other disclosure is necessary. A Sole Proprietor is a person who owns an unincorporated business by himself or her-self. A limited liability company with a single member is not a Sole Proprietor.	☐	☒
3. The vendor is a corporation, partnership, or limited liability company with individuals, partners, members, stockholders, corporations, partnerships, or limited liability companies owning a 10% or greater interest; and therefore, disclosure is necessary.	☐	☒

If you answered **YES** to Question 3, you must disclose the information requested in the space below:

(a) the names and addresses of all stockholders in the corporation who own 10% or more of its stock, of any class;
 (b) all individual partners in the partnership who own a 10% or greater interest therein; or,
 (c) all members in the limited liability company who own a 10% or greater interest therein.

NAME _____	NAME _____
ADDRESS _____	ADDRESS _____
ADDRESS _____	ADDRESS _____
CITY _____ STATE _____ ZIP _____	CITY _____ STATE _____ ZIP _____
NAME _____	NAME _____
ADDRESS _____	ADDRESS _____
ADDRESS _____	ADDRESS _____
CITY _____ STATE _____ ZIP _____	CITY _____ STATE _____ ZIP _____

Although Samson has 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 Notice of Proposal Rejection, the relevant statutes, regulations, case law, and the protest submitted by Samson. 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 Samson on the written record, as such an in-person hearing is not warranted. 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:

Pursuant to N.J.S.A. 52:25-24.2, in the event the Bidder is a corporation, partnership or limited liability company, the Bidder **must** disclose all 10% or greater owners by (a) completing and submitting the Ownership Disclosure Form with the Quote; (b) if the Bidder has submitted a signed and accurate Ownership Disclosure Form dated and received no more than six (6) months prior to the Quote submission deadline for this procurement, the Division may rely upon that form; however, if there has been a change in ownership within the last six (6) months, a new Ownership Disclosure Form must be completed, signed and submitted with the Quote; or, (c) a Bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest. N.J.S.A. 52:25-24.2.

NOTE: In lieu of completing and submitting the paper-based form, the Bidder has the option to complete this form online in [NJSTART](#) on the "Terms and Categories" Tab.

A Bidder's failure to submit the information required by N.J.S.A. 52:25-24.2 will result in the rejection of the Quote as non-responsive and preclude the award of a Contract to said Bidder."

[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, *DEFINITIONS*]

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, *DEFINITIONS*]

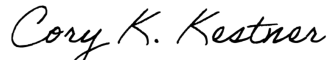
Included with their Protest, Samson provided a completed Ownership Disclosure Form which included the required disclosure of the company structure and since the company answered Question 3 in the affirmative (that the company is a corporation, partnership or limited liability company with individuals and/or entities owning 10% or greater interest), included the required disclosure in the space below Question 3. This information was not provided with their original Quote. While Samson argues that there were issues, where “information that was typed would clear out” (Protest, page 1), the Ownership Disclosure submitted with Samson’s Quote included handwritten checks in boxes for Questions 1 and 2 but no further information. Samson could have handwritten a check in the box “YES” for Question 3 and handwrote the necessary disclosure as well. Samson’s Quote was non-compliant with the terms in Bid Solicitation Section 3.13.2 as the Ownership Disclosure Form submitted with their Quote did not provide the information required with respect to Question 3. As such, South Jersey’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 April 7, 2025 Proposal Rejection Letter, that Samson’s Quote was non-responsive for failing to provide an Ownership Disclosure Form as required by the Bid Solicitation and uphold the April 7, 2025, Notice of Proposal Rejection.

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/CMD

c. C. Clarke
M. Maciolek