



State of New Jersey

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

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May 2, 2025

Via Electronic Mail Only to dave.woolston1@gmail.com

Dave Woolston
Woolston Construction Co., Inc.
83 Old Amboy Road
Bordentown, NJ 08505

Re: I/M/O Bid Solicitation #25DPP01134 Woolston Construction Co., Inc.
Protest of Notice of Proposal Rejection
T0777 Snow Plowing and Spreading Services - NJDOT

Dear Mr. Woolston:

This final agency decision is in response to the protest dated April 7, 2025 ("Protest"), submitted by Woolston Construction Co., Inc. ("Woolston"). In that correspondence, Woolston 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 Woolston was deemed non-responsive on the grounds of "Missing pricing information". In their Protest, Woolston stated "I also am under the impression that all of my files did not upload onto the submitted quote, including the price lines. I did upload all documents." Protest, pgs. 1-2. Additionally, Woolston states ". . . instead all of the documents I uploaded did not come in like they should have due to what I am assuming is a problem on the State of New Jerseys [sic] end and njstart.gov. I would not submit a quote without any prices, that is unheard of." Protest, page 2. Woolston attached a completed State-Supplied Price Sheet 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 Woolston's Quote was non-responsive for failing to submit pricing on the State-Supplied Price Sheet, as required in Bid Solicitation Section 3.17.

In consideration of Woolston's Protest, I have reviewed the record of this procurement, including the Bid Solicitation, the Quote 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 Vendors {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*,

Section 3.17 of the Bid Solicitation, *State-Supplied Price Sheet Instructions* states in pertinent part that "The Bidder **must** submit its pricing using the State-Supplied Price Sheet accompanying this Bid Solicitation and located on the "Attachments" Tab," and that "[a] Bidder's failure to provide, within its Quote, the information deemed by the State to be essential for product identification or price determination shall result in rejection of that Bidder's Quote".

[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*]

Woolston failed to submit a State-Supplied Price Sheet with their initial Quote. Bid Solicitation Section 3.17, *State-Supplied Price Sheet Instructions*, requires that Bidders submit a completed Price Sheet with the initial Quote, and that the failure to submit the same shall result in the rejection of a Bidder's Quote. With their Protest, Woolston submitted a State-Supplied Price Sheet with the pricing information included. The language of Bid Solicitation Section 3.17 unambiguously requires the rejection of a bidder's Quote if pricing information is not on the State-Supplied Price Sheet with the initial Quote. By failing to submit a completed price sheet, Woolston did not comply with a mandatory condition of the Bid Solicitation because it submitted a Quote without the State-Supplied Price Sheet. The instructions in Bid Solicitation Section 3.17 were clear, stating that failing to submit a completed and sufficiently detailed Price Sheet shall result in the rejection of the Bidder's Quote. Despite Woolston's argument that they would not submit a Quote without pricing information and that there must be a "problem on the State of New Jerseys [sic] end and njstart.gov" Protest, page 2. There is no evidence that there was a problem with the NJSTART site and one hundred seventy six (176) other bidders were able to upload quotes for this Bid Solicitation. Woolston was non-compliant with the terms in Bid Solicitation Section 3.17, and as such, Woolston'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).

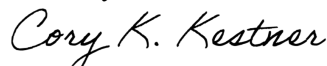
It should be noted that in their Protest Woolston also states that "When filling out the application and its supplied forms, the questions in which the state asked of each contractor would not remain clicked and I did comment this on the bid." Protest page 1. It is not clear which form Woolston is referring to however, aside from not including the State-Supplied Price Sheet with their Quote, there were no additional grounds for rejection of Woolston's Quote by the PRU.

In light of the findings set forth above, I sustain the conclusions in the Bureau's April 7, 2025 Proposal Rejection Letter, that Woolston's Quote was non-responsive for failing to provide pricing information on the State Supplied Price Sheet 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