



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

October 27, 2025

Via Electronic Mail Only to pratik.patel@gastestlabs.com

Pratik Patel
Innovative Testing Solutions, LLC
D/B/A Fastest Labs of Trenton
941 Whitehorse Ave, Suite 6
Trenton, NJ 08610

Re: I/M/O Bid Solicitation #25DPP01115 Innovative Testing Solutions, LLC
Protest of Notice of Intent to Award
T1413 Drug Screening Services SAMHSA Controlled Substance Guidelines

Dear Mr. Patel:

This final agency decision is in response to the protest letter dated October 12, 2025 ("Protest"), submitted by Innovative Testing Solutions LLC ("Innovative") and received by the Division of Purchase and Property's ("Division") Hearing Unit on October 14, 2025. In that correspondence, Innovative protests the Notice of Intent to Award ("NOI") issued on September 29, 2025, by the Division's Procurement Bureau ("Bureau") for Bid Solicitation #25DPP01115 – T1413 Drug Screening Services SAMHSA Controlled Substance Guidelines ("Bid Solicitation"). In their Protest, Innovative states that their pricing was less than the awarded Bidder. Innovative also argues that they are part of Fastest Labs network, "a nationally recognized brand with more than a decade of experience in the drug and alcohol testing industry." Protest, page 2. Finally, with respect to their Financial Capability, Innovative states that the ownership of Innovative could inject capital into the business, Innovative could obtain a letter of credit to confirm available capital, and could create a dedicated escrow account with cash reserves set aside for this contract and is also willing to explore obtaining a surety bond.

By way of background, on November 27, 2024, the Bureau issued the Bid Solicitation on behalf of various State Using Agencies. The purpose of the Bid Solicitation was to solicit Quotes for drug screening services based on Federal Motor Carrier Safety Administration (FMCSA) requirements under CFR Title 49 Part 40 and 382, and the Federal Substance Abuse and Mental Health Services Administration (SAMHSA) Controlled Substance Guidelines set forth in J.S.A. 30:4-3.27, and N.J.S.A. 38A:32b5. Bid Solicitation Sec. 1.1, *Purpose and Intent*. Pursuant to Bid Solicitation Section 3.36, *State Supplied Price Sheet Instructions*, there were nineteen (19) Price Lines for this Bid Solicitation and Bidders must bid on all Price Lines in order for its Quote to be responsive and considered for award.

In accordance with Bid Solicitation Section 2.5, *Optional Pre-Quote Conference*, an optional Pre-Quote Conference was held on December 5, 2024, providing all potential Bidders with an overview of the Bid Solicitation and Quote submission procedures and requirements. Representatives from three (3) potential bidding entities attended: Absolute Testing LLC, Medrite Medical Care; and Premiere Biotic. Innovative did not attend the 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 December 17, 2024. One (1) Bid Amendment was issued on January 29, 2025, for this Bid Solicitation, which provided revisions to the Bid Solicitation and responses to questions received from potential Bidders.

As set forth on page 4 in the Recommendation Report dated September 23, 2025 (“Recommendation Report”), on February 13, 2025, the Division’s Proposal Review Unit (“PRU”) opened six (6) Quotes. The six (6) Quotes were deemed administratively complete by the Proposal Review Unit and released to the Bureau for further review and evaluation.

The Bureau determined that the Quotes submitted by Absolute Precision Testing LLC, Jersey DNA Testing and Lab, Medrite Medical Care, PC, and Stat Care Urgent & Walk In Medical Care PLLC. Dba Nao Medical were non-responsive due to non-compliance with mandatory elements of the Bid Solicitation and therefore ineligible for award. Recommendation Report pgs. 4-5. The Bureau found that the remaining Quotes met, and complied with, the mandatory requirements of the Bid Solicitation and could be evaluated for award.

Although Innovative 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 Quotes received, the Bureau’s Recommendation Report, the relevant statutes, regulations, case law, and the Protest submitted by Innovative. 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 Innovative 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)).

When evaluating Quotes received, 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 and/or evaluation committee 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.

In their Protest Innovative discusses their operational track record and its partnership with Fastest Labs, as well as the experience of their "subcontracting partners". Protest, pages 2-4. Bid Solicitation Section 3.34, *Experience with Contracts of Similar Size and Scope*, encourages Bidders to "provide a comprehensive listing of contracts of similar size and scope that it has successfully completed, as evidence of the Bidder's ability to successfully complete services similar to those required by this Bid Solicitation." As stated on page 7 of the Recommendation Report, "Innovative did not indicate prior experience in drug and alcohol testing program; however, the firm stated that one of its partners, has an existing three (3) year drug and alcohol testing Contract in Pennsylvania." In its Quote and in its Protest, Innovative relies heavily on their proposed subcontractor's experience as well as on the fact that they are "part of the Fastest Labs network-a nationally recognized brand with more than a decade of experience in the drug and alcohol testing industry," Protest, page 3, rather than relying upon their own experience successfully completing the work required under the Bid Solicitation.

Bid Solicitation Section 3.35, *Financial Capability of the Bidder*, advises Bidders to "provide sufficient financial information to enable the State to assess the financial strength and creditworthiness of the Bidder and its ability to undertake and successfully complete the Contract." The Division's Financial Analyst reviewed the financial information provided by Innovative and found that Innovative's total revenue from services was reported at \$25,160, Innovative reported a net loss of \$157,989, Innovative had total assets of \$310,869, and Innovative used more cash than it generated. The Division's Financial Analyst determined that due to the serious concerns raised by their submitted financial information, Innovative posed a significant risk to the State and had limited financial resources to meet the requirements of the Bid Solicitation.

The Division procures goods and services for the State that are necessary for the operation of the State and benefit the citizens of New Jersey. It is important that Bidders who are awarded Contracts pursuant to the procurement process have the financial means to remain a going concern for the duration of any Contract awarded. If a Bidder is not on solid financial ground at the beginning of the Contract term and must cease operations during the term of the Contract, or scale back operations, personnel, etc., the State is now abruptly left without the access to those goods or services for what could be a lengthy time period. In this case, the base term of the Contract is three (3) years, with up to three (3) one (1) year extensions. Bid Solicitation Section 5.1, *Contract Term and Extension Option*. This Bid Solicitation requires drug testing and other work in order to be compliant with both State and Federal laws. A lapse in the services available under the Contract because Innovative may not have the financial capacity to remain in business, or may not have sufficient employees to collect samples and/or conduct the testing is a factor that the State must take into consideration when awarding the Contract under this Bid Solicitation. Bid Solicitation Section 1.1, *Purpose, and Intent and Background*, states "It is the intent of the State of New Jersey (State) to award a Contract to that responsible Bidder whose Quote, conforming to this Bid Solicitation is most advantageous to the State, price and other factors considered."

Innovative states in their Protest that they have "the ability to provide assurance that if awarded this contract, the company will have the ability to financially support the operations and carry costs based on longer payment terms the State will require." Protest, page 4. Innovative tries to "reinforce" this notion by stating that "Pratik Patel can personally provide an Asset Verification Letter from one of the financial institutions where he holds funds that can serve as a source of new capital to be deployed into the company". Protest, page 4. Innovative also states that their "affiliated operations, corporate backing, and partners collectively represent substantial financial resources to ensure uninterrupted contract performance." Protest,

page 4. Innovative informs that they “maintain[] a relationship with an institutional firm and can provide a formal letter of credit confirming available capital to fund this contract,” and are “willing to establish a dedicated escrow account with cash reserves specifically set aside as a security net for this contract, and is willing to explore obtaining a surety bond as additional assurance of financial stability and performance.” Protest, page 4.

Allowing Innovative to provide additional information (such as an Asset Verification Letter, letter of credit, escrow account, etc.) relative to the Company’s financial stability, 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. Bidders had an opportunity and were encouraged to submit “sufficient financial information to enable the State to assess the financial strength and creditworthiness of the Bidder and its ability to undertake and successfully complete the Contract.” Bid Solicitation, Section 3.35 *Financial Capability of the Bidder*. Here, the Division cannot accept Innovative providing additional financial information and/or assurances after the contract has been awarded, as doing so is an impermissible supplementation, change and correction to the submitted Quote. Moreover, Innovative was already provided with an opportunity to present its financial information sufficient to establish that it would be a responsible bidder and contractor for the State.

New Jersey procurement law requires that “specifications and invitations for bids shall permit such full and free competition as is consistent with the procurement of supplies and services necessary to meet the requirements of the using agency. . . .” N.J.S.A. 52:34-12. This principle is based on the long-recognized “policy behind the competitive bidding statutes, i.e., assurance against favoritism, improvidence, extravagance and corruption in the bidding process.” Palamar Constr., Inc. v. Pennsauken, 196 N.J. Super. 241, 251 (App. Div. 1983) (citing Terminal Construction Co. v. Atlantic City Sewerage Auth., 67 N.J. 403, 410 (1975)). “These policies, in turn, are meant to ensure that all bidders are equally situated in their competition for the public contract.” Palamar, supra, 196 N.J. Super. at 251 (citing Hillside Twp. v. Sternin, 25 N.J. 317, 322 (1957)). “The conditions and specifications must apply equally to all prospective bidders. Otherwise, there is no common standard of competition.” Id. Allowing Innovative to provide additional financial information and/or assurances after Quote Opening and award would place Innovative in a superior position among bidders under this Bid Solicitation.

While Innovative’s pricing was the lowest of all responsive Bidders in response to the Bid Solicitation, as set forth in Bid Solicitation Section 1.1, and stated above, there are factors other than price that the State must weigh when deciding upon Contract Award, such as the Bidder’s experience with contracts of a similar size and scope, and the Bidder’s Financial Capacity.

CONCLUSION

Based upon the foregoing, I find no reason to disturb the Bureau’s recommendation that the Contract be awarded as outlined in the Revised Recommendation Report. Accordingly, I sustain the September 29, 2025, Notice of Intent to Award. This is my final agency decision.

Thank you for your company’s 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: CMD

- c. C. Clarke
- D. Warren
- O. Olumide