



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

August 21, 2025

Via Electronic Mail Only to btobin@gabriellitruck.com

Brendan Tobin
Gabrielli Kenworth of NJ LLC
2300 Route 130 North
Dayton, NJ 08810

Re: I/M/O Bid Solicitation #25DPP01161 Gabrielli Kenworth of NJ LLC
Protest of Notice of Proposal Rejection
T3133 Large Bucket Truck, 37,000 LB. GVWR Cab & Chassis with Utility Body & Access.
REBID

Dear Mr. Tobin:

This final agency decision is in response to the protest dated July 8, 2025 ("Letter"), submitted by Gabrielli Kenworth of NJ LLC ("Gabrielli Kenworth"). In that correspondence, Gabrielli Kenworth protests the Notice of Proposal Rejection issued on July 8, 2025, by the Division's Proposal Review Unit ("PRU") for Bid Solicitation #25DPP01161 – T3133 Large Bucket Truck, 37,000 LB. GVWR Cab & Chassis with Utility Body & Access. REBID Statewide ("Bid Solicitation"). The record of this procurement reveals that the Quote submitted by Gabrielli Kenworth was deemed non-responsive on the grounds of "Missing required certification(s), form(s), or attachment(s)"; "Ownership Disclosure Form". In their correspondence, Gabrielli Kenworth claimed that they "followed instructions on the bid submittal site and it solely asked for the State Price Sheet, which we submitted," and that Gabrielli did not believe that any other submissions were required.

By way of background, on May 21, 2025, the Division's Procurement Bureau ("Bureau") issued the Revised Bid Solicitation on behalf of the Using Agencies. The purpose of the Bid Solicitation was to solicit "Quotes for a Large Bucket Truck, 37, 000 LB. GVWR Heavy Duty Truck Cab and Chassis, With Utility Body, Aerial Lift and Accessories." Bid Solicitation Sec. 1.1, *Purpose and Intent*. "It is the intent of the 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. The State may award any or all price lines." *Id.*

On June 26, 2025, the PRU opened five (5) Quotes, one of which was a no bid, 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 Gabrielli Kenworth's Quote was non-responsive for failing to submit an Ownership Disclosure Form, as required in Bid Solicitation Section 3.13.2.

In consideration of the Gabrielli Kenworth'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:

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, *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*]

Gabrielli Kenworth failed to provide an Ownership Disclosure Form. Gabrielli Kenworth was non-compliant with the terms in Bid Solicitation Section 3.13.2. As such, Gabrielli Kenworth’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 June 26, 2025 Proposal Rejection Letter, that Gabrielli Kenworth’s Quote was non-responsive for failing to provide an Ownership Disclosure Form as required by the Bid Solicitation and uphold the June 26, 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: PCV

c. K. Thomas
C. Murphy
J. Brown