



State of New Jersey

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

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October 3, 2025

Via Electronic Mail Only to nhavens@sellersdorsey.com

Noelle Havens
Sellers, Dorsey & Associates, LLC
1635 Market Street
Suite 301
Philadelphia, PA 19103

Re: I/M/O Bid Solicitation #25DPP01098 Sellers, Dorsey & Associates, LLC
Protest of Notice of Proposal Rejection
T3155 Health Policy Consulting and Support

Dear Ms. Havens:

This final agency decision is in response to the protest dated September 11, 2025 ("Protest"), submitted by Sellers, Dorsey & Associates LLC ("Sellers"). In that correspondence, Sellers protests the Notice of Proposal Rejection issued on August 29, 2025, by the Division's Proposal Review Unit ("PRU") for Bid Solicitation #25DPP01098 – T3155 Health Policy Consulting and Support ("Bid Solicitation"). The record of this procurement reveals that the Quote submitted by Sellers was deemed non-responsive on the grounds of "Missing required certification(s), form(s), or attachment(s)"; "Ownership Disclosure Form". In their Protest, Sellers stated that they "completed the Ownership Disclosure Form on the 'Terms and Categories' tab on NJSTART, and as a current New Jersey vendor registered in the NJ START system, our team believed in good faith that our current Ownership Disclosure Form was on file and did not require being re-uploaded to NJSTART." Protest, page 2. Sellers attached to their Protest a completed Ownership Disclosure form.

By way of background, on February 11, 2025, the Division's Procurement Bureau ("Bureau") issued the Bid Solicitation on behalf of the Department of Human Services ("DHS"), Division of Medical Assistance and Health Services ("DMAHS"). The purpose of the Bid Solicitation was to solicit "Quotes for health policy consulting and support." Bid Solicitation Sec. 1.1, *Purpose and Intent*. "It is the intent of the State of New Jersey (State) to award up to six (6) Contracts to those responsible Bidders whose Quotes, conforming to this Bid Solicitation are most advantageous to the State of New Jersey (State), price and other factors considered. The State may award any or all price lines." *Id.* Six amendments were posted which extended the Quote opening date. A seventh amendment was posted dated August 13, 2025, which revised the Quote Submission Due Date to August 28, 2025, and provided answers to questions submitted pursuant to Bid Solicitation Section 2.1, *Electronic Question and Answer Period*.

On August 28, 2025, the PRU opened twenty-nine (29) 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 Sellers' Quote was non-responsive for failing to submit an Ownership Disclosure Form, as required in Bid Solicitation Section 3.13.2.

Although Sellers did not request 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 Sellers. 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 Sellers 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 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*, 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*.]

Bid Solicitation Section 3.13.2, *Ownership Disclosure Form*, informs Bidders that if the “Bidder is a corporation, partnership or limited liability company, the Bidder must disclose all 10% or greater owners”. A Bidder can submit their Ownership Disclosure Form with the Quote. If a Bidder fails to make an ownership disclosure with its Quote, the Bureau can rely on a previously submitted Ownership Disclosure Form “dated and received no more than six (6) months prior to the Quote Submission deadline for this procurement”. Finally, a Bidder can complete the form online in NJSTART on the “Terms and Categories” tab. Sellers argues that they complied with the required ownership disclosure by “comple[ting] the Ownership Disclosure Form on the ‘Terms and Categories’ tab on NJSTART.” Protest page 2. Sellers further states that “as a current New Jersey vendor registered in the NJ Start system, our team believed in good faith that our current Ownership Disclosure form was on file and did not require being re-uploaded to NJSTART.” Protest page 2. Finally, Sellers asks the Division to “consider our misrepresentation of the requirement, and our good faith effort to comply with all RFP requirements, as cause to reassess the

rejection of our bid and provide the opportunity to submit the Ownership Disclosure Form, which is enclosed with this notice.” Protest page 2.

Sellers is correct that ownership disclosure can be provided in the terms and categories section of NJSTART. Sellers provided a response to the Ownership Disclosure category in NJSTART. The response, shown below, did not disclose ownership, however.

Category: Ownership Disclosure Description: N.J.S.A. 52:25-24.2 requires disclosure of the names and addresses of those individuals, partnerships and/or corporations owning a 10% or greater interest in the bidding entity ("interest owners"). Further, if any of these interest owners is itself a partnership or corporation, you must disclose the names and addresses of the interest owners of that partnership or corporation. Neither statement is applicable. A current, true and complete Statement of Bidder Ownership on the attached form has been or will be uploaded to the vendor profile prior to the submission deadline and is intended to accompany the bidder's submission.

The Division also checked the vendor profile in NJSTART for Sellers. No forms were attached and no documents were uploaded within six (6) months of the date of the Quote Opening for this Bid Solicitation. Included with their Protest, Sellers provided a completed Ownership Disclosure Form which cannot be considered post Quote opening as this information was required to be submitted by Sellers prior to the date that Quotes were due.

Sellers was non-compliant with the terms in Bid Solicitation Section 3.13.2. As such, Sellers' 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 August 29, 2025, Proposal Rejection Letter, that Sellers' Quote was non-responsive for failing to provide an Ownership Disclosure Form as required by the Bid Solicitation and uphold the August 29, 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

Cory K. Kestner, Esq.
Acting Chief Hearing Officer

CKK/CMD

c. G. Dales
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