



State of New Jersey

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

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March 18, 2026

Via Electronic Mail Only to tim.boukouris@tacticalpublicsafety.com

Timothy Boukouris
Tactical Public Safety LLC
1036 Industrial Drive
West Berlin, NJ 08091

Re: I/M/O Bid Solicitation #25DPP01092 Tactical Public Safety LLC
Protest of Notice of Intent to Award
T0109 – Radio Communications Equipment and Accessories

Dear Mr. Boukouris:

This final agency decision is in response to your protest application delivered the online protest portal on behalf of Tactical Public Safety LLC (Tactical) received by the Division of Purchase and Property's (Division) Hearing Unit on February 24, 2026 (Protest). Tactical protests the Procurement Bureau's (Bureau) February 3, 2026, Notice of Intent to Award letter (NOI) issued for Bid Solicitation #25DPP01092 – T0109 Radio Communications Equipment and Accessories (Bid Solicitation).

By way of background, on April 21, 2025, the Bureau issued the Bid Solicitation on behalf of the Office of Information Technology (OIT). The purpose of the Bid Solicitation was to solicit Quotes for the purchase and installation of new radio communication equipment and systems, as well as additions to, upgrades of, and maintenance and support of existing radio communication equipment and systems. Bid Solicitation Sec. 1.1, *Purpose and Intent*. Bid Solicitation Section 1.2, *Background*, cautioned Bidders that this Bid Solicitation addressed the State's current requirements.

In accordance with Bid Solicitation Section 2.5, *Optional Pre-Quote Conference*, an optional Pre-Quote Conference was held on May 5, 2025, providing all potential Bidders with an overview of the Bid Solicitation and Quote submission procedures and requirements. Representatives from sixteen (16) potential bidding entities attended according to the Pre-Quote Conference sign-in.

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 May 12, 2025. Four (4) Bid Amendments were issued for this Bid Solicitation, which provided revisions to the Bid Solicitation and responses to questions received from potential Bidders:

Bid Amendment	Date Issued	Contents
1	6/19/2025	Stated that answers to the Electronic Question and Answer Period will be posted in a subsequent Bid Amendment.
2	6/30/2025	The Quote Submission Due Date extended from July 10, 2025, to August 26, 2025.
3	7/23/2025	- Answers to the first round of Electronic Question and Answer Period; - Revised the Bid Solicitation posted to NJSTART; - Revised the State-Supplied Price Sheet posted to NJSTART; and - Second Electronic Question and Answer period opened until July 30, 2025.
4	8/7/2025	Answers to the second round of Electronic Question and Answer Period.

On August 26, 2025, the Division's Proposal Review Unit (PRU) opened thirty-six (36) Quotes. The thirty-six (36) Quotes were deemed administratively complete by the PRU and released to the Bureau for further review and evaluation.

1. 22nd Century Technologies Inc (22nd Century) 2. Atlantic Communications Electronics Inc 3. Aviat U.S. Inc (Networks) 4. BK Technologies, Inc. 5. Bluum USA, Inc. 6. Business Information Systems (BIS) 7. C Squared Systems 8. Communications Specialists Inc 9. E/M Wave Inc. 10. Eastern Communications LTD 11. EF Johnson Co 12. Electronic Service Solutions Inc 13. Gold Type Business Machines Inc 14. Goosetown Enterprises Inc. 15. Impact Power Technologies LLC 16. Interaction Insight Corporation 17. Kenwood USA Corp. 18. Kova Corp	19. L3Harris Technologies 20. Let's Think Wireless LLC 21. Motorola Solutions 22. New Jersey Business Systems Inc. 23. Northeast Communications Inc. 24. Online Communications LLC 25. Philip M. Casciano Associates Inc. 26. PierCon Solutions LLC 27. Procomm Systems Inc 28. R.F. Design & Integration Inc 29. Scientel Solutions 30. Tactical Public Safety LLC 31. V-Comm L.L.C. 32. Verizon Wireless 33. WaveStar Solutions 34. Wireless Electronics 35. Xybix Systems Inc 36. Zetron Inc
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As part of the responsiveness review, the Bureau determined that the Quotes submitted by Bk Technologies, C Squared Systems, and Zetron, required a Request for Clarification, in accordance with Bid Solicitation Section 8.4, *Clarification of Quote*, for the Bureau to determine whether or not the Quotes were responsive to mandatory material requirements of the Bid Solicitation as outlined on Pages 14, 15, 17, and 25 in the Recommendation Report dated February 6, 2026 (Recommendation Report). For the reasons more fully explained on those pages in the Recommendation Report, the Bureau determined whether each Bidder's clarification response sufficiently addressed the matter in question, and whether the Bidders met the requirements of the Bid Solicitation.

The Bureau determined that the Quotes submitted by the Bidders in the following chart were non-responsive due to non-compliance with one or more mandatory elements of the Bid Solicitation. Recommendation Report at pgs. 17-22.

1. 22 nd Century Technologies Inc. 2. Atlantic Communications Electronics Inc. 3. Aviat U.S. Inc. (Networks)	7. Interaction Insight Corporation 8. Kova Corp 9. L3Harris Technologies, Inc.
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4. Business Information Systems, Inc. (BIS)	10. Verizon Wireless
5. E/M Wave Inc	11. Xybix Systems Inc.
6. Impact Power Technologies LLC	12. WaveStar Solutions

The Bureau found that the following Quotes met, and complied with, the mandatory requirements of the Bid Solicitation, and remained available to be evaluated and eligible for Contract award:

1. BK Technologies, Inc.	14. Northeast Communications Inc.
2. Bluum USA, Inc.	15. Online Communications LLC
3. C Squared Systems	16. Philip M. Casciano Associates, Inc.
4. Communications Specialists Inc	17. PierCon Solutions, LLC
5. Eastern Communications LTD	18. Procomm Systems Inc
6. E.F. Johnson Co	19. R.F. Design & Integration Inc
7. Electronic Service Solutions, Inc.	20. Scientel Solutions
8. Gold Type Business Machines Inc.	21. Tactical Public Safety LLC
9. Goosetown Enterprises Inc.	22. V-COMM L.L.C.
10. JVCKENWOOD USA Corp.	23. Wireless Electronics Inc.
11. Let's Think Wireless, LLC	24. Zetron, Inc
12. Motorola Solutions, Inc.	
13. New Jersey Business Systems Inc.	

Thereafter, the remaining responsive Quotes were reviewed and evaluated in accordance with Bid Solicitation Section 8.9, *Evaluation Criteria*. That Section states in part:

The following criteria will be used to evaluate and score Quotes received in response to this Bid Solicitation:

- A. The Bidder's demonstration in the Quote that the Bidder understands and is able to complete the requirements of the Scope of Work as sought.

To evaluate pricing pursuant to Bid Solicitation Section 8.9.1, *Price Evaluation*, Bidders were ranked within each category they bid from highest to lowest according to the discount percentage off on the State-Supplied Price Sheet, and the highest discount prevailed for ranking purposes of a specific category in the event the Bidder bid multiple brands within a category. The Bureau considered all pricing from the Bidders in the Competitive Range to be reasonable and acceptable.

Having completed its evaluation of the Quotes received in response to the Bid Solicitation, on February 13, 2026, the Bureau issued the Notice of Intent to Award (NOI) advising all Bidders that it was the State's intent to award a Contract for each Price Line/Category number as outlined in that letter and in the Recommendation Report.

On February 24, 2026, prior to the close of the protest period, Tactical submitted a Protest. In that Protest, Tactical asserts that "[t]o cure any security concern immediately and ensure evaluation focuses only on acceptable offerings, Tactical Public Safety requests the Bureau exclude EXACOM and EVENTIDE from consideration for this procurement/award cycle as voluntarily withdrawn". Protest, pages 1-2. Additionally, Tactical challenges the minimally responsive score they received from the Bureau stating

Tactical Public Safety, LLC challenges . . . [t]he Bureau's finding that Tactical's Technical Quote was 'minimally responsive' because it 'could have been enhanced' with a Management Overview and more robust approach narrative is challenged because Tactical submitted the solicitation-required technical forms (Sections 3.15 and 3.16), which the Bureau accepted as our Technical Quote, and those forms contained substantive contract management elements (PO-level project management, ERP tracking, certified technical resources, documentation/closeout, warranty/support)

[Protest, pages 1-2.]

With their Protest, Tactical included a fifteen (15) page document which included information related to Tactical's Management Overview & Execution Plan, Execution Plan to Accomplish the Scope of Work, an organizational chart, and other information.

Although Tactical 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 Quotes received, the Bureau's Recommendation Report, the relevant statutes, regulations, case law, and the protest submitted by Tactical. 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 Tactical 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. A Quote that is not compliant or responsive to the material requirements of the Bid Solicitation shall not be eligible for further consideration for award of a Contract and the bidder offering said Quote shall receive notice of the rejection of its Quote. N.J.A.C. 17:12-2.7(c).

In their Protest, Tactical offers to withdraw their bid for the EXACOM and EVENTIDE brands to allow the Bureau to “ensure evaluation focuses only on acceptable offerings”. Protest, page 2. As stated on pages 24-25 of the Recommendation Report, due to the determination by the Office of Homeland Security and Preparedness (OHSP) that the State of New Jersey Security Due Diligence Third-Party Information Security Questionnaire was deficient with respect to Tactical’s bid for EXACOM and EVENTIDE, these two (2) brands were found non-responsive and not evaluated. The remaining brands submitted by Tactical were evaluated. Therefore, this “voluntar[y] withdrawal” by Tactical of the EXACOM and EVENTIDE brands is moot as they were non-responsive so the Bureau removed them for consideration of award and evaluated the remaining Brands submitted by Tactical.

Tactical also challenges the Bureau’s determination the their “Technical Quote was ‘minimally responsive’ because it ‘could have been enhanced’ with a Management Overview and more robust approach”. Protest, page 2. Tactical argues that they submitted a Bidder Quote Overview Form pursuant to Bid Solicitation Section 3.15, and a Bidder Data Sheet pursuant to Bid Solicitation Section 3.16 and that these “forms contained substantive contract management elements (PO-level project management, ERP tracking, certified technical resources, documentation/closeout, warranty/support)”. Protest, page 2.

Bid Solicitation Section 3.14, *Technical Quote* states

3.14 TECHNICAL QUOTE

The Bidder shall submit a Technical Quote, which shall describe its approach and plans for accomplishing the work outlined in the Scope of Work. The Bidder must set forth its understanding of the requirements of this Bid Solicitation and its approach to successfully complete the Contract. The Bidder should include the level of detail it determines necessary to assist the review of the Bidder’s Quote. The Bidder may utilize the Bidder Quote Overview Form and the Bidder Data Sheet/Form to supply this information.

Bidder should provide authorized repair service. Bidders providing authorized repair service shall provide a description of its service which should describe its ability to perform and respond within a commercially reasonable and timely manner.

Bidders must provide a warranty of at least one year. If a Bidder is proposing to offer a warranty of more than one year, the Bidder should include information relating to the warranty in the Technical Quote.

Tactical did not provide any additional information or verbiage as to how they proposed to accomplish the Scope of Work outlined in the Bid Solicitation beyond what was contained within their Quote Overview Form. While in their Protest, Tactical states that they provided “substantive contract management elements (PO-level project management, ERP tracing, certified technical resources, documentation/closeout, warranty/support)”, Protest, page 2, a review of the information Tactical submitted in their Quote Overview Form reveals that there is scant mention of project management, ERP system, and their technical resources. There is no mention of documentation/closeout nor warranty/support which Tactical stated in their Protest they had provided in their Quote Overview Form.

Bid Solicitation Section 8.9, *Evaluation Criteria*, informs bidders that “The Bidder’s demonstration in the Quote that the Bidder understands and is able to complete the requirements of the Scope of Work as sought” will be used to evaluate and score their Quote.

Tactical’s Quote was evaluated and found lacking in sufficient information to show that they understood and could accomplish the Scope of Work required in the Bid Solicitation, therefore Tactical was given a score of 1 or “Minimally Responsive” as set forth in the Recommendation Report. The Recommendation Report shows the Competitive Range of responsive Quotes was an average Technical Score of 2 (Acceptable Response) and higher. Recommendation Report, page 30. Bidders with scores of 1 (“Minimally Responsive”) were below the Competitive Range and therefore removed from consideration and not eligible for award. Recommendation Report, page 30.

A review of the record shows that sixteen potential bidders attended the Pre-Quote Conference which utilizes a PowerPoint slide presentation that is also available on the T0109 NJSTART page as an

attachment. Slide 7 of that presentation informs potential bidders that “not submitting requested information (“should”) could impact technical score.” This information, along with the guidance provided in the Bid Solicitation sections on Technical Quotes and Quote evaluations, supports a determination that the Bureau acted reasonably in its evaluation, and was not arbitrary in its scoring. The Bidder Data Sheet cited by Tactical in their Protest simply contains a list of Contracts of similar size and scope that Tactical has performed on, without reference to this Bid Solicitation. Having reviewed the Bid Solicitation and Tactical’s Quote, I see nothing that causes me to question that determination, or the Bureau’s scoring.

With their Protest, Tactical submitted a lengthy document including a Management Overview, Execution Plan to Accomplish the Scope of Work, and Closeout Checklist and Documentation Outline. Allowing Tactical to provide information to satisfy the requirements in Bid Solicitation Section 3.14, which was included in their Protest, 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. Here, the Division cannot accept Tactical’s additional information as to how it would complete the Scope of Work required pursuant to the Bid Solicitation, as doing so is an impermissible supplementation to the submitted Quote.

Although the State has broad discretion to select among qualified and responsive Bidders in public contracting matters, the discretion afforded to the Director, “is not limitless.” See, In re Request for Proposals #17DPP00144, 454 N.J. Super. 527, 559 (App Div. 2018). “In line with the policy goal of thwarting favoritism, improvidence, extravagance, and corruption, the Division may not award a contract to a bidder whose proposal deviates materially from the [RFQ’s] requirements.” Ibid., quoting, Barrick v. State, 218 N.J. 247, 258-59 (2014)). For that reason, the Division’s governing regulations mandate stringent enforcement to maintain the equal footing of all Bidders and to ensure the integrity of the State’s bidding process. Notably, “a proposal that is not...responsive to the material requirements of the [RFQ] shall not be eligible for further consideration for award of contract, and the bidder offering said proposal shall receive notice of the rejection of its proposal.” N.J.A.C. 17:12-2.7(c).

CONCLUSION

Based upon the foregoing, I find no reason to disturb the Bureau’s recommendation that the Contract not be awarded to Tactical as outlined in the Recommendation Report. Accordingly, I sustain the February 13, 2026, Notice of Intent to Award regarding Tactical. 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,



Cory K. Kestner
Chief Hearing Officer

CKK:CMD

c: M. Dunn
L. Molano