



## 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 08608-0039  
<https://www.njstart.gov>  
Telephone (609) 292-4886

MIKIE SHERRILL  
*Governor*

AARON BINDER  
*State Treasurer*

DR. DALE G. CALDWELL  
*Lt. Governor*

AMY F. DAVIS, ESQ.  
*Acting Director*

June 11, 2026

*Via Electronic Mail Only Kara.Daniels@arnoldporter.com*

Kara L. Daniels  
Arnold & Porter Kaye Scholer LLP  
601 Massachusetts Avenue, NW  
Washington, DC 20001-3743

Re: I/M/O Bid Solicitation #25DPP01124 IDEMIA Civil Identity NA LLC  
Protest of Notice of Intent to Award  
T2466 Enhanced Digital Driver's License (EDDL) and Central Issuance

Dear Ms. Daniels:

This final agency decision is in response to your letter dated June 3, 2026, on behalf of IDEMIA Civil Identity NA LLC (IDEMIA) which was received by the Division of Purchase and Property's (Division) Hearing Unit. In that letter you protest the May 19, 2026, Notice of Intent to Award (NOI) issued by the Division's Procurement Bureau (Bureau) for Bid Solicitation #25DPP01124 – T2466 Enhanced Digital Driver's License (EDDL) and Central Issuance (Bid Solicitation).

By way of background, on January 15, 2025, the Bureau issued the Bid Solicitation on behalf of the New Jersey Motor Vehicle Commission (MVC). Bid Solicitation 1.1, *Purpose, and Intent and Background*. The purpose of the Bid Solicitation was to solicit Quotes for a Cloud-based Enhanced Digital Driver's License (EDDL) System. Ibid. The intent of the Bid Solicitation is to award a Contract to that responsible Bidder whose Quote, conforming to this Bid Solicitation, is most advantageous to the State of New Jersey (State), price and other factors considered. Ibid.

On February 27, 2025, in accordance with Bid Solicitation Section 2.5, *Optional Pre-Quote Conference*, an Optional Pre-Quote Conference was held which enabled all potential Bidders to review the Bid Solicitation and Quote submission procedures and requirements. Subsequently, pursuant to 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 March 17, 2025, with Bid Amendment 5, issued on September 9, 2025, which revised the Quote Submission date from September 17, 2025, to October 8, 2025, and provided Answers to the questions submitted by Bidders during the electronic Question and Answer period. A second electronic Question and Answer Period was opened through Bid Amendment 5 until September 12, 2025, with Bid Amendment 7, issued on October 14, 2025, with a Quote Submission date of October 29, 2025, and provided Answers to the questions submitted by Bidders during the second electronic Question and Answer period.

On October 29, 2025, the Division's Proposal Review Unit opened three (3) Quotes received by the submission deadline. After conducting an initial review of the Quotes for the compliance with mandatory Quote submission requirements, the Division's Proposal Review Unit (PRU) forwarded the three (3) Quotes to the Bureau for further review and evaluation consistent with the requirements of the Bid Solicitation Section 8.9, *Evaluation Criteria*.

On May 19, 2026, after completing the review and evaluation of the submitted Quotes, the Bureau prepared a Recommendation Report which recommended that a Blanket P.O. award be made to Thales DIS USA, Inc. (Thales), whose submitted Quote was most advantageous to the State, price and other factors considered. Accordingly, on May 19, 2026, the NOI was issued advising all Bidders that it was the State's intent to award Blanket P.O.s consistent with the Bureau's Recommendation Report dated May 19, 2026.

On June 3, 2026, the Division's Hearing Unit received IDEMIA's protest. By way of summary, IDEMIA protests the award to Thales subject to the requirements of the Bid Solicitation. Specifically, IDEMIA claims Thales failed to meet the requirements of Bid Amendment 5, Questions numbered 124 and 125, regarding Bid Solicitation Section 4.5.2, *Card Stock and Printing Method*, that Thales may not be able to provide the services required because the sample provided by Thales showed a photograph in grayscale or black and white. Alternatively, IDEMIA argues that the Evaluation Committee failed to properly evaluate Thales' and IDEMIA's Quotes.

I note that pursuant to N.J.A.C. 17:12-3.3(e), "[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). In consideration of IDEMIA's protest, I have reviewed the record of this procurement, including the Bid Solicitation, the submitted Quotes, the relevant statutes, regulations, and case law. The issues raised in IDEMIA's 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 IDEMIA on the written record and, as such, an in-person hearing is not warranted. I set forth herein the Division's final agency decision.

Turning to IDEMIA's protest, IDEMIA's "CONCERN 1" alleges, without providing any facts or additional information, that

the Bid Solicitation Award File documents reveal that, contrary to the Solicitation requirements, Thales did not commit to meet the color portrait credential requirements; instead, the examples of the Thales Polycarbonate credential designs that Thales relied on all have gray scale or black and white portraits. (Thales Tech. Quote, Appx. A (Excerpt) at 16, Ex. D.) Because Thales failed to propose conforming credentials with color portraits—a material RFQ requirement for the solicited DL/ID credential, Thales's proposal was nonresponsive and, thus, is ineligible for contract award.

No doubt exists that IDEMIA suffered prejudice because of the improper evaluation and award decision. The evaluation documents reveal that rather than reject Thales's nonconforming approach (or revise the Solicitation), the evaluators assigned Thales a slightly higher score under Criterion C (scope of work) (8 for Thales versus 7.5 for IDEMIA), resulting in a higher weighted score for Thales. (Award Recommendation

Report at 4, Ex. F.) And, Thales was able to offer a lower price because of the lower-cost, non-compliant credential. (See Evaluation Committee Report at 16, Ex. H.) Given that Thales's proposed credentials fail to meet the color portrait requirements, the evaluators should have rejected Thales's proposal during the initial evaluation as nonresponsive. Instead, the evaluators thereafter failed to score the proposals and presentations consistent with the Solicitation and the law. Had the evaluators properly evaluated Thales Quote against the credential requirements, including having the primary portrait in color, ensuring test reports reflected the proposed solution, and identical printers for the CI and OTC requirements, as the Solicitation required, the evaluators would have found Thales's proposal to be nonresponsive.

[IDEMIA Protest Letter, Page 2.]

Bid Amendment 5, issued on September 5, 2025, contained the responses to 195 questions submitted by potential bidders. IDEMIA alleges Thales failed to meet the terms set out in the answers to Questions 124 and 125, as displayed below:

|      |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 124. | Bid Solicitation, Section 4.5.2 Card stock & Printing method   | <div>WITH THIS SOLICITATION,</div> <div><b>Q: Is a color portrait of the cardholder required on the credential?</b></div> <div>A: Yes, a color photo is required.</div>                                                                                                                                                                                                                                                                                                                                  |
| 125. | Bid Solicitation, Section 4.5.2 - Card stock & Printing method | <div><b>Q: If a color portrait is required on the credential, will the State consider allowing the primary portrait to be greyscale with laser engraving so that the primary portrait is more fraud resistant, and the second portrait reproduction be in color so it can be used for closer examination.</b></div> <div>A: New Jersey statutes require the MVC to issue licenses with "digitized color pictures." Licenses must adhere to the current statues and have a digitized color picture.</div> |

Bid Solicitation Section 4.5.2, *Card Stock and Printing Method*, sets forth the mandatory requirements for what information must be provided with a bidder’s Quote. Specifically, that section reads:

The Contractor shall physically produce and provide a tactile, highly durable card capable of surviving rigorous daily use with a minimal eight (8) years of useful card life. Card construction and production shall be performed and completed within a secure, Contractor managed facilities under established, optimized industry standard inventory management practice controls with minimal human handling. All card stock must be produced, and surfaces printed and/or embedded using the most up-to-date security features and technology available in accordance with recognized AAMVA card manufacturing, and as applicable National Institute of Standards and Technology (NIST) data access, management, and transfer Standards to mitigate risk of loss and prevent tampering, duplication, or counterfeiting.

The Contractor must provide and maintain an adequately detailed technical and security report containing sufficient information for SCM review of its card stock manufacturing, printing processes, and procedures, including any suggested card stock changes to improve security and/or production efficiencies.

NOTE: The Contractor must secure SCM written approval for any suggested card stock changes via a formal mutually-agreed upon Change Order request procedure no less than 30 days in advance of any planned implementation.

Thales, on Page 14 of its Technical Quote (PDF page 84), shows a color ID with a grayscale photo that is marked “sample.” Additionally, Thales noted on that page and the next page, that “The Card Design and Delivery Work Package, detailed below, covers a series of workshops associated with the Collaborative Design Forum, which is where your card design experts meet with ours to define the requirements for each credential type. We will then walk you through each step of the card production process providing samples for your review and approval at each step of the process.” This clearly indicates that any requirements, including color, will be reviewed and approved by the State prior to the production of any IDs. This is further supported by Bid Solicitation Section 4.5.3, *Card Samples*, which requires the awarded contractor to “provide the SCM physical and/or digital card samples within no more than 72 hours upon written request from MVC. The Contractor-provided card sample(s) must consistently “proof” or prove out to the highest quality standards possible to meet or exceed the specifications stated within this Bid Solicitation.” Finally, Bid Solicitation Section 3.19, *Mobilization Plan*, further highlights that any samples or examples in the items included in each bidder’s Technical Quote are not the final product.

While the protest letter spends pages repeating information already found in the procurement record, it fails to spend time analyzing the simple fact that each Quote was not offering a finished product, but an offer on how each bidder would perform the requested SOW. As IDEMIA notes in its own Quote on a page titled “Central Issuance (CI) and Over-the-Counter Card Issuance System (OTCCIS)”, indicating page number 38 (PDF Page 1019), which contains photos of two IDs, “[t]hese conceptual designs are included to demonstrate our card design capabilities, not to represent our demonstration samples.” Additionally, the IDs provided on IDEMIA’s page titled “ExianPC Plus Card Security Features (B.e)”, indicating page number 40 (PDF Page 1021), only displays a generic card without identifying the “the biographical data on the license such as name, address, date of birth, etc.” Response to Question 15, Bid Amendment 5. However, as noted above, these examples are not binding, and only representative of each bidder’s abilities.

IDEMIA states under its second point in its protest letter that the award does not meet the evaluation factors of the Bid Solicitation. While IDEMIA’s concerns are noted, the publicly advertised Bid Solicitation and responses to the electronic Question and Answer period contained clear requirements for the types and levels of services required to perform the contract. The responsive Quotes were reviewed by a committee containing eight (8) individuals, including six (6) from the Motor Vehicles Commission. As noted on Page 6 of the Evaluation Committee Report:

The Committee was responsible for performing a Technical Evaluation of the responsive Quotes received. The focus of the Committee’s Technical Review was on the Bidders’ demonstrated approaches to performing the requirements of the Scope of Work as identified in the State’s Bid Solicitation. The Committee also focused on the Bidders’ demonstration that the requirements, including, but not limited to, staffing and technical system requirements, were thoroughly understood and comprehended. The Committee individually reviewed each Quote and then met to review, consider, and evaluate the responsive Quotes.

The Evaluation Committee Report outlines its analysis of each vendor’s Quote based on three established criteria. Each vendor is analyzed based on its personnel, experience, and ability to complete

the work based on the vendor's Technical Quote, and scored based on the Quote Score Sheet provided on Page 7 of the Evaluation Committee Report, as shown below.

**D. Representative Technical Score Sheet**  
A copy of the score sheet with the assigned weights can be found below:

**QUOTE SCORE SHEET**

|                                |                                   |
|--------------------------------|-----------------------------------|
| <b>BID SOLICITATION TITLE:</b> | Enhanced Digital Driver's License |
| <b>BID SOLICITATION NO.:</b>   | 25DPP01124                        |
| <b>BIDDER NAME:</b>            |                                   |
| <b>DATE SCORED:</b>            |                                   |

RESPONSE NO. 141/182

| SCORING LEGEND |           |
|----------------|-----------|
| 9 - 10         | Excellent |
| 7 - 8          | Very Good |
| 5 - 6          | Good      |
| 3 - 4          | Fair      |
| 1 - 2          | Poor      |

|                    | EVALUATION CRITERIA                                                                                                                                                                                                                                                                                           | SCORE | WEIGHT     | SUBTOTAL |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|----------|
| A.                 | <u>Personnel:</u> The qualifications and experience of the Bidder's management, supervisory, and key personnel assigned to the Contract, including the candidates recommended for each of the positions/roles required;                                                                                       |       | 30         |          |
| B.                 | <u>Experience of firm:</u> The Bidder's documented experience in successfully completing Contract of a similar size and scope in relation to the work required by this Bid Solicitation; and                                                                                                                  |       | 30         |          |
| C.                 | <u>Ability of firm to complete the Scope of Work based on its Technical Quote:</u> The Bidder's demonstration in the Quote that the Bidder understands the requirements of the Scope of Work and presents an approach that would permit successful performance of the technical requirements of the Contract. |       | 40         |          |
| <b>TOTAL SCORE</b> |                                                                                                                                                                                                                                                                                                               |       | <b>100</b> |          |

NOTE: Each score must be a whole number; decimals and fractions are not permitted.  
SCORE x WEIGHT = SUBTOTAL

**EVALUATOR PRINTED NAME:** \_\_\_\_\_

**EVALUATOR SIGNATURE:** \_\_\_\_\_

The Evaluation Committee analyzed Thales's Technical Quote against the Bid Solicitation's requirements, and determined Thales was qualified and capable to provide the required services. There is nothing in IDEMIA's protest letter or the record to overturn the Evaluation Committee's recommended award on a basis of a potential inability to complete the work.

IDEMIA alleges that apparent inconsistencies exist between the Bid Solicitation's requirements and the methodology used to make the award to Thales. A review of the Evaluation Committee Report indicates that the Committee reviewed and scored each Quote using the evaluation criteria identified in Section 8.9, *Evaluation Criteria*, and its subsections:

#### 8.9 **EVALUATION CRITERIA**

The following evaluation criteria categories, not necessarily listed in order of significance, will be used to evaluate Quotes received in response to this Bid Solicitation. The evaluation criteria categories may be used to develop more detailed evaluation criteria to be used in the evaluation process.

#### 8.9.1 **TECHNICAL EVALUATION CRITERIA**

The following criteria will be used to evaluate and score Quotes received in response to this Bid Solicitation. Each criterion will be scored, and each score multiplied by a predetermined weight to develop the Technical Evaluation Score:

- A. Personnel: The qualifications and experience of the Bidder's management, supervisory, and key personnel assigned to the Contract, including the candidates recommended for each of the positions/roles required;
- B. Experience of firm: The Bidder's documented experience in successfully completing Contract of a similar size and scope in relation to the work required by this Bid Solicitation; and
- C. Ability of firm to complete the Scope of Work based on its Technical Quote: The Bidder's demonstration in the Quote that the Bidder understands the requirements of the Scope of Work and presents an approach that would permit successful performance of the technical requirements of the Contract.

#### 8.9.2 **PRICE EVALUATION**

For evaluation purposes, Bidders will be ranked from lowest to highest according to the total Quote price located on the State-Supplied Price Sheet accompanying this Bid Solicitation.

Utilizing this methodology, the Committee Report reveals that in conducting the technical review of the Quotes, the Committee established technical scores for the three responsive bidders as displayed in the following table.

| Bidder | Total<br>Criterion A<br>(Max 1200) | Total<br>Criterion B<br>(Max 1200) | Total<br>Criterion C<br>(Max 1600) | Total Technical<br>Score (Max<br>4000) | Average<br>Technical Score<br>(Max 1000) | Ranking |
|--------|------------------------------------|------------------------------------|------------------------------------|----------------------------------------|------------------------------------------|---------|
| Thales | 900                                | 900                                | 1280                               | 3080                                   | 770                                      | 1       |
| IDEMIA | 750                                | 960                                | 1200                               | 2910                                   | 728                                      | 2       |

Following scoring, the Bureau requested a Best and Final Offer (BAFO), as permitted under Bid Solicitation Section 8.11, *Negotiation*, from IDEMIA and Thales.

The Evaluation Committee considered the evaluation criteria identified in Bid Solicitation Section 8.9.1, *Technical Evaluation Criteria*, when it reviewed both Thales and IDEMIA's Quotes for compliance with the Bid Solicitation's requirements. The Committee determined that both bidders satisfied the Bid Solicitation's requirements as successfully conveyed in the qualifications of their personnel, the experience of each firm performing contracts of a similar size and scope, and their ability to complete the Scope of Work. See Evaluation Committee Report, pgs. 8-16. After considering the technical evaluation, the Evaluation Committee reviewed the pricing submitted by each bidder in accordance with Bid Solicitation Section 8.9.2, *Price Evaluation*, and determined that making an award to Thales would be most advantageous to the State, price and other factors considered, because:

Thales was technically responsive, showcase the necessary experience and comprehension of the requirements specified in the Bid Solicitation and has the capability to execute the Scope of Work. Additionally, Thales submitted the lowest overall pricing.

The Division's Director has broad discretion to select among qualified bidders in public contracting matters. See N.J.S.A. 52:34-12(d); In re Jasper Seating Co., Inc.'s Request for Reconsideration Regarding Request for Proposal No. 07-X-37695, 406 N.J. Super. 213, 222-24 (App. Div. 2009). N.J.S.A. 52:34-12(d) makes clear that the Division's Director has the exclusive discretion to determine "which bid will be most advantageous to the State, 'price and other factors considered.'" Commercial Cleaning v. Sullivan, 47 N.J. 539 (1966). 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).

Based on the review of the Quotes submitted, the Bureau recommended a Blanket P.O. award to Thales, because its Quote was the most advantageous to the State, price and other factors considered, as is required by New Jersey law. The Evaluation Committee thoroughly outlined the facts and conclusions for Thales and IDEMIA in its May 12, 2026, Evaluation Committee Report, regarding Personnel, Experience of Firm, and the Scope of Work, and those facts and conclusions are adopted herein. The inclusion of sample documents is not determinative here when Thales both agreed to meet the Bid Solicitation's requirements, and the Bid Solicitation itself is clear that samples of actual work product will need to be provided to the State Contract Manager for approval before going into production. The Hearing Unit's review of the record confirms the Bureau's decision. In light of the findings set forth above, I sustain the Bureau's Notice of Intent to Award of Bid Solicitation 25DPP01124. This is my final agency decision on this matter.

Thank you for your company's continuing interest in doing business with the State of New Jersey and for registering your business with **NJSTART** at [www.njstart.gov](http://www.njstart.gov). 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.

Sincerely,



Cory K. Kestner  
Chief Hearing Officer

c: M. Dunn  
J. Pastuzyn  
J. Sulzer