



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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May 7, 2026

Via Electronic Mail Only to shaya@mcguirearmynavy.com

Shaya Sauer
McGuire Army Navy
340 W. Commodore Boulevard
Jackson, NJ 08527

Re: I/M/O Bid Solicitation #26DPP01214 McGuire Army Navy
Protest of Notice of Proposal Rejection
T0106 Law Enforcement Firearms Equipment and Supplies - Statewide

Dear Mr. Sauer:

This final agency decision is in response to the protest application dated May 5, 2025 ("Protest"), submitted by McGuire Army Navy ("McGuire"). In that correspondence, McGuire protests the Notice of Proposal Rejection issued on May 1, 2026, by the Division's Proposal Review Unit ("PRU") for Bid Solicitation #26DPP01214 – T0106 Law Enforcement Firearms Equipment and Supplies - Statewide ("Bid Solicitation"). The record of this procurement reveals that the Quote submitted by McGuire was deemed non-responsive on the grounds of "Missing required certification(s), form(s), or attachment(s)"; "Ownership Disclosure Form". In their Protest, McGuire stated that their "Ownership Disclosure form was filed to our account prior to submitting the bid as we gave all relevant documents for PO 26-CPROC-130614 which we completed successfully through NJ Start." Protest, page 1. McGuire attached to their Protest a completed Ownership Disclosure form.

By way of background, on February 6, 2026, the Division's Procurement Bureau ("Bureau") issued the Bid Solicitation on behalf of Statewide Using Agencies and the Cooperative Purchasing Participants. The purpose of the Bid Solicitation was to solicit "Quotes for various categories of law enforcement firearms, equipment and supplies. . . ." Bid Solicitation Sec. 1.1, *Purpose and Intent and Background*. "It is the intent of the State to award 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.* Two Bid Amendments were posted which extended the Quote opening date and provided answers to questions submitted pursuant to Bid Solicitation Section 2.1, *Electronic Question and Answer Period*.

On April 30, 2026, the PRU opened eighty-two (82) Quotes which were received by the submission deadline of 2:00 pm eastern time. One Quote was submitted on paper not utilizing the NJSTART system for a total of eighty-three (83) Quotes. After conducting an initial review of the Quotes received for compliance with mandatory Quote submission requirements, it was determined that McGuire's Quote was

non-responsive for failing to submit an Ownership Disclosure Form, as required in Bid Solicitation Section 3.13.2.

Although McGuire 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 McGuire. 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 McGuire 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 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. McGuire argues that they complied with the required ownership disclosure because their “Ownership Disclosure form was filed to our account prior to submitting the bid as we gave all relevant documents for PO 26-CPROC-130614 which we completed successfully through NJ Start.” Protest, page 1. Finally, McGuire attached a completed Ownership Disclosure Form as an attachment to its Protest. Protest, pages 1-2.

McGuire provided a response to the Ownership Disclosure category in NJSTART. A screenshot of McGuire’s Terms and Categories response regarding ownership disclosure, taken by the PRU on April 30, 2026, immediately after the Quote opening, shown below, displays that McGuire did not disclose ownership through that method.

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.

<https://www.njstart.gov/bso/vendor/vendorProfileTermsCategoriesInfo.sda?external=true&vendorid=V00111607> 1/3

4/30/26, 2:23 PM NJSTART - /bso/vendor/vendorProfileTermsCategoriesInfo.sda (vendorid=V00111607)

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 McGuire. No forms were attached and no documents were uploaded within six (6) months of the date of the Quote Opening for this Bid Solicitation that provided an ownership disclosure. The only items attached to their account were two documents described as "McGuire Price Offerings" and "State Supplied Price Sheet", as shown below.

Attachments							
Download	File	Description	Size	Uploaded By	Uploaded Date	Confidential	Delete
	shopify export for NJ52.xlsx	McGuire Price Offerings	327,091 bytes	Shaya Sauer	03/30/2026 10:53:46 AM	☐	☐
	T0106 26DPP01214 Revised State Supplied Price Sheet 3.20.26.xlsx	State Supplied Price Sheet	22,275 bytes	Shaya Sauer	04/24/2026 11:50:52 AM	☐	☐

Included with their Protest, McGuire provided a completed Ownership Disclosure Form which cannot be considered post Quote opening as this information was required to be submitted by McGuire prior to the date that Quotes were due.

Based on the foregoing, McGuire was non-compliant with the terms in Bid Solicitation Section 3.13.2. As such, McGuire'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 May 1, 2025, Proposal Rejection Letter, that McGuire's Quote was non-responsive for failing to provide an Ownership Disclosure Form as required by the Bid Solicitation and uphold the May 1, 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.
Chief Hearing Officer

c. Proposal Review Unit