



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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August 12, 2026

Via Electronic Mail Only to support@enationalap.com

Cyrano Parsard
ENATIONAL LLC d/b/a eNational Auto Parts
100 S. Juniper St, 3d Floor
Suite 0948
Philadelphia, PA 19107

Re: I/M/O Bid Solicitation #26DPP01239 ENATIONAL LLC d/b/a eNational Auto Parts
Protest of the Notice of Intent to Award
T0097 – Automotive Lubricants: Motor Oils –All Types, Gear Oils, Greases, Automatic
Transmission Fluids (ATF), Tractor Hydraulic/Transmission Fluids, Hydraulic Oils, Diesel
Exhaust Fluids (DEF), Antifreeze and Windshield Washer Fluids - Statewide

Dear Mr. Parsard:

This final agency decision is in response to your protest application on behalf of ENATIONAL LLC d/b/a eNational Auto Parts (“ENational”) dated and received by the Division of Purchase and Property’s (“Division”) Hearing Unit on July 30, 2026 (“Protest”). In that application, ENational protests the Division’s Procurement Bureau (“Bureau”) July 16, 2026 Notice of Intent to Award (“NOI”) and attendant Recommendation Report (“Recommendation Report”) dated July 10, 2026. In their Protest, ENational protests the finding by the Bureau that their Quote was non-responsive for the two price lines they bid on because they were not registered as a qualifying small business with the Division of Revenue and Enterprise Services by the date the Quotes were opened. ENational included a 1st Year Provisional Certification from the Division of Revenue & Enterprise Services (“DORES”) with their Protest.

By way of background, on November 19, 2025, the Bureau issued Bid Solicitation 26DPP01239 – T0097 – Automotive Lubricants: Motor Oils –All Types, Gear Oils, Greases, Automatic Transmission Fluids (ATF), Tractor Hydraulic/Transmission Fluids, Hydraulic Oils, Diesel Exhaust Fluids (DEF), Antifreeze and Windshield Washer Fluids - Statewide (“Bid Solicitation”) on behalf of the State of New Jersey and its Cooperative Purchasing Program Participants. The purpose of the Bid Solicitation was to solicit Quotes for Automotive Lubricants: Motor Oils-All Types, Gear Oils, Greases, Automatic Transmission Fluids (ATF), Tractor Hydraulic/Transmission Fluids, Hydraulic Oils, Diesel Exhaust Fluids (DEF), Antifreeze and Windshield Washer Fluids. Bid Solicitation Section 1.1, *Purpose, and Intent and Background*. It is the intent of the State of New Jersey (“State”) to award Contracts to those responsible Bidders whose Quotes, conforming to the Bid Solicitation are most advantageous to the State, price and other factors considered. Id.

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 December 4, 2025. Two (2) Bid Amendments were issued for this Bid Solicitation, which provided revisions to the Quote Opening Date and provided answers to questions submitted during the Electronic and Answer Period.

On January 27, 2026, the Division's Proposal Review Unit ("PRU") opened thirteen (13) Quotes which were received by the submission deadline of 2:00pm Eastern Time. After conducting an initial review of the Quotes received for compliance with mandatory Quote submission requirement, the Division's PRU forwarded twelve (12) Quotes to the Bureau for further review and evaluation consistent with the requirements of the Bid Solicitation.

As set forth in the Recommendation Report, the Bureau rejected ENational's Quote because ENational was not approved as a Category I, II or III small business in the NJSAVI database on the Quote opening date as required pursuant to Bid Solicitation Section 3.36 *State-Supplied Price Sheet Instructions*. Bid Solicitation Section 3.8 *Small Business Set-Aside Contracts* advised bidders that this Bid Solicitation was a partial set aside for Price Lines nine (9) and ten (10). The Bureau recommended that a contract be awarded to several bidders as set forth in the Recommendation Report.

On July 30, 2026, ENational submitted a Protest of the rejection of their Quote and NOI. ENational requests a reevaluation of their bid "as a responsive and eligible bid", and to "[s]tay the award of the contract pending resolution of this protest". Protest, page 2.

In their Protest, ENational argues that they were in fact a certified small business at the time of Quote opening and that "eNational had completed the State's Small Business certification process and received an official confirmation letter from the State of New Jersey certifying our company as a New Jersey Small Business." Protest, page 2. ENational further argues that their certification "was effective before bid opening and that the State's own certification records confirm this fact." Protest, page 2. ENational surmises that "the rejection of our bid appears to have resulted from an administrative discrepancy or delay in the State's database rather than any failure on the part of eNational to obtain the required certification." Protest, page 2.

Although ENational 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 Quotes received, the Bureau's Recommendation Report, the relevant statutes, regulations, case law, and the protest submitted by ENational. 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 ENational 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)).

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 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:

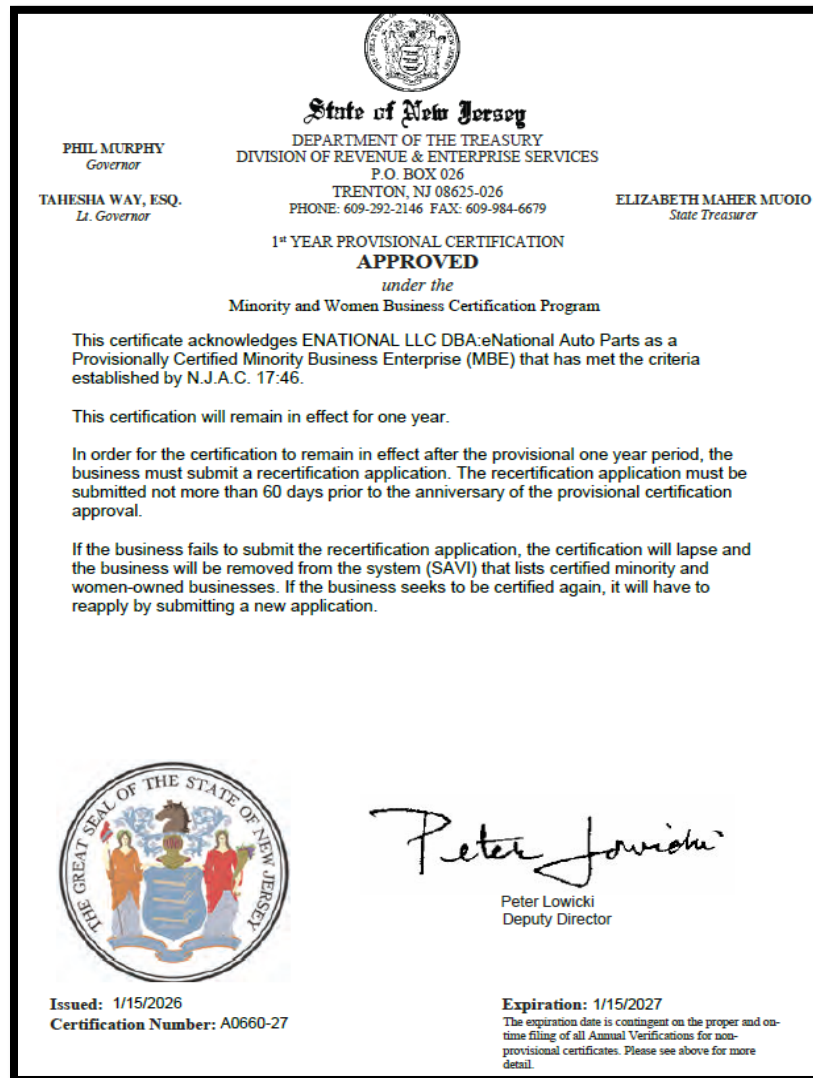
Shall – Denotes that which is a mandatory requirement.

[Bid Solicitation Section 9, *GLOSSARY*.]

Pursuant to Bid Solicitation Section 3.8 *Small Business Set-Aside Contracts*, and Bid Solicitation Section 3.36 *State-Supplied Price Sheet Instructions*, it is clear that for a Bidder to submit a responsive Quote for Categories (and price lines) 9 and 10 on the State-Supplied Price Sheet (“SSPS”) that “[t]he Bidder must be registered as a qualified small business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit, by the date the Quote is received and opened.” Bid Solicitation Section 3.8 *Small Business Set-Aside Contracts*. This requirement is reiterated in Bid Solicitation Section 3.36, *State-Supplied Price Sheet Instructions*, which informs potential bidders that “[t]he Bidder must be registered and approved as a qualifying small business with the

Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unity by the date the Quote is received and opened”. Id. (emphasis in the original).

ENational claims that they had a valid small business certification from DORES prior to Quote opening and therefore the Bureau was incorrect when they found ENational’s Quote for Category 9 and 10 non-responsive for their failure to have the small business certification. See below for the certificate ENational submitted with their Protest.



A screengrab of the State’s database shows the certifications that ENational applied for and been approved for:

Search		Export						
Confirmation Number	VendorId	Date Received ▼	Date Approved	Application Type	Company Name	Status	ETA	Details
60109176855	871820945	1/9/2026	1/15/2026	New Registration for MBE	ENATIONAL LLC	Certified	N/A	Details

ENational provided a copy of their registration certificate as a Minority Business Enterprise under DORES Minority and Women Owned Business Certification Program (see above). Bidders who bid on price lines 9 and 10 of this Bid Solicitation needed to be registered as a **small business enterprise** in order to be responsive pursuant to Bid Solicitation Sections 3.8, *Small Business Set-Aside Contracts*, and 3.36, *State-Supplied Price Sheet Instructions*.

Small Business Enterprises (“SBE”) and Minority/Women Owned Businesses (“MWBE”) are not interchangeable and operate under different statutory criteria. N.J.S.A. 52:32-24.1 sets forth the criteria a business must meet to be certified by DORES as a small business. Please see the information provided on the State of New Jersey, Treasury, Division of Revenue and Enterprise Services website (<https://www.nj.gov/treasury/revenue/business-cert-program.shtml>)

— Eligibility Criteria for Small Business Enterprises (SBE)

**Taken from the New Jersey Public Law 2025 Chapter 254 (updated Jan 12, 2026)*

C.52:32-24.1 Set-Aside program, small businesses, eligibility requirements.

a. Pursuant to the "Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses," P.L.1983, c.482 (C.52:32-17 et seq.), when eligibility criteria to qualify as a small business require a certain maximum number of employees in full-time positions, this requirement shall only apply to businesses without an applicable federal revenue standard established at 13 CFR s.121.201.

b. Calculations for gross revenues of a business that are established to qualify a business as a small business pursuant to the "Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses," P.L.1983, c.482 (C.52:32-17 et seq.), shall require that:

1. Gross revenues of a business that has been in business for five or more completed years shall mean the revenues of the business over its last five completed tax years divided by five.
2. Gross revenues of a business that has been in business for less than five complete tax years shall mean the revenues for the period the business has been in business divided by the number of weeks in business, multiplied by 52.
3. Gross revenues of a business that has been in business five or more complete tax years but has a short year as one of those years shall mean the revenue for the short year and the four full years divided by the number of weeks in the short year and the four full years, multiplied by 52.

N.J.S.A. 52:27H-21.18 sets forth the criteria to be certified by DORES as a Minority or Women owned business. Please see the information provided on the State of New Jersey, Treasury, Division of Revenue and Enterprise Services website (<https://www.nj.gov/treasury/revenue/business-cert-program.shtml>)

— Eligibility Criteria for Minority and Woman Owned Businesses

Eligibility Criteria for Minority and Woman Owned Businesses

Pursuant to N.J.S.A. 52:27H-21.18 (pursuant to legislation (S3013) enacted on January 8, 2024):

"Minority" means a person who is:

1. Black, which is a person having origins in any of the black racial groups in Africa; or
2. Hispanic, which is a person with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race; or
3. Asian-American, which is a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian subcontinent, Hawaii, or the Pacific Islands; or
4. American Indian or Alaskan native, which is a person having origins in any of the original peoples of North America.

"Minority business" means a business which is:

1. A sole proprietorship owned and controlled by a minority;
2. A partnership or joint venture owned and controlled by minorities in which at least 51% of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or
3. A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and of which at least 51% of the legal beneficial ownership is held by one or more minorities.

A business can be both a SBE and a MWBE but for purposes of this Bid Solicitation, only those bidders who were registered as a SBE as of Quote opening could be considered for award of Price Lines 9 and 10. ENational was not registered as a SBE as of the Quote opening date so were not eligible for award for the two price lines they bid on, namely Price Line 9 and 10.

CONCLUSION

Based upon the foregoing, I find no reason to disturb the Bureau's recommendation that the Contract be awarded as outlined in the Recommendation Report. Accordingly, I sustain the July 16, 2026, Notice of Intent to Award. 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: K. Thomas
B. Birchmeier
K. Kimball