



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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April 29, 2026

Via Electronic Mail Only to johnblewettinc@gmail.com

Michelle Blewett
John Blewett Inc.
246 Herbertsville Road
Howell, NJ 07731

Re: I/M/O Bid Solicitation #25DPP01189 John Blewett Inc.
Protest of Rejection of Quote and of the Notice of Intent to Award
T2634 – Scrap Metal Collection and Recycling/Disposal – Statewide

Dear Ms. Blewett:

This final agency decision is in response to your protest application on behalf of John Blewett Inc. (“John Blewett”) received by the Division of Purchase and Property’s (“Division”) Hearing Unit on April 22, 2026 (“Protest”). In that application, John Blewett protests the Division’s Procurement Bureau (“Bureau”) April 17, 2026, Notice of Intent to Award (“NOI”) and attendant Recommendation Report (“Recommendation Report”) dated March 11, 2026. In their Protest, John Blewett protests the finding by the Bureau that their Quote was non-responsive for failing to properly disclose their ownership structure. Additionally, John Blewett makes numerous arguments as to why the Bureau erred in awarding the contract to Need a Can, LLC (“Need A Can”).

By way of background, on August 26, 2025, the Bureau issued Bid Solicitation 25DPP01189 - T2634 – Scrap Metal Collection and Recycling/Disposal – 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 the recycling and disposal of light iron, steel, aluminum, copper, stainless steel, brass, lead, lead acid batteries, crushed steel drums, and other surplus scrap metal through a rebate program. Bid Solicitation Section 1.1, *Purpose and Intent*. It is the intent of the State to award Contracts to those responsible Bidders whose Quotes, conforming to the Bid Solicitation are most advantageous to the State of New Jersey, 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 September 15, 2025. One (1) Bid Amendment was issued for this Bid Solicitation, which provided revisions to Attachment two (2) of the Bid Solicitation, responses to questions received from potential Bidders, and extended the Quote Submission Due Date to October 21, 2025.

On October 21, 2025, the Division's Proposal Review Unit ("PRU") opened three (3) 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 the three (3) 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 John Blewett's Quote because John Blewett provided conflicting information regarding their ownership. As set forth in the Recommendation Report, the Bureau recommended that a contract be awarded to Need A Can.

On April 22, 2026, John Blewett submitted a Protest of the rejection of their Quote and protested the Bureau's contract award to Need A Can. The Protest is broken up into different sections, which are outlined briefly here:

- Section I of the Protest titled "INTRODUCTION" (emphasis in the original) warns that John Blewett has "determined that Need A Can LLC submission raises significant concerns regarding compliance, responsiveness, pricing validity and operational capability, and should be carefully reviewed prior to any award determination." Protest, page 2.
- In Section II of the Protest, titled "CORPORATE STRUCTURE & OWNERSHIP DISCLOSURE" (emphasis in the original) John Blewett, argues that they properly completed the Ownership Disclosure Form ("ODF") since John Blewett is held in the Blewett Family 2006 Trust and no individual holds a 10% or greater ownership interest. Further, John Blewett argues that "the form could not be completed as structured, as it does not account for trust-based ownership arrangements and does not provide a section for proper disclosure of this structure." Protest, page 2
- Section III of the Protest is titled "VENDOR QUALIFICATION CONCERNS – NEED A CAN LLC" (emphasis in the original). In this Section, John Blewett quotes Bid Solicitation Section 4.5 *Contractor's Responsibilities* in full and quotes paragraph 2 of Bid Solicitation Section 4.6 *Equipment*. John Blewett then argues that Need A Can has a conflict of interest because the owner of Need A Can "is married to a former vendor DUBLIN, DUBLINS contract was cancelled June 29, 2016". Protest, page 2. John Blewett also provides a list of items that "require verification to determine whether Need A Can LLC meets the qualifications required under the solicitation" Protest page 2. Some of these "requirements" include a site inspection, whether Need A Can holds a township junkyard license, and whether Need A Can operates certified scales. Protest, page 2.
- Section IV of the Protest, titled "AMERICAN METAL MARKET (AMM) PRICING CONCERNS" (emphasis in the original) details the history of the American Metal Market ("AMM") index. This Section also notes that AMM requires a paid subscription which "creates a barrier to access and raises questions regarding how vendors are accurately referencing and applying AMM pricing". Protest, page 3. With respect to Need A Can, John Blewett argues that "[f]urther clarification is required regarding how Need A Can LLC is obtaining and applying this pricing benchmark." Protest, page 3.
- Section V of the Protest is titled "PRICING STRUCTURE DEFICIENCIES – NEED A CAN LLC" (emphasis in the original), John Blewett argues generally that Need A Can submitted a non-conforming State Supplied Price Sheet ("SSPS"), and that their "pricing model [] appears economically unrealistic and operationally unsustainable". Protest, page 3.

- Section VI of the Protest is titled “NON-RESPONSIVENESS TO SOLICITATION REQUIREMENTS” (emphasis in the original) and states that Need A Can failed to comply with the Bid Solicitation instructions because they provided a 100% rebate on some price lines instead of stating “No Charge”, and that by “[i]ntroducing an unapproved pricing format”, Need A Can “[created] ambiguity that prevents proper evaluation”. Protest, page 3.
- Section VII of the Protest, titled “OPERATIONAL CAPABILITY & INDUSTRY COMPARISON” (emphasis in the original), details John Blewett’s experience and operational capabilities in scrap processing, pricing and operations.
- Section VIII of the Protest is titled “REQUEST FOR ACTION” (emphasis in the original). In this Section, John Blewett requests numerous action items from the State including that the State conduct a site inspection for the three (3) Bidders, verify weigh master licenses, scales and other assets, review Need A Can’s pricing model and allow John Blewett an opportunity to provide a walkthrough demonstration to show processing procedures, day to day operations of sorting and recycling operations.
- Finally, Section IX of the Protest titled “CONCLUSION” (emphasis in the original), and it reiterates John Blewett’s claims that Need A Can’s pricing is non-responsive to the requirements of the Bid Solicitation, is ambiguous and would not be in the best interest of the State, “due to past history with her husband DUBLIN” (emphasis in the original) and “the proposed pricing model [which] appears economically unrealistic”. Protest, page 4

Although John Blewett 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 relevant statutes, regulations, case law, and the protest submitted by John Blewett. 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 John Blewett 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*.]

It is clear that submitting an accurate ODF prior to Quote Opening was a requirement to be found responsive for this Bid Solicitation. In this case, John Blewett submitted an ODF prior to Quote Opening. However, they checked "No" to every type of ownership structure as shown below.

OWNERSHIP DISCLOSURE FORM											
STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY 33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230											
VENDOR NAME: <u>JOHN BLEWETT INC.</u>											
PURSUANT TO N.J.S.A. 52:25-24.2, ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO PROVIDE A STATEMENT OF OWNERSHIP. Please answer all questions and complete the information requested.											
	<table><tr><th>YES</th><th>NO</th></tr><tr><td>☐</td><td>☒</td></tr><tr><td>☐</td><td>☒</td></tr><tr><td>☐</td><td>☒</td></tr><tr><td>☐</td><td>☒</td></tr></table>	YES	NO	☐	☒	☐	☒	☐	☒	☐	☒
YES	NO										
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☐	☒										
1. The vendor is a Non-Profit Entity ; and therefore, no disclosure is necessary.											
2. The vendor is a Sole Proprietor ; and therefore, no other disclosure is necessary. A Sole Proprietor is a natural person who owns an unincorporated business by himself or herself. A limited liability company with a single member is not a Sole Proprietor.											
3. The vendor is a corporation, partnership, or limited liability company .											
4. If you answered YES to Question 3, do any individuals (including a single 100% owner), partners, members, stockholders, corporations, partnerships, or limited liability companies owning a 10% or greater interest; and therefore, disclosure is necessary.											

In Section II of their protest, John Blewett states that “John Blewett Inc. is an S Corporation”, Protest, page 2, but that “Section 3 was answered ‘No’ based on the company’s ownership structure”. Protest, page 2. John Blewett further states that “John Blewett Inc. is held within the Blewett Family 2006 Trust” Protest page 2, and that “[t]here is no single individual ownership, and no one holding any interest or stock. No individual holds a 10% or greater ownership interest. Accordingly, the form could not be completed as structured, as it does not account for trust-based ownership arrangements and does not provide a section for proper disclosure of this structure.” Protest page 2. Here, John Blewett’s focus on the ownership of John Blewett misses the point. Question 3 of the ODF asks if “The vendor is a **corporation, partnership, or limited liability company**” (emphasis in the original). John Blewett checked “No” although in their Protest, they state that they are a S Corporation. John Blewett’s ODF completely fails to disclose what type of entity they are as every type of business structure is checked “No”. Regardless of who owns John Blewett Inc., it is by name and designation a corporation, and Question 3 should have been answered in the affirmative for its disclosure to be accurate and accepted. If no entity or individual owns more than 10% of this S Corporation, then further disclosure in Question 4 is not required.

John Blewett’s remaining arguments pertain to the award for Need A Can and John Blewett’s claims that Need A Can’s pricing was non-responsive and the myriad of concerns that John Blewett voiced with respect to Need A Can such as whether Need A Can has a physical presence where materials are properly stored, if Need A Can’s pricing was realistic and sustainable, and if there is a conflict of interest because “the owner is married to a former vendor DUBLIN” (emphasis in the original), Protest, page 2. John Blewett also included within their Protest information about their capabilities and how they would be a better choice for this Contract.

However, these additional arguments relating to any deficiencies regarding Need A Can’s pricing or ability to service the Contract need not be addressed in this Final Agency Decision. While conducting a review of Need A Can’s submitted Quote, the Hearing Unit discovered that Need A Can’s ODF is non-responsive for the same reason that John Blewett’s ODF was considered non-responsive. Need A Can checked “Yes” to Question 2, indicating they are a Sole Proprietor and “Yes” to Question 3, indicating that they are a corporation, partnership, or limited liability company. See below.

 OWNERSHIP DISCLOSURE FORM STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY 33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230		
VENDOR NAME: <u>Need A Can, LLC.</u>		
PURSUANT TO N.J.S.A. 52:25-24.2, ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO PROVIDE A STATEMENT OF OWNERSHIP. Please answer all questions and complete the information requested.		
1. The vendor is a Non-Profit Entity; and therefore, no disclosure is necessary.	☐	☒
2. The vendor is a Sole Proprietor; and therefore, no other disclosure is necessary. A Sole Proprietor is a natural person who owns an unincorporated business by himself or herself. A limited liability company with a single member is not a Sole Proprietor.	☒	☐
3. The vendor is a corporation, partnership, or limited liability company.	☒	☐
4. If you answered YES to Question 3, do any individuals (including a single 100% owner), partners, members, stockholders, corporations, partnerships, or limited liability companies owning a 10% or greater interest; and therefore, disclosure is necessary.	☐	☒

A Bidder cannot be both a sole proprietor **and** a corporation, partnership, or limited liability company as a sole proprietorship is a different and distinct legal entity under New Jersey law from those listed in Question 3. If Need A Can is a Sole Proprietor, the owner is by default the individual owning the unincorporated business. As noted under Question 2, a “limited liability company with a single member is not a Sole Proprietor.” If Need A Can is a single-member limited liability company, a disclosure would still be required because that individual would own one hundred percent (100%) of the company. Whether

Need A Can is actually a Sole Proprietor, which would be confusing with LLC listed in the business name, or a corporation, partnership, or limited liability company, ownership was not accurately disclosed at the time of bid opening as required by New Jersey law. Because the Hearing Unit conducts a de novo review of the full record, this review will be considered the full review of the record relating to the Contract award to Need A Can. Therefore, Need A Can is non-responsive and ineligible for award for this Contract.

New Jersey procurement law requires that “specifications and invitations for bids shall permit such full and free competition as is consistent with the procurement of supplies and services necessary to meet the requirements of the using agency. . . .” N.J.S.A. 52:34-12. This principle is based on the long-recognized “policy behind the competitive bidding statutes, i.e., assurance against favoritism, improvidence, extravagance and corruption in the bidding process.” Palamar Constr., Inc. v. Pennsauken, 196 N.J. Super. 241, 251 (App. Div. 1983) (citing Terminal Construction Co. v. Atlantic City Sewerage Auth., 67 N.J. 403, 410 (1975)). “These policies, in turn, are meant to ensure that all bidders are equally situated in their competition for the public contract.” Palamar, *supra*, 196 N.J. Super. at 251 (citing Hillside Twp. v. Sternin, 25 N.J. 317, 322 (1957)). “The conditions and specifications must apply equally to all prospective bidders. Otherwise, there is no common standard of competition.” *Id.* Allowing John Blewett and Need A Can’s Quotes to proceed in light of their failure to adhere to the requirements of the Bid Solicitation would place both Bidders in a superior position among bidders under this Bid Solicitation.

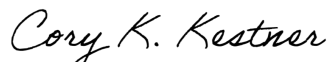
CONCLUSION

In light of the findings set forth above, I sustain the Bureau’s finding that John Blewett’s Quote was non-responsive and agree that they are not eligible for consideration for contract award. Additionally, the Bureau will issue a letter rescinding the award to Need A Can and attach a copy of this Final Agency Decision. I hereby remand to the Bureau for action in accordance with this Final Agency Decision, and to evaluate any remaining responsive Bidders for award or to cancel the procurement and issue a new Bid Solicitation to procure the services.

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: C. Clarke
D. Warren
K. Aponte