



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
PROCUREMENT BUREAU
33 WEST STATE STREET
P. O. BOX 230
TRENTON, NEW JERSEY 08625-0230
<https://www.njstart.gov>

MIKIE SHERRILL
Governor

AARON BINDER
State Treasurer

DR. DALE G. CALDWELL
Lt. Governor

AMY F. DAVIS, ESQ.
Acting Director

March 13, 2026

Via Electronic Mail Only to btobin@gabriellitruck.com

Brendan Tobin
Gabrielli Kenworth of NJ LLC
2306 US HWY 130N
Dayton, NJ 08810

Re: I/M/O Bid Solicitation #26DPP01249 Gabrielli Kenworth of NJ LLC
Protest of Notice of Proposal Rejection
T3133 Large Bucket Truck, 37,000 LB. GVWR Cab & Chassis with Utility Body & Access -
REBID

Dear Mr. Tobin:

This final agency decision is in response to the protest dated February 17, 2026 (“Protest”), submitted by Gabrielli Kenworth of NJ LLC (“Gabrielli”). In that correspondence, Gabrielli protests the Notice of Proposal Rejection issued on February 17, 2026, by the Division’s Proposal Review Unit (“PRU”) for Bid Solicitation #26DPP01249 – T3133 Large Bucket Truck, 37,000 LB. GVWR Cab & Chassis with Utility Body & Access - REBID (“Bid Solicitation”). The record of this procurement reveals that the Quote submitted by Gabrielli was deemed non-responsive on the grounds of “Missing pricing information”. In their Protest, Gabrielli stated “We supplied all documents for the bid well in advance of closing date and time and now we were notified that our bid was rejected for “Missing Pricing Information” when the State Supplied Price Sheet was submitted, completed, with our bid submittal. Is there other pricing information that was requested?” Protest, page 1. Gabrielli attached a completed State-Supplied Price Sheet to their Protest.

By way of background, on December 12, 2025, the Division’s Procurement Bureau (“Bureau”) issued the Bid Solicitation on behalf of the New Jersey Department of Transportation (“NJDOT”), Statewide Agencies, and Cooperative Purchasing Participants. The purpose of the Bid Solicitation was to “solicit Quotes for a Large Bucket Truck, 37,000 LB. GVWR Heavy Duty Truck Cab and Chasis, with Utility Body, Aerial Lift and Accessories.” Bid Solicitation Sec. 1.1, *Purpose and Intent*. “It is the intent of the State of New Jersey (State) to award Contracts to those responsible Bidders whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. The State may award any or all price lines.” *Id.* On January 12, 2026 Bid Amendment 1 was posted to NJSTART which provided answers to questions posed through the electronic question and answer process as outlined in Bid Solicitation Section 2.1, *Electronic Question and Answer Period*. This Bid Amendment also changed the Quote Opening date to February 13, 2026. A Revised Bid Solicitation was also uploaded to NJSTART on January 12, 2026. The original State-Supplied Price Sheet which was available as of December 12, 2025 was not changed or updated.

On February 13, 2026, the PRU opened three (3) Quotes which were received by the submission deadline of 2:00 pm eastern time. After conducting an initial review of the Quotes received for compliance with mandatory Quote submission requirements, it was determined that Gabrielli's Quote was non-responsive for failing to submit pricing on the State-Supplied Price Sheet, as required in Bid Solicitation Section 3.36.

In consideration of Gabrielli's Protest, I have reviewed the record of this procurement, including the Bid Solicitation, the Quote received, the relevant statutes, regulations, and case law. This review of the record 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. 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 Vendors {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*,

Section 3.36 of the Bid Solicitation, *State-Supplied Price Sheet Instructions*, states in pertinent part that "The Bidder **must** submit its pricing using the State-Supplied Price Sheet accompanying this Bid Solicitation and located on the "Attachments" Tab," and that "[a] Bidder's failure to provide, within its Quote, the information deemed by the State to be essential for product identification or price determination shall result in rejection of that Bidder's Quote".

[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*.]

Gabrielli failed to submit a State-Supplied Price Sheet with their initial Quote. Bid Solicitation Section 3.36, *State-Supplied Price Sheet Instructions*, requires that Bidders submit a completed Price Sheet with the initial Quote, and that the failure to submit the same shall result in the rejection of a Bidder’s Quote. With their Protest, Gabrielli submitted a State-Supplied Price Sheet with the pricing information included. The language of Bid Solicitation Section 3.36 unambiguously requires the rejection of a bidder’s Quote if pricing information is not on the State-Supplied Price Sheet with the initial Quote. By failing to submit a completed price sheet, Gabrielli did not comply with a mandatory condition of the Bid Solicitation because it submitted a Quote without the State-Supplied Price Sheet. The instructions in Bid Solicitation Section 3.36 were clear, stating that failing to submit a completed and sufficiently detailed Price Sheet shall result in the rejection of the Bidder’s Quote. A review of Gabrielli’s Quote in NJSTART shows an attachment titled “T3133 25DPP01161 State Supplied Price Sheet 4.10.2025 (1).xlsx”, however upon opening this attachment, the attachment instead contains Gabrielli’s State of New Jersey Business Registration Certificate, rather than a completed State Supplied Price Sheet. By failing to submit a completed State Supplied Price Sheet, Gabrielli’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).

With their Protest, Gabrielli submitted a completed State Supplied Price Sheet. Allowing Gabrielli to provide information to satisfy the requirements in Bid Solicitation Section 3.36, 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 Gabrielli providing a completed State-Supplied Price Sheet required in the Bid Solicitation after Quote opening, as doing so is an impermissible supplementation, change and correction to the submitted Quote.

In light of the findings set forth above, I sustain the conclusions in the Bureau’s February 17, 2026 Proposal Rejection Letter, that Gabrielli’s Quote was non-responsive for failing to provide pricing information on the State Supplied Price Sheet as required by the Bid Solicitation and uphold the February 17, 2026, 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,

A handwritten signature in cursive script that reads "Cory K. Kestner".

Cory K. Kestner, Esq.
Chief Hearing Officer

CKK/CMD

- c. K. Thomas
- B. Birchmeier
- G. Longmuir