



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 08625-0039
<https://www.njstart.gov>
Telephone (609) 292-4886 / Facsimile (609) 984-2575

PHILIP D. MURPHY
Governor

ELIZABETH MAHER MUOIO
State Treasurer

SHEILA Y. OLIVER
Lt. Governor

MAURICE A. GRIFFIN
Acting Director

May 15, 2018

Via Electronic Mail [sbc_inc@verizon.net] and USPS Regular Mail

Frank J. Sacco, President
Scrapple Brothers, Inc.
786 North Third Street
Hammonton, NJ 08037

Re: I/M/O Bid Solicitation #18DPP00205 Scrapple Brothers, Inc.
Protest of Notice of Proposal Rejection
T0777 Snow Plowing and Spreading Services

Dear Mr. Sacco:

This letter is in response to your correspondence of April 24, 2108, on behalf of Scrapple Brothers, Inc. (“Scrapple”) which was received by the Division of Purchase and Property’s (“Division”) Hearing Unit. In that email, Scrapple protests the Notice of Proposal Rejection issued by the Division’s Proposal Review Unit for Bid Solicitation #18DPP00205 - T0777 Snow Plowing and Spreading Services (“Bid Solicitation”). The record of this procurement reveals that Scrapple’s Quote was rejected for failing to submit pricing information with its Quote.

By way of background, on January 30, 2018, the Division’s Procurement Bureau (“Bureau”) issued the Bid Solicitation on behalf of the New Jersey Department of Transportation (NJDOT), to solicit Quotes from qualified Vendors {Bidders} to provide snow plowing and spreading services on all State interstates and highways under the jurisdiction of NJDOT. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State’s intent to award Statewide Master Blanket Purchase Orders (“Blanket P.O.s”)¹ to those responsible Vendors

¹ For consistency, this final agency decision uses terminology employed by the State of New Jersey’s **NJSTART** eProcurement system. For ease of reference, the following is a table which references the **NJSTART** term and the statutory, regulatory and/or legacy term.

NJSTART Term	Statutory, Regulatory and/or Legacy Term
Bid Solicitation	Request For Proposal
Bid Amendment	Addendum
Change Order	Contract Amendment
Master Blanket Purchase Order	Contract
Offer and Acceptance Page	Signatory Page
Quote	Proposal
Vendor {Bidder}	Bidder
Vendor {Contractor}	Contractor

{Bidders} whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. Ibid.

On February 28, 2018, the Bureau issued Bid Amendment #1 responding to the questions posed by potential Vendors {Bidders}. On March 16, 2018, the Division's Proposal Review Unit opened 136 Quotes submitted through the State's **NJSTART** eProcurement system and 41 Quotes received in hardcopy format by the submission deadline of 2:00 pm eastern time. After conducting a review of the Quotes received, the Division's Proposal Review Unit issued a Notice of Proposal Rejection to Scrapple for failure to submit pricing information with its Quote.

In response to the Notice of Proposal Rejection, on April 24, 2018, Scrapple wrote to the Division's Hearing Unit stating in part:

We have received a Notice of Proposal Rejection via e-mail on April 7, 2018. Relative to the referenced Solicitation. The notice indicated Item 7 – “Missing pricing information” as the cause for rejection...

It is our feeling that the required pricing information has been provided with the Quote# 1814 as submitted.

With the protest, Scrapple included several documents identified as Attachments A – L. Pertinent to this protest Scrapple included excerpts from the submitted Price Schedule (Scrapple's Attachments I & J); Attachment 1 – Snow Plowing and Spreading Services Equipment Form (Scrapple's Attachment K); and Attachment 2 – Snow Plowing and Spreading Services Vendor {Bidder} Experience (Scrapple's Attachment L).

In consideration of Scrapple's protest, I have reviewed the record of this procurement, including the Bid Solicitation, Scrapple's proposal and protest, 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 record of this procurement reveals that on March 14, 2018, Scrapple submitted a Quote to the Division in response to the subject Bid Solicitation. With the Quote, Scrapple uploaded six attachments as follows:

- Offer and Acceptance Page
- T0777 Revised Price Schedule
- Attachment 1 T0777 Revised Snow Plowing and Spreading Services
- Attachment 2 T0777 Snow Plowing and Spreading Services
- Insurance Certificate
- Chapter 51 Form

The files were saved and uploaded to NJSTART in various formats including, .pdf, .numbers, .pages. Unfortunately, the .numbers and .pages files are not compatible with Microsoft Office or Adobe and therefore the Division's Proposal Review Unit was unable to open three of Scrapple's uploaded Quote attachments. Specifically, the Division was unable to the open the files indicated below:

Quote 00001814 - Scrapple Brothers Construction Inc.

General Items Questions Subcontractors Terms & Conditions **Attachments(4)** Evaluations Preference Reminders Summary

Files

Name	Description	Confidential	Order	Attached By	Attached Date
Offer and Acceptance Page T0777SCRAPPLE18DPP00205.pdf (view details)		<input checked="" type="checkbox"/>	0	Frank Sacco	03/14/2018
T0777 Revised Price ScheduleSCRAPPLE18DPP00205 numbers (view details)		<input checked="" type="checkbox"/>	0	Frank Sacco	03/14/2018
Attachment 1 T0777RevisedSnowPlowingandSpreadin ServicesNJDOTSCRAPPLE18DPP00205 pages (view details)		<input checked="" type="checkbox"/>	0	Frank Sacco	03/14/2018
Attachment 2 T0777 SnowPlowingandSpreadingServicesNJDOTSCRAPPLE18DPP00205 pages (view details)		<input checked="" type="checkbox"/>	0	Frank Sacco	03/14/2018
InsuranceSCRAPPLE18DPP00205-1.pdf (view details)		<input checked="" type="checkbox"/>	0	Frank Sacco	03/14/2018
Chapter51SCRAPPLE18DPP00205.pdf (view details)		<input checked="" type="checkbox"/>	0	Frank Sacco	03/14/2018

Forms

No Form Attachments

Save & Continue Close Window

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In connection with the review of this protest and the record of this procurement, on May 14, 2018, the Division's Hearing Unit conducted a hearing using GoToMeeting™, a web-based conferencing service². During the hearing, Scrapple was able to share its screen such that the Division's hearing officer was able to watch as Scrapple logged into **NJSTART**, navigated to the submitted Quote, and opened the three files in question. The Division's hearing officer confirmed that Scrapple had submitted a Quote for Price Line 367 only. Additionally, the hearing officer confirmed that Scrapple's submitted protest Attachments I, J, K & L, were true and accurate copies of the documents that had been uploaded to **NJSTART** and which comprised Scrapple's Quote.

In light of the findings set forth above, I overturn the Proposal Review Unit's Notice of Proposal Rejection for the above referenced Bid Solicitation. Scrapple's Quote will be forwarded to the Bureau for evaluation along with all other Quotes submitted. In the future, Scrapple should be mindful to submit documents compatible with common programs such as Microsoft Office™ or Adobe™. 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.

Sincerely,


Maurice A. Griffin
Acting Director

MAG: RUD

c: P. Michaels
L. Spildener
M. Groninger

² <https://www.gotomeeting.com/>