



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR

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January 19, 2021

Via Electronic Mail Only Justin.Antolini@ZodiacMilPro.com

Justin Antolini, Commercial Sales Director
Zodiac MilPro
540 Thompson Creek Road
Stevensville, MD, 21666

Re: I/M/O Bid Solicitation #19DPP00372 Zodiac MilPro
T0969 Marine Craft and Related Products and Services

Dear Mr. Antolini:

This final agency decision is in response to your email of January 18, 2021, on behalf of Zodiac MilPro (Zodiac) which was received by the Division of Purchase and Property's (Division) Hearing Unit. In that email, Zodiac requests that the Division accept a late Quote in response to Bid Solicitation #19DPP00372 T0969 - Marine Craft and Related Products and Services (Bid Solicitation).

By way of background, on October 30, 2020, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of New Jersey State Police, State Using Agencies and Cooperative Purchasing Program participants. Bid Solicitation §1.1 *Purpose and Intent*. The purpose of the Bid Solicitation was to solicit Quotes for marine craft and related products and services. *Ibid*. It is the State's intent to award Master Blanket Purchase Orders (Blanket P.O.s) to those responsible Vendors {Bidders} whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. *Ibid*. On January 5, 2021, the Division's Proposal Review Unit opened twelve Quotes which were received by the submission deadline of 2:00 pm eastern time.

On January 18, 2021, after the Quote submission deadline, Zodiac wrote the Division's Hearing Unit stating:

I'm writing in regards of the Marine Craft and Related Products and Services - T0969 19DPP00372 state contract – Zodiac MilPro personal had issues with submitting our bid proposal online – We tried a number of times and where kick off the site during the submission period – Zodiac MilPro has a long standing relationship with the State of New Jersey as we supply 90 to 95% of the State Police Patrol Vessels over the 15 + years – I was hoping we could come to some type of resolution and be able to submit a bid for this contract – If needed we could hand deliver a hard copy to Trenton?

In consideration of Zodiac's protest, I have reviewed the record of this procurement, including the Bid Solicitation, 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:

- (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:
 - ...
 2. Be submitted on or before the due date and time and at the place specified in the RFP;

[N.J.A.C. 17:12-2.2(a)(2).]

If the requirements of N.J.A.C. 17:12-2.2 are not met, a Quote must be rejected. These regulations must be stringently enforced to maintain the equal footing of all Vendors {Bidders} and to ensure the integrity of the State's bidding process.

With respect to the mandatory Quote submission due date and time, the Bid Solicitation advised all potential Vendors {Bidders} of the requirements for proper and timely Quote submission stating:

1.3.2 SUBMISSION OF QUOTES

In order to be considered for award, the Quote must be received by the Procurement Bureau of the Division at the appropriate location by the required time. Vendors {Bidders} shall submit a Quote electronically through **NJSTART**.

THE DATE AND TIME OF THE QUOTE OPENING ARE INDICATED ON THE BID SOLICITATION COVER SHEET AND ON THE "SUMMARY" TAB OF THE BID SOLICITATION WEBPAGE WITHIN **NJSTART**.

QUOTES WILL BE PUBLICLY OPENED AND ANNOUNCED BY TELEPHONE CONFERENCE ON THE DATE AND TIME OF THE QUOTE OPENING.
(DIAL-IN PHONE NUMBER: 888-204-5984 / ACCESS CODE: 2602305).

IF THE QUOTE OPENING DEADLINE HAS BEEN REVISED, THE NEW QUOTE OPENING DEADLINE SHALL BE SHOWN ON THE POSTED BID AMENDMENT AND ON THE "SUMMARY" TAB OF THE BID SOLICITATION WEBPAGE WITHIN **NJSTART**.

QUOTES NOT RECEIVED PRIOR TO THE QUOTE OPENING DEADLINE SHALL BE REJECTED.

With the above principals in mind, Vendors {Bidders} are cautioned to allow adequate time to ensure that the Quote is properly submitted. See Bid Solicitation Section 4.2 *Quote Delivery* stating:

A Quote must arrive at the Division in accordance with this Bid Solicitation's instructions within the time frames noted on the Bid Solicitation cover sheet and on the "Summary" page of the Bid Solicitation in *NJSTART*, or as indicated on the posted Bid Amendment if the Quote Opening Date has been changed. Vendors {Bidders} submitting electronic Quotes via *NJSTART* are cautioned to allow adequate time to ensure timely uploads of all Quote documents to mitigate unforeseen delays or issues. State regulation mandates that late Quotes are ineligible for consideration.

Despite Zodiac's desire to submit a Quote for the subject solicitation, under the provisions set forth above, the statutory procurement laws, and the regulations of the State of New Jersey, the Division is unable to accept a Quote from Zodiac, or any other Vendor {Bidder} after the Quote submission date has passed. Such acceptance would un-level the Vendor's {Bidder's} playing field as the Division received 12 Quotes by the submission deadline. In light of the findings set forth above, I must unfortunately deny your request for eligibility to participate in the competition for the subject Blanket P.O. This is my final agency decision.

This is an unfortunate situation for the State, as we encourage competition and appreciate your expertise in the field. In the future, I encourage earlier initiation of submissions to ensure timely receipt of Quotes and to allow for any issues that may arise during the electronic submission process. I look forward to your company's continuing interest in doing business with the State of New Jersey and 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 my final agency decision on this matter.

Sincerely,



Rachel U. Doobrajh
Acting Chief Hearing Officer

- c. J. Kerchner
- K. Thomas
- C. Murphy
- R. Bowen
- A. Nelson
- D. Rodriguez