



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
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August 17, 2015

Via Electronic [karenm@mainstreetmovers.com] and USPS Regular Mail

Karen Mantzouranis, President  
Main Street Movers, Inc.  
708 South 21<sup>st</sup> Street  
Irvington, NJ 07111

Re: Protest of Notice of Proposal Rejection  
RFP # 16-X-23884: Moving Services DPMC Cooperative Purchase

Dear Ms. Mantzouranis:

This letter is in response to your June 19, 2015 correspondence to the Division of Purchase and Property (Division) on behalf of Main Street Movers, Inc. (Main Street), in which you protest the Division's Proposal Review Unit's Notice of Proposal Rejection for Solicitation # 16-X-23884. The record of this procurement reveals that Main Street's proposal was rejected for failing to include a properly completed *Ownership Disclosure Form* and *Disclosure of Investment Activities in Iran* form. Main Street asserts that "[w]e filed our response on-line through E-bid and our interpretation of the instruction was that entering the 'pin' we received served as our electronic signature on all documents." (Main Street's June 19, 2015 protest letter). With its protest, Main Street submitted signed copies of the *Ownership Disclosure Form* and the *Disclosure of Investment Activities in Iran* form and requests that the Division accept the properly completed forms as a complement to its proposal.

By way of background, the Division's Procurement Bureau (Bureau) issued this subject Request for Proposal (RFP) on behalf of the Division of Property Management and Construction (DPMC) to solicit proposals for intra/inner agency relocation of State agencies and cooperative purchasing entities files, furniture, equipment and other related services. The Division opened proposals following the proposal submission deadline of June 17, 2015 at 2:00 p.m.

In consideration of Main Street's protest, I have reviewed the record of this procurement, including the RFP, Main Street's proposal, and 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 my Final Agency Decision.

The above referenced solicitation was comprised of the RFP and other documents, one of which was the three-part document entitled *NJ Standard RFP Forms*. This document included the *Ownership Disclosure Form* and the *Disclosure of Investment Activities in Iran* form. These forms are addressed in RFP Section 4.0, *Proposal Preparation and Submission*, which provides in pertinent part:

#### **4.4.1.2 NJ STANDARD RFP FORMS**

One of the downloadable RFP documents is titled NJ STANDARD RFP FORMS. It is comprised of three separate forms, two of which (Ownership Disclosure and Disclosure of Investment Activities in Iran) discussed below, must be completed, signed and submitted with the bidder's proposal. **The bidder is cautioned that failure to complete, sign and submit either of these two forms will be cause to reject its proposal as non-responsive as noted below.** If the bidder submits a hard copy proposal, each of the two forms must be physically signed.

If the bidder is submitting an electronic proposal through the Division's eBid system, there are only two acceptable forms of signature for the two forms:

1. The bidder must download the document, physically complete and sign each form, scan the completed document and then upload it, or
2. The bidder may download the document, type the name of the signatory in the space designated for certification signature in each of the forms and the upload the document.

**Note: A bidder's entry of a Personal Identification Number (PIN) shall not suffice as a certifying signature on the forms comprising the NJ STANDARD RFP FORMS document.**

##### **4.4.1.2.1 OWNERSHIP DISCLOSURE FORM**

Pursuant to N.J.S.A. 52:25-24.2, in the event the bidder is a corporation, partnership or sole proprietorship, the bidder must complete and sign the attached Ownership Disclosure Form. A current completed Ownership Disclosure Form must be received prior to or accompany the submitted proposal. A bidder's failure to submit the completed and signed form with its proposal will result in the rejection of the proposal as non-responsive and preclude the award of a contract to said bidder unless the Division has on file a signed and accurate Ownership Disclosure Form dated and received no more than six months prior to the proposal submission deadline for this procurement. If any ownership change has occurred within the last six months, a new Ownership Disclosure Form must be completed, signed and submitted with the proposal.

##### **4.4.1.2.2 DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM**

Pursuant to N.J.S.A. 52:32-58, the bidder must utilize this Disclosure of Investment Activities in Iran form to certify that neither the bidder, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Person or Entities Engaging in Prohibited Investment Activities in Iran and that neither the bidder, nor one of its parents, subsidiaries, and/or affiliates, is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the bidder is unable to so certify, the bidder shall provide a detailed and precise description of such activities as directed in the form. A bidder's failure to submit the completed and signed form with its proposal will result in the rejection of the proposal as non-responsive and preclude the award of a contract to said bidder.

*[Emphasis in the original.]*

Furthermore, as a courtesy to all bidders, the Division provided a *Proposal Checklist* as an accompaniment to the RFP. The checklist included the following:

**N.J. Department of the Treasury  
Division of Purchase and Property  
PROPOSAL CHECKLIST**

**Solicitation Number:** 16-X-23884      **Solicitation Title:** Moving Services (DPMC) and Cooperative Purchasing

This checklist was created as a guide to assist bidders in preparing a complete and responsive proposal. It is only advisory in nature. It is the bidder's responsibility to ensure that all requirements of the RFP have been met.

**FORMS THAT MUST BE SUBMITTED WITH YOUR PROPOSAL:**

<input type="checkbox"/>	RFP Signatory Page with physical signature or PIN (PIN is for eBid submission ONLY)
<input type="checkbox"/>	Completed Price Sheets as instructed in Section 4.4.5 of the RFP
<input type="checkbox"/>	Completed and signed Ownership Disclosure Form*
<input type="checkbox"/>	Completed and signed Disclosure of Investments in Iran Form*

\* The Ownership Disclosure, Disclosure of Investigations and Other Actions Involving Bidder, and the Disclosure of Investments in Iran forms MUST each contain either a physical or typed signature (typed signatures are only acceptable for eBid submissions). The forms are found in the Standard RFP Forms Packet, which can be downloaded at: <http://www.state.nj.us/treasury/purchase/forms/StandardRFPForms.pdf>

Pursuant to N.J.A.C. 17:12-2.2, a bidder's proposal must "contain all RFP-required certifications, forms, and attachments, completed and signed as required" or "be subject to automatic rejection." As set forth in RFP 4.4.1.2, 4.4.1.2.1 and 4.4.1.2.2, the submission of a completed and signed *Ownership Disclosure Form* prior to or as part of the proposal and a completed and signed *Disclosure of Investment Activities in Iran* form as part of the proposal was required.

The record of this procurement reveals that Main Street submitted its proposal through the Division's eBid system by the proposal submission date of June 17, 2015. With its submission, Main Street did include copies of the *Ownership Disclosure Form* and *Disclosure of Investment Activities in Iran* form, both of which are filled out; however, neither document contained a physical or typed signature. Although, Main Street contends that it submitted the forms utilizing the PIN as its "electronic signature on all documents;" as noted above, the only permissible ways to sign these two forms are: 1) downloading the document, physically signing the form, scanning the completed document and then uploading it; or 2) typing the name of the signatory in the space designated for the certification signature and uploading the document. Additionally, as clarified in bold type in the RFP, and above, "A bidder's entry of a Personal Identification Number (PIN) shall not suffice as a certifying signature on the forms comprising the NJ STANDARD RFP FORMS document." (RFP 4.4.1.2 NJ Standard RFP Forms).

Notwithstanding Main Street's interest in competing for this procurement, it would not be in the State's best interest to allow a bidder who did not appropriately complete and submit all of the required forms with its proposal as required by the RFP to be eligible to participate in the procurement process. Such acceptance would unlevel the bidder's playing field as the State received responsive proposals in which all necessary documents and information were provided as required. The deficiency at issue cannot be remedied after the proposal submission deadline as acceptance of Main Street's proposal under these circumstances would be contrary to the provisions of the governing statute and provide Main Street with disclamation options not available to those bidders whose proposals were fully responsive. In light of the finding set forth above, I must deny your request for eligibility to participate in the competition for the subject contract. This is my final agency decision on this matter.

Thank you for your interest in doing business with the State of New Jersey. I invite you to take this opportunity to register your business with *NJ START* at [www.njstart.gov](http://www.njstart.gov), the State of New Jersey's new eProcurement system.

Sincerely,



Jignasa Desai-McCleary  
Director

JD-M: RUD

c: J. Signoretta  
A. Miller  
A. Nelson  
D. Rodriguez