



State of New Jersey

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June 17, 2016

Via email [ssavietta@hudsoncountymotors.com] and USPS Regular Mail

Steven Savietta, Treasurer
Hudson County Motors, Inc.
P.O. Box 2611
614 New County Road
Secaucus, NJ 07096-2611

Re: Request for Reconsideration
RFP #15-X-23842 Automotive Parts for Heavy Duty Vehicles (Class 5 or Higher, Over 15,000 lb. GVWR) T-2085

Dear Mr. Savietta:

This letter is in response to your email dated June 3, 2016, submitted on behalf of Hudson County Motors, Inc. (HCM) referencing the subject Request for Proposal (RFP) issued by the Procurement Bureau (Bureau), Division of Purchase and Property (Division) and regarding HCM's prior T-2085 contract with the State of New Jersey. Your letter requests a reconsideration of the Division's March 11, 2016 final agency decision, which denied HCM's February 17, 2016 protest requesting special consideration to participate in the subject solicitation. Your letter states that the Bureau continued to communicate with HCM via fax concerning extensions of the prior T-2085 contract but that you did not receive an email nor fax communication notifying bidders of this solicitation. You state HCM was "totally unaware the [Bureau] had changed the bidding process notification procedures" and that "for over 15 years [HCM was] always notified by US mail and fax."

The subject RFP was issued by the Bureau on behalf of State agencies to solicit proposals for Automotive Parts for Heavy Duty Vehicles (Class 5 or Higher, over 15,000 lb. GVWR). RFP § 1.1 *Purpose and Intent*. The intent of the RFP is "to award contracts to those responsible bidders whose proposals, conforming to [the] RFP are most advantageous to the State, price and other factors considered." *Ibid.* This is a procurement of term contract T-2085. A Notice of Intent to Award was issued on June 8, 2016.

As noted in my March 11, 2016 final agency decision:

The record shows that the procurement was conducted in full accordance with the Division's governing statutes and by its standard announcement procedures and practices:

RFP #15-X-23842 was publicly advertised on the Division's website on February 17, 2015, and published in The Star-Ledger on February 18, 2015. . . . See N.J.A.C. 17:12-2.1(a) to (c). Furthermore, in keeping with N.J.A.C. 17:12-2.1(d), the subject procurement was advertised by direct email notice to vendors who were registered with the Division's eRFP Notification Service for NIGP Commodity Code-Class 060-66 (parts and accessories, automotive, miscellaneous (not otherwise classified)), the sole class code used for the recent procurement of T-2085. This commodity code was also the sole class code used for the prior procurement of the T-2085 contract in 2008 for which HCM successfully competed to attain the previous term contract (RFP #09-X-39895). As confirmed by Division of Enterprise and Revenue Service's eSupport Unit (eSupport), the eRFP notification system generated and delivered three messages regarding the subject RFP: the first, dated February 14, 2015, notified registered vendors that the subject RFP was advertised and available on the Division's website; the second, dated March 12, 2015, notified registered vendors that an addendum had been issued to the subject RFP; and the third, dated March 24, 2015, advised registered vendors that proposals were due at 2:00 p.m. on March 31, 2015.

eSupport has confirmed that HCM is not registered with the Division's eRFP notification system. The responsibility of registration and the selection of commodity codes rests solely with the bidder and a potential bidder will only receive an eRFP notification system email for those commodity codes for which it is registered. Therefore, the Division urges HCM to register with the eRFP notification system and to select to appropriate commodity codes so that it will be notified of future solicitations.

Notwithstanding the advertisement of the subject solicitation on the Division's website, in the newspaper, and through the eRFP notification system, HCM also received a courtesy email from the Commodities and Fleet Unit of the Bureau, which provided notice that the subject RFP had been finalized and published. The email, dated February 17, 2015, was sent to potential bidders, including incumbent contractors, and provided a direct link to access the RFP documents and informed all potential bidders that the proposal opening date was scheduled for March 10, 2015, and to "carefully review the RFP, as a lot of changes have been made." The record shows that neilryp@yahoo.com and ssavietta@hudsoncountymotors.com, both associated with HCM, were included on the list of bidders who were sent these courtesy notices. I note this email was sent from the Division email account of the Procurement Specialist, and not the eRFP notification system. . . .

Additionally, HCM was issued an updated contract on March 3, 2015 (two weeks after the courtesy email), reflecting the updated contract expiration date of July 15, 2015. Therefore, HCM was on notice that T-2085 would expire on July 15, 2015, following the final 120-day extension period.

In response to HCM's allegation that in the past it was "always" advised of solicitation notifications by U.S. mail and fax and was unaware this notification process had been changed, I note that the Division transitioned to utilizing the eRFP notification system in 2006. Prior to its implementation, the Division sent paper notices to bidders signed up for the mailing list via U.S. mail; during a brief transition period the Division sent faxes as a courtesy. On the Division's website under eRFP Notification Service Frequently Asked Questions, bidders are advised to enroll in the eRFP system to continue receiving notices of advertised solicitations via email:

Question#16: If we are on the old "Bidder's Mailing List", are we automatically registered under the same classes that we were before on the new eRFP Notification Service?

No - You must enroll in the new eRFP Notification Service and select the

Commodity Codes you wish to receive email notifications on of RFPs being advertised.

As noted in the March 11, 2016 final agency decision, HCM failed to register with the eRFP notification system and therefore would not have received a notification through the eRFP system. Notwithstanding this lack of registration, the Bureau sent a courtesy email to potential bidders on the T-2085 contract, including incumbent contractors. Although Mr. Savietta claims he did not receive this email, our records indicate the message was sent to both neilryp@yahoo.com and ssavietta@hudsoncountymotors.com and that no email messages were bounced back or reported as undeliverable.

While Bureau staff may communicate with current State contractors through email, mailings, and/or fax, this process is separate and apart from notifying potential bidders of RFP postings. The Bureau utilized fax as a courtesy to ensure delivery of contract extension documents to current State contractors, whereas it has not mailed or faxed notifications of RFP postings for approximately 10 years.

I therefore uphold the findings in the March 11, 2016 final agency decision that the subject RFP was properly advertised in accordance with the Division's governing rules and regulations. I reiterate that HCM should take the time to properly register and select applicable commodity codes within the eRFP notification system and within NJSTART, at www.njstart.gov, the Divisions' new eProcurement system scheduled to go live later this month.

Sincerely,



Maurice A. Griffin
Chief Hearing Officer

c: J. Kerchner
K. Thomas
V. Bequer
A. Nelson