



# State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
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April 11, 2018

Via Electronic Mail [[mjvprincetransport@gmail.com](mailto:mjvprincetransport@gmail.com)] and USPS Regular Mail

Michael J. Verdon, President  
Prince Transport, LLC  
P.O. Box 655  
Newtown, PA 18940

Re: I/M/O Bid Solicitation #18DPP00205 Prince Transport  
T0777 Snow Plowing and Spreading Services

Dear Mr. Verdon:

This letter is in response to your email of March 22, 2018, on behalf of Prince Transport, LLC (“Prince”) to the Division of Purchase and Property requesting that the Division accept a late Quote in response to Bid Solicitation #18DPP00205 - T0777 Snow Plowing and Spreading Services (“Bid Solicitation”).

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<sup>1</sup> 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”)<sup>2</sup> to those responsible Vendors

<sup>1</sup> Bid Solicitation § 2.2 *General Definitions* defines “Quote {Proposal} [as a] Vendor’s {Bidder’s} timely response to the Bid Solicitation {RFP} including, but not limited to, technical Quote {Proposal}, price Quote {Proposal}, and any licenses, forms, certifications, or other documentation required by the Bid Solicitation {RFP}.” *Emphasis added*.

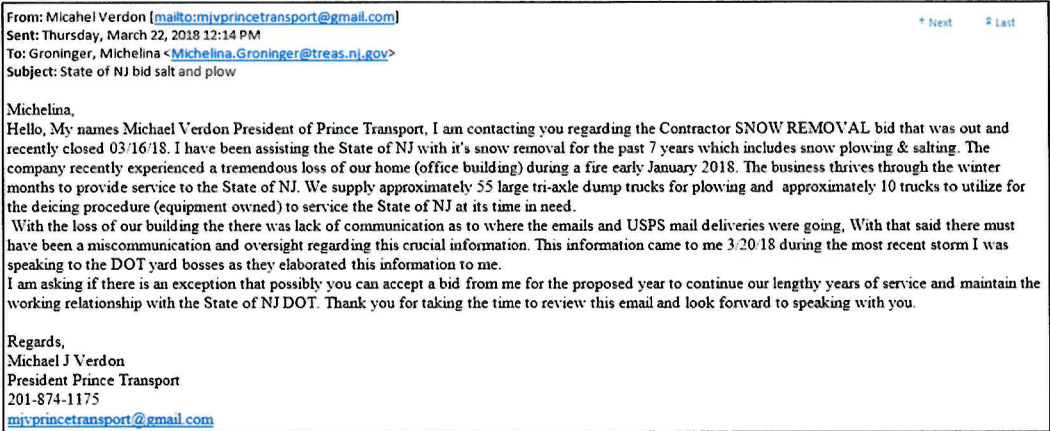
<sup>2</sup> For consistency, this final agency decision uses terminology employed by the State of New Jersey’s **NJSTART** eProcurement system. For ease of reference, the following is a table which references the **NJSTART** term and the statutory, regulatory and/or legacy term.

<b>NJSTART</b> 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

{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.

On March 22, 2018, after the Quote submission deadline, Prince wrote the Bureau stating:



Prince’s email was forwarded to the Division’s Hearing Unit and accepted as protest.

In consideration of Prince’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 public procurement program reflects the New Jersey statutory and regulatory requirements that have been affirmed by New Jersey courts. A basic precept of the Division’s governing statutes and regulations requires that Quotes must be submitted by the deadline specified in the public advertisement and website notice. The Division’s regulations set forth procurement notification requirements at N.J.A.C. 17:12-2.1 Advertising which states in pertinent part:

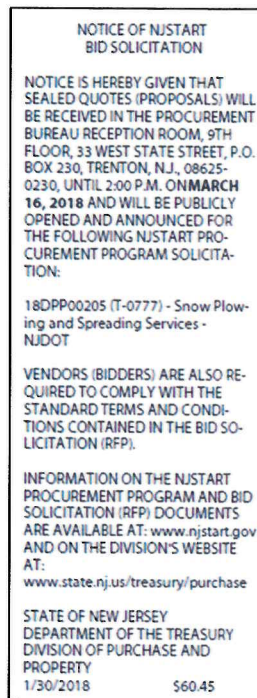
- (a) Advertising is required when the contract amount is expected to exceed the public bidding threshold or is not subject to the relevant exceptions of N.J.S.A. 52:34-6, 9, or 10. Public notice of the bidding opportunity shall be placed on the Division's website and with other media, including newspapers, as required by law at N.J.S.A. 52:34-12 and determined by the State Treasurer to provide best notice thereof to bidders. Advertisements shall be made a minimum of seven business days in advance of the announced deadline for receipt of proposals to encourage free and open competition.

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Vendor {Bidder}	Bidder
Vendor {Contractor}	Contractor

- (b) If, during the course of an advertised procurement pursuant to (a) above, it becomes necessary to alter any of the terms, conditions, or requirements of the request for proposal, such alterations shall be set forth in addenda to the RFP and shall be advertised a minimum of seven business days in advance of the announced deadline for receipt of proposals.
- (c) In addition to statutorily mandated public advertising, the Division shall also publish notices of bidding opportunities on the Division's website.

The record of this procurement shows that the procurement was conducted in full accordance with the Division's governing statutes and regulations and by its standard announcement procedures and practices. Notice of the subject Bid Solicitation was publicly advertised on the Division's **NJSTART** eProcurement site, and as shown below, notice was also published in The Star-Ledger on January 30, 2018 as required by the applicable regulation. N.J.A.C. 17:12-2.1(a) and (c)



Further, the Division's regulations set forth electronic procurement notification requirements at N.J.A.C. 17:12-2.1 which states in pertinent part:

- (d) As a service to vendors interested in competing for State contracts to be awarded by the Division and to any other parties seeking information about bidding opportunities available via the Division's competitive contract procurement program, the Division provides an on-line self-registration service known as the e-RFP Notification Service. Vendors and other interested parties can register to receive direct e-mail notices pertaining to the Division's procurements for goods or services based upon specific commodity classes or codes. As this is a self-registration process, it does not create an entitlement for

any party to receive notice of any particular solicitation of proposals, and the Division and the State shall not be liable for any losses, claims, or damages of any kind if a vendor or other party, for any reason, is not registered or does not receive an e-mail notice. It is the responsibility at all times for e-RFP Notification Service registrants to exercise due diligence in reviewing the notices on the Division's website to assure their awareness of State bidding opportunities announced by the Division

In keeping with regulation, all Vendors {Bidders} who were registered with **NJSTART** for *NIGP Commodity Code 968-72/Snow and Ice Removal Services*, the sole class code associated with this procurement, received electronic notification of the procurement. The responsibility of registration and the selection of commodity codes necessarily rests solely with the potential Vendor {Bidder} who will only receive an electronic notification for procurements associated with those commodity codes for which it is registered. A review of Prince's selected Commodity Codes reveals that it is only registered for one commodity code, a code which was not associated with this procurement.

Active	Code	Description	Date Added
<input checked="" type="checkbox"/>	065-30	Dump Bodies, Host Subframes, etc.	06/05/2015

In support of its request that it be permitted to submit a late Quote, in its March 22, 2018 email, Prince states that it “recently experience a tremendous loss of our home (office building) during a fire in early January 2018... With the loss of our building there was a lack of communication as to where emails and USPS mail deliveries were going[.] With that said there must have been a miscommunication and oversight...” As noted above, this Bid Solicitation was publically advertised on January 30, 2018 with a Quote submission deadline of March 16, 2018. While the Bid Solicitation was open and available for review and submission of a Quote by any potential Vendor {Bidder}, regardless of the commodity for which it registered, it appears that Prince logged into **NJSTART** and made amendment(s) to its **NJSTART** profile.

Vendor ID:	V00005674	Alternate ID:	NEWJERSEY 465350395	Company Name:	Prince Transport LLC
Vendor Legal Name:	Prince Transport LLC	Status:	Active	Status Change Reason:	
Tax ID Type:	EIN	Incorporation Details - State:	NJ	Year of Incorporation:	1
Tax ID#:	****0395	Business Description:		Preferred Delivery Method:	Email
Vendor Email:	prince.transport@eol.com	Vendor Fax:	9737701454	1099 Vendor:	Yes
Comment:					
Emergency Supplier:	No				
Emergency Phone:	2018741175				
Emergency Contact Name:	Michael Verdon				
Emergency Email:					
Emergency Info Comment:					
Referenced Vendor:	No				
User Last Updated:	PRINCE.TRANSPOR	Date Last Updated:	03/05/2018 01:52:15 PM		

Further, while the subject Bid Solicitation was publically advertised and open for the receipt of Quotes, the Bureau sent a letter to Prince requesting that it extend its current contract (Vendor Contract # 82999) for T0777 Snow Plowing and Hauling Services – NJDOT for a period of six months from May 1, 2018 through October 31, 2018. That letter specifically advised that the Vendor {Contractor} should

**[b]e mindful that if this term contract is extended, reprourement of this contract may occur during this extension period. If you have not already done so, you are encouraged to visit the Division of Purchase and Property's eProcurement system, NJSTART, at [www.njstart.gov](http://www.njstart.gov) to view current bidding opportunities and to register as a Vendor Contractor in order to receive notices when a bidding opportunities are announced. Instructions on how to register for NJSTART, and how to select commodity codes, can be found in the Division of Purchase and Property's Quick Reference Guide entitled "Vendor Registration," which can be found at: <http://www.state.nj.us/treasury/purchase/njstart/pdf/QRG-Vendor-Registration.pdf>.**

[March 6, 2018 letter to Prince, *emphasis in the original*.<sup>3</sup>]

The Division recognizes and is sorry for the unfortunate circumstances suffered by Prince with respect to the fire in January 2018 which resulted in the loss of its office building and acknowledges that such a loss led to a disruption of Prince's business communications. However, the administrative regulations that govern the Division's advertised procurement process establish certain requirements that must be met in order for a Quote to be accepted. Those regulations provide in relevant part: "[i]n order to be eligible for consideration for award of [Blanket P.O.], the bidder's [Quote] shall ... [b]e submitted on or before the due date and time and at the place specified in the [Bid Solicitation]." 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. These regulations are stringently enforced to maintain the equal footing of all Bidders and to ensure the integrity of the State's bidding process. Under the provisions set forth above, the statutory procurement laws, and the regulations of the State of New Jersey, the Division cannot accept a late Quote from Prince or any other Vendor {Bidder}. Such acceptance would un-level the Vendor's {Bidder's} playing field as the Division received Quotes from other Vendors {Bidders} by the submission deadline. In fact, the Division received 177 Quotes by the submission deadline.

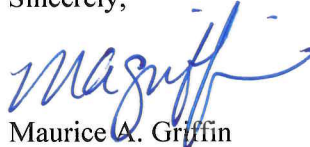
Although Prince requests that it be permitted to participate in the procurement process, in light of the findings set forth above, I must unfortunately deny your request for eligibility to participate in the competition for the subject Blanket P.O. This is my final agency decision. This is an unfortunate situation for the State, as we encourage competition and appreciate your expertise in the field.

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<sup>3</sup> This extension letter was sent to the email address listed in Prince's **NJSTART** profile.

Thank you for registering your company with **NJSTART** at [www.njstart.gov](http://www.njstart.gov), the State of New Jersey's eProcurement system. I look forward to your company's continuing interest in doing business with the State of New Jersey.

Sincerely,



Maurice A. Griffin  
Acting Director

MAG: RUD

c: P. Michaels  
L. Spildener  
M. Groninger