



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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Telephone (609) 292-4886 / Facsimile (609) 984-2575

April 17, 2015

Via Electronic Mail [hap4parts@hotmail.com] and USPS Regular Mail

Howard Wilson, President
Howard Wilson Jr. and Sons t/a Haledon Auto Parts
269 Haledon Avenue
Haledon, NJ 07508

RE: Protest of Notice of Proposal Rejection
RFP #15-X-23842 Automotive Parts for Heavy Duty Vehicles (Class 5 or Higher, Over 15,000 lbs. GVWR) T-2085

Dear Mr. Wilson:

This letter is in response to your fax¹ received April 14, 2015, referencing the subject Request for Proposal ("RFP") and regarding the proposal submitted by Howard Wilson Jr. and Sons t/a Haledon Auto Parts ("Haledon") to the Division of Purchase and Property ("the Division"). The record of this procurement notes that Haledon's proposal was rejected for failing to include a *Signatory Page*. In your correspondence, you contend that Haledon's proposal was complete and all documents were properly uploaded through the Division's eBid system.

I have reviewed the record of this procurement, including the RFP, Haledon's proposal, and relevant statutes, regulations, and case law. This review has provided me with the information necessary to determine the facts of this matter and to render an informed determination on the merits of Deluxe's protest.

The above-referenced solicitation was comprised of the RFP and other documents that outlined the proposal submission process and explained all required documentation. Under RFP Section 4.4.1 *Forms, Registrations and Certifications Required with Proposal*, the RFP included the follow subsections: *Signatory Page, MacBride Principles Certifications, No Subcontractor Certification, Non-Collusion, New Jersey Business Ethics Guide Certification, NJ Standard RFP Forms, Ownership Disclosure Form, Disclosure of Investment Activities in Iran Form, Bid Security, and Pricing*. By signing and submitting a *Signatory Page*, a vendor fulfilled the *MacBride Principles Certifications, No Subcontractor Certification, Non-Collusion, and New Jersey Business Ethics Guide Certification* requirements.

¹ Your correspondence is accepted as a formal protest.

Pursuant to N.J.A.C. 17:12-2.2,² a bidder's proposal must "[c]ontain all RFP-required certifications, forms, and attachments, completed and signed as required" or "be subject to automatic rejection." As set forth in RFP Section 4.0, the submission of a completed and signed *Signatory Page* as part of a bidder's proposal was required.

The record of this procurement shows that Haledon submitted a proposal through the Division's eBid system by the proposal submission date of March 31, 2015. However, a review of the electronic records reveals that in the place of the *Signatory Page*, Haledon's submission contained a pdf file entitled "15-X-23842RFP," which contained a copy of the RFP document. (See attachment.) Although the eBid system does not allow for proposal submission until all forms have been filled out and uploaded, the eBid system cannot differentiate what documents are uploaded. Rather, it accepts any document the bidder uploads in a required document field. The responsibility for the contents of the proposal or submittal necessarily and appropriately rests solely with the bidder. As such, the Division cannot determine if the *Signatory Page* was properly completed and signed, as it was not included with Haledon's proposal submission.

Notwithstanding Haledon's interest in competing for this procurement, it would not be in the State's best interests to allow a bidder who did not provide the required information to be eligible to participate in the procurement process. Such acceptance would unlevel the bidders' 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 Haledon's proposal under these circumstances would be contrary to the provisions of the governing statute and would provide Haledon with disclamation options not available to those bidders whose proposals were fully responsive. In light of the findings 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.

This is an unfortunate situation for the State, as the Division encourages competition and appreciates the time and effort put forth in preparing and submitting Haledon's proposal. Thank you for your company's continuing interest in doing business with the State of New Jersey and for registering your business with **NJ START** at www.njstart.gov, the State of New Jersey's new eProcurement system.

Sincerely,



Ronald G. Wengerd
Chief Hearing Officer

RGW:DF

Enclosure

c: G. Olivera
K. Thomas
V. Bequer

² The Division's administrative rules governing its procurement programs are set forth in N.J.A.C. 17:12. These rules can be accessed at <http://www.state.nj.us/treasury/purchase/AdminCode.shtml>.

eBid Openings

All Sites

Advanced Search

Purchase & Property > Purchase Bureau > eBid Openings > Submitted eBids > 3_31_2015 > 15-X-23842 > Submitted > Howard Wilson Jr and Sons

Submitted eBids

eBids submitted					
New	Upload	Actions		View: All Documents	
A	Name	Vendor Name	eBid Document Name	eBid Document Type	eBid File ID
	143679_line.00114.north.region.xls	Howard Wilson Jr and Sons		Attachment	143679
	143677_line.00079.north.region.xls	Howard Wilson Jr and Sons		Attachment	143677
	143664_StandardDocumentsV33.pdf	Howard Wilson Jr and Sons	NJ Standard RFP Forms	Required	143664
	143678_line.00109.north.region.xls	Howard Wilson Jr and Sons		Attachment	143678
	143674_line.00065.north.region.xls	Howard Wilson Jr and Sons		Attachment	143674
	143675_line.00070.north.region.xls	Howard Wilson Jr and Sons		Attachment	143675
	143676_line.00076.north.region.xls	Howard Wilson Jr and Sons		Attachment	143676
	143671_line.00044.north.region.xls	Howard Wilson Jr and Sons		Attachment	143671
	143672_line.00053.north.region.xls	Howard Wilson Jr and Sons		Attachment	143672
	143673_line.00057.north.region.xls	Howard Wilson Jr and Sons		Attachment	143673
	143650_BiddersDataPacketV3.pdf	Howard Wilson Jr and Sons	Bidder Data Packet	Required	143650
	143651_CooperativePurchaseV4.pdf	Howard Wilson Jr and Sons	Cooperative Purchase Form	Required	143651
	143652_NJStandardTermsandConditionsV.pdf	Howard Wilson Jr and Sons	NJ Standard Terms and Conditions	Required	143652
	143648_15-X-23842RFP.pdf	Howard Wilson Jr and Sons	Signatory Page	Required	143648
	143670_line.00036.north.region.xls	Howard Wilson Jr and Sons		Attachment	143670
	143649_15-X-23842Pricesheet.pdf	Howard Wilson Jr and Sons	Price Sheet	Required	143649

For assistance with Access Web Datasheet, see [Help](#).