



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR
33 WEST STATE STREET
P. O. BOX 039
TRENTON, NEW JERSEY 08625-0039

ANDREW P. SIDAMON-ERISTOFF
State Treasurer

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JIGNASA DESAI-MCCLEARY
Director

Telephone (609) 292-4886 / Facsimile (609) 984-2575

January 14, 2015

Via Electronic Mail [EMeiseles@JNSFoods.com] and USPS Regular Mail

Eliot B. Meiseles, President
JNS Foods, LLC
1401 North University Drive, Suite 602
Coral Springs, FL 33071

RE: Protest of Notice of Proposal Rejection - RFP #15-X-23695
T2423 - *Foods: Foods: Frozen Entrees, Specialty/Dinner/Breakfast/Pizza Veggie Patty - DSS*

Dear Mr. Meiseles:

This letter concerns your emailed communication to this office dated January 6, 2015, referencing the subject Request for Proposal ("RFP") and regarding the proposal that was electronically submitted by JNS Foods, LLC ("JNS") to the Division of Purchase and Property ("the Division") through the Division's eBid system. Your email requests reconsideration of the rejection of JNS's proposal by the Division's Proposal Review Unit for the absence of the identification of the specific RFP title and reference number from the top segment and a physical signature of the bidder from the bottom segment of the RFP's Signatory Page, which provide clear identification of the specific RFP and the commitment signature of a representative of the bidding entity. In support of your request, your email included, as an attachment, a copy of the complete set of RFP-required documents, including a completed and signed Signatory Page document you claim is the form intended as JNS's proposal's Signatory Page.

I have reviewed the record of this procurement, including the RFP, JNS'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 JNS's request for reconsideration.

JNS contends that its submission of a partial Signatory Page was an unintentional error caused by an "electronic snafu" occurring during the scanning of "properly completed" proposal documents prior to its uploading of RFP documents as required to submit a proposal using the eBid system. Scrutiny of the handwritten segments of the Signatory Page of JNS's proposal with the complete handwritten Signatory Page document included with JNS's letter of protest, clearly establishes that the handwritten portions of the segmented proposal document are identical to the corresponding segments of the full document attached to JNS's protest. In this instance, the primary information that is missing in the segmented Signatory Page data included with JNS's proposal, i.e., the physical signature of the bidder and the specific RFP reference title and number, is not cause for rejection of the proposal. JNS provided its commitment signature of its electronic proposal by using its Personal Identification Number ("PIN") to submit the proposal and provided the RFP reference number on other RFP documents contained within

the proposal. As a result, I have determined that the Notice of Proposal Rejection pertaining to JNS's proposal for the subject contract shall be rescinded. This is my final agency decision on this matter. By copy of this letter, I am directing the Procurement Bureau to include JNS's proposal in the evaluation of the proposals received in response to RFP 15-X-23695.

Mr. Meiseles, since this is the second time that JNS has submitted proposal documentation that was incorrectly copied, scanned, and/or uploaded as part of its electronic proposal submission process, I am advising you that the problem you described as an "electronic snafu" is one that should promptly be addressed by remedial action on your part. This second occurrence of the same situation indicates there is a problem with JNS's preparation of proposals, which could result in a proposal rejection that would necessarily be sustained by this office. To avoid that possibility, please take measures as necessary to resolve this recurring problem.

Thank you for your interest in doing business with the State of New Jersey and for registering your business with *NJSTART*.

Sincerely,



Ronald G. Wengerd
Chief Hearing Officer

c: R. Sharbaugh
J. Signoretta
G. Gerstenacker
D. Rodriguez