



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

March 25, 2015

Via eMail fabarish@rt46chevrolet.com and USPS Regular Mail

Adam Barish, President
Adjess Motors LLC d/b/a Route 46 Chevrolet
412 Route 46
Budd Lake, NJ 07828

Re: Protest of Notice of Intent to Award State Contract #T2100
RFP # 15-X-23639 – *Vehicles, Trucks, Class 2, Pickup/Utility, with Snow Plow Option*

Dear Mr. Barish:

This letter is in response to your faxed letter dated March 13, 2015, referencing the subject Request for Proposal (“RFP”) and regarding slated awards of the subject T2100 contract by the Procurement Bureau (“Bureau”), the unit of the Division of Purchase and Property (“the Division”) responsible for conducting open competitive procurements of State contracts. On behalf of Adjess Motors LLC d/b/a Route 46 Chevrolet (“R46C”), you challenge the Bureau’s announced intent to award contracts to Beyer Ford LLC (“Beyer Ford”) and Chas. S. Winner Inc. d/b/a Winner Ford (“Winner Ford”), contending that the 2014 Ford F-250 heavy duty model trucks offered by these two bidders are no longer available for order from the manufacturer and that the 2015 Ford F250s are currently inaccessible as well. You further contend that Ford’s new aluminum heavy duty pickup truck will not be available until late fall of this year or early next year. By these contentions, you urge reconsideration of the scheduled awards of three contract lines to Winner Ford and five contract lines to Beyer Ford.

In consideration of your challenge, I have reviewed the record of this procurement, including the RFP, the Bureau’s Recommendation Report, Beyer Ford’s and Winner Ford’s proposals, and pertinent information about the offered model vehicles. This review of the procurement record has provided me with the information necessary to determine the facts of this matter and to render an informed determination on the merits of R46C’s protest.

Regarding R46C’s assertion that various 2014 Ford F-250 model pickup trucks can no longer be ordered, I find that, while you are correct about that general assertion, there were no offers of 2014 model vehicles by either Beyer Ford or Winner Ford. Instead, my review of their proposals discerned that they both offered differing configurations of 2015 Ford F-250 model pickups in compliance with the distinct requirements set forth in the product specifications for the various RFP price lines. The Procurement Supervisor overseeing the subject re-procurement advises that the T2100 contract re-procurement effort was initiated last November because 2014 model year vehicles once accessible under the current, expiring T2100 contract covered could no longer be ordered by the users of the contract.


Concerning R46C's conjecture that the 2015 model year Ford F-250s are also no longer available for order from the manufacturer, the record of this procurement affirms that circumstance. According to that record, Ford Motor Company, as the manufacturer, advised its dealers and others that the "15 MY [Model Year] Fleet Final Order Due Date" for the 2015 Ford F-250 Series was 2/27/15 and that the "16 MY Order Bank Open Date" for that series was 3/16/15. Nonetheless, since it is a matter of record that manufacturers can and do alter their order deadlines, not in consideration of their dealers' contracts with their clients/customers, but in consideration of various market or production considerations and with minimal or same-day notice to their dealers, the RFP was prepared for this industry practice. Paragraph 3.5.11, *Manufacturer's Cut-Off Date*, sets forth actions to be taken by contractors in the event of a manufacturer's order cut-off declaration during a contract term and requiring that "[p]assage of the vehicle manufacturer's cut-off date will render the contract unusable unless the contractor agrees to a roll-over to the next model year." Included in this RFP paragraph, i.e., as Subparagraph 3.5.11.2., is a provision addressing the action to be taken by an intended awardee in the event that a manufacturer's order deadline occurs during the re-procurement stage:

Should a potential awardee be notified by a vehicle manufacturer of a cut-off date after the proposal opening and after receiving a letter of intent to award, but before contract award has been finalized, the awardee must immediately notify the Procurement Bureau in writing.

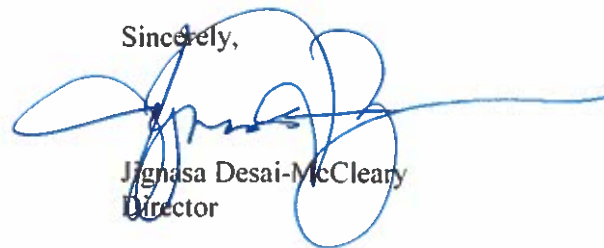
In this case, in light of Ford Motor Company's imposed order deadline, the record reveals that both Winner Ford and Beyer Ford promptly notified the Bureau by signed letters dated February 19, 2015, of their commitments to apply the pricing offered in their proposals for the 2015 model year F-250s to the 2016 model year F-250s slated for award. As a result, with the manufacturer's March 16, 2015 start date for ordering 2016 Ford F-250 pickups activating a new fleet vehicle ordering period, upon award of the T2100 contracts, users of the contract will be able to place orders as needed for 2016 model year F-250s at the prices quoted for 2015 models.

Concerning R46C's mention of Ford's "new aluminum HD" pickup that could become available later this calendar year, there is no provision, or even mention of, such a vehicle either in the RFP or in the proposals submitted by Beyer Ford or Winner Ford. If "aluminum" Heavy Duty pickups do become available from Ford before the end of the term of these new T2100 contracts on December 31, 2015, they could not become part of the T2100 contracts without meeting all product specifications at the prices quoted by the two slated contract awardees.

Based upon these findings, with full attention to fairness and the public good as R46C has requested and as is the Division's standard practice, I have determined that the slated awards of contracts to Winner Ford and Beyer Ford, resulting from a properly conducted competition with awards slated to responsible bidders whose responsive proposals offered the most favorable pricing for their corresponding contract lines, represent the best interests of the State, price and other factors considered. As a result, I must deny your challenge of the scheduled awards. This is my final agency decision on this matter.

Thank you for your interest in doing business with the State of New Jersey and for registering your entity with  at www.njstart.gov, the State of New Jersey's new eProcurement system.

Sincerely,



Jignasa Desai-McCleary
Director

JD-M:RW

c: M. Griffin / K. Thomas / S. Ghorbani