



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
OFFICE OF THE DIRECTOR

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April 10, 2024

*Via Electronic Mail [fmnorth@bsihvac.com](mailto:fmnorth@bsihvac.com) only*

Frank M. North, President/CEO  
Bradley Sciocchetti Inc.  
4420 North Route 130  
P.O. Box 1278  
Merchantville, NJ 08109-0278

Re: I/M/O Bid Solicitation #23DPP00822– Bradley Sciocchetti Inc.  
Protest of Proposal Rejection  
T1372 HVAC, Refrigeration and Boiler Services

Dear Mr. North:

This final agency decision is in response to the e-mail correspondence dated March 11, 2024, submitted by Bradley Sciocchetti Inc. (hereinafter “Bradley Sciocchetti”), and received by the Division of Purchase and Property’s (hereinafter “Division”) Hearing Unit on the same date. In that correspondence, deemed a Protest by the Division pursuant to N.J.A.C. 17:12-3.1, Bradley Sciocchetti requests that the Bureau accept the emails submitted with its Quote information for the above Bid Solicitation to allow them to be eligible for evaluation and award. Bradley Sciocchetti alleges that it believed it had completed the process of uploading and submitting its Quote in a timely manner, but only later learned that the documents had been uploaded incorrectly after the Bid Solicitation opened. Bradley Sciocchetti requests that the Division waive the mandatory due date and time listed in the Bid Solicitation and provide an on-ramp for them to submit their proposal beyond said due date.

By way of background, on December 21, 2023, the Division’s Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the Department of Treasury, Division of Property Management and Construction (NJDPMP). The purpose of the Bid Solicitation was to solicit “Quotes for qualified Contractors to inspect, repair and provide preventive maintenance for various HVAC, Refrigeration and Boiler Systems throughout the State.” Bid Solicitation Sec. 1.1, *Purpose and Intent*. It is the intent of the State to award Contracts to those responsible Bidders whose Quotes, conforming to this Bid Solicitation are most advantageous to the State of New Jersey (State), price and other factors considered. The State may award any or all price lines.

On February 28, 2024, the Division’s Proposal Review Unit (PRU) opened twelve (12) Quotes that were received by the 2:00 pm Eastern Time submission deadline. The PRU conducted an initial review of all Quotes received for compliance with mandatory Quote submission requirements. However, no Quote was received from Bradley Sciocchetti by the submission deadline.

In consideration of Bradley Sciocchetti's protest, I have reviewed the record of this procurement, including the Bid Solicitation, the Quotes received, 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; as such, an in-person hearing is not warranted. I set forth herein the Division's final agency decision.

The Division's administrative regulations governing the advertised procurement process establish certain requirements that must be met for a proposal to be accepted. The Division's governing regulations provide in relevant part that "In order to be eligible for consideration for award of contract, the bidder's proposal shall...be submitted on or before the due date and time and at the place specified in the RFP." N.J.A.C. 17:12-2.2(a). If the requirements of N.J.A.C. 17:12-2.2 are not met, a Quote must be rejected. These regulations are strictly enforced to maintain a level playing field for all Bidders and to ensure the integrity of the State's bidding process.

In addition, the Bid Solicitation expressly advises bidders of the requirements for proper submission:

### **3.1 QUOTE SUBMISSION**

In order to be considered for award, the Quote must be received by the Division's Proposal Review Unit, Quote electronically through **NJSTART**, by the required date and time.

The date and time of the Quote opening are indicated on the Bid Solicitation cover sheet and on the "Summary" Tab of the Bid Solicitation webpage within **NJSTART**. If the Quote opening deadline has been revised, the new Quote opening deadline shall be shown on the posted Bid Amendment and on the "Summary" Tab of the Bid Solicitation webpage within **NJSTART**. Quotes not received prior to the Quote opening deadline shall be rejected.

[Emphasis added.]

The Bid Solicitation also advises Bidders to consult with the Division's Quick Reference Guides and supporting material in preparing Quotes for submission:

#### **1. INTRODUCTION AND SUMMARY OF THE BID SOLICITATION**

Bidders are strongly encouraged to visit the NJSTART Vendor Support Page, which contains Quick Reference Guides (QRGs), supporting videos, a glossary of **NJSTART** terms, and helpdesk contact information. Bidders should utilize the QRGs before attempting to submit a Quote through **NJSTART**. **It is the Bidder's responsibility to ensure that the Quote and attachments have been properly submitted.** Inquiries concerning the use of **NJSTART** may be directed to [njstart@treas.nj.gov](mailto:njstart@treas.nj.gov). The Division will not respond to substantive questions related to the Bid Solicitation or any other Contract via this email address.

[Emphasis added.]

Not only does this section encourage Bidders to review the Quick Reference Guides provided by the Division, but it includes a hyperlink to the NJSTART portal containing all of the Quick Reference Guides and videos.

In addition the Bid Solicitation, the Division also posted to the NJSTART web-portal a Bid Solicitation Checklist to guide the Vendors in the submission process. The Checklist states:

THIS CHECKLIST WAS CREATED AS A GUIDE TO ASSIST BIDDERS AND MAY NOT IDENTIFY ALL OF THE DOCUMENTS, FORMS OR OTHER INFORMATION REQUIRED FOR SUBMITTING A COMPLETE AND RESPONSIVE QUOTE. IT IS THE BIDDER'S RESPONSIBILITY TO ENSURE THAT ALL REQUIREMENTS OF THE BID SOLICITATION HAVE BEEN MET.

In addressing the language in the checklist relating to a Protest, the Courts have stated:

These statements on the checklist, taken together with the mandatory language in other parts of the RFP, provided notice it was the bidder's responsibility to ensure all the required forms were submitted.....

In re Bid Solicitation #18DPP00205, No. A-0515-18T3, 2019 N.J. Super. Unpub. LEXIS 1468 (Super. Ct. App. Div. June 26, 2019).

In reviewing the NJSTART's records with respect to Bradley Sciocchetti's Quote, it is clear that the Vendor was registered in the NJSTART portal with respect to the subject Bid Solicitation.



The screenshot shows the NJSTART portal interface. At the top, there is a search bar and a 'Marketplace' dropdown menu. Below this, a table lists vendors and their submission status. The table has columns for Vendor ID, Vendor Name, Bid Mailing Address, Email, and a 'Submitted' column with a date and time. The 'Submitted' column also includes a 'Yes' or 'No' status. The vendor 'Bradley Sciocchetti Inc.' is listed at the bottom of the table, with a 'No' status in the 'Submitted' column.

Vendor ID	Vendor Name	Bid Mailing Address	Email	Submitted	Yes/No
V0000	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
V0000	[REDACTED]	[REDACTED]	[REDACTED]	Quote submitted at 02/26/2024 01:43:35 PM	Yes
V0000	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
V0000	[REDACTED]	[REDACTED]	[REDACTED]	Quote submitted at 02/26/2024 11:55:49 AM	Yes
V0000	[REDACTED]	[REDACTED]	[REDACTED]	Quote submitted at 02/26/2024 10:50:30 AM	Yes
V0000	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
V0000	[REDACTED]	[REDACTED]	[REDACTED]	Quote submitted at 02/26/2024 11:23:09 AM	Yes
V00064813	Bradley Sciocchetti Inc.	4420 ROUTE 130 NORTH Parsippany, NJ 08059 US	[REDACTED]	[REDACTED]	No

However, at the close of the 2:00 p.m. submission deadline Bradley Sciocchetti had not submitted its Quote pursuant to the instructions and requirements. It is also noted that at the close of the submission deadline for any given Bid Solicitation, NJSTART automatically removes the submission button / functionality, and neither NJSTART nor the Procurement Bureau can review Quotes until after the submission deadline. Uploading documents to the NJSTART portal is one step in the process of submitting a Quote to the State of New Jersey, but until and unless the Vendor completes the submission process the Division's Proposal Review Unit (PRU) is not able to view or consider the uploaded information.

While the reasons underlying Bradley Sciocchetti's difficulties are understandable, and the Vendor acknowledges its responsibility in ensuring that the documents are uploaded properly to NJSTART, it is noted that twelve (12) other Vendors successfully uploaded Quotes on or before the Quote submission deadline. The Division cannot waive or relax the submission requirements for one Vendor at the expense of the other compliant Vendors. "Requiring adherence to material specifications maintains a level playing field for all bidders competing for a public contract." Barrick v. State, 218 N.J. 247, 259 (2014).

In light of the findings set forth above, I must deny Bradley Sciocchetti's request to be considered for eligibility to participate in the competition for this contract. This is my final agency decision. 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 the Quote.

Thank you for your company's continuing interest in doing business with the State of New Jersey. I encourage you to log into [NJSTART](#) to select any and all commodity codes for procurements you may be interested in submitting a Quote for so that you may receive notification of future bidding opportunities.

This is the Division's final agency decision. Pursuant to N.J.A.C. 17:12-3.1, this determination is appealable to the Appellate Division of the Superior Court in accordance with the New Jersey Court Rules (R. 2:4-1) which provide a party 45 days to appeal this final agency decision.

Sincerely,



Cory K. Kestner  
Acting Chief Hearing Officer

c: C. Clarke  
D. Lang