State of New Jersey
DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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May 2, 2014

Via Electronic Mail [Natasha@hallak.com] and USPS Regular Mail

Natasha Poholka
Administrative Assistant
Hallak Cleaners
172 Johnson Avenue
Hackensack, NJ 07601

RE: Protest of Notice of Proposal Rejection
RFP #14-X-23475 Cleaning of Historical Textile and Leather Artifacts: DMAVA

Dear Ms. Poholka:

This letter is in response to your emails and faxes received April 30, 2014, referencing the subject Request for Proposal ("RFP") and regarding the proposal submitted by Hallak Cleaners ("Hallak") to the Division of Purchase and Property ("the Division"). The record of this procurement notes that Hallak's proposal was rejected due to a missing *Signatory Page*. Hallak was also cautioned that it was not currently business-registered. In your emails, you request that I reconsider the rejection of Hallak's proposal and permit Hallak to complement its proposal by acceptance of the missing *Signatory Page*, included as an attachment to your protest.

I have reviewed the record of this procurement, including the RFP, Hallak'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 Hallak's protest.

The above-referenced solicitation was comprised of the RFP and other documents. Under Section 4.0 *Proposal Preparation and Submission*, the RFP stipulates the following:

> **4.4.1.1 SIGNATORY PAGE**
>
> The bidder shall complete, including signature of an authorized representative of the bidder, and submit the Signatory Page accompanying this RFP. If the bidder

> is a limited partnership, the Signatory Page must be signed by a general partner. If the bidder is a joint venture, the Signatory Page must be signed by a principal of each party to the joint venture. Failure to comply will result in rejection of the proposal.
>
> **Note: A bidder's written signature on the Signatory Page, or entry of a Personal Identification Number (PIN) if using the eBid system, shall not serve as a certifying signature on the forms comprising the NJ STANDARD RFP FORMS document. (See 4.4.1.2)**
>
> [(Emphasis in original.)]

Pursuant to N.J.A.C. 17:12-2.2,[1] 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 4.4.1.1, a bidder's failure to complete and submit the *Signatory Page* "will result in rejection of the proposal."

In this case, a review of the electronic records reveals that Hallak's electronic submission contained a duplicate *Price Schedule*, uploaded by Hallak in the place of the *Signatory Page*. Notwithstanding Hallak'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 certifications 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 Hallak's proposal under these circumstances would be contrary to the provisions of the governing statute and would provide Hallak with disclamation options not available to those bidders whose proposals were fully responsive.

Additionally, the *Notice of Proposal Rejection* noted: "Although not a cause for rejection at this time, Division records indicate your firm is not currently business-registered by the Division of Revenue of the Department of the Treasury." The business registration certificate submitted by Hallak and a search on the Division of Revenue's On-Line Inquiry site confirms that Hallak is properly registered as Hallak & Sons, Inc. This clerical error was due to the discrepancy between the taxpayer and trade names and vendor numbers; however, it had no effect on Hallak's proposal rejection. The Division's records will sync the two names in the future.

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.

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[1] 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.

This is an unfortunate situation for the State, as we encourage competition and appreciate the time and effort put forth in Hallak's proposal. Thank you for your continued interest in doing business with the State of New Jersey.

Sincerely,

Ronald G. Wengerd
Chief Hearing Officer

RGW:DF

c: L. DuBois
E. Mackay
J. Wallace
D. Rodriguez