



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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October 21, 2014

Via Electronic Mail [chriswolak@idealease.com] and USPS Regular Mail

Christopher M. Wolak
Director of Finance
Deluxe International Trucks, Inc.
600 South River St.
Hackensack, NJ 07601

RE: Protest of Notice of Proposal Rejection
RFP #15-X-23440 Maintenance and Repair Services for Heavy Duty Vehicles (Class 5 or Higher, Over 15,000 lbs. GCWR) (T-2108)

Dear Mr. Wolak:

This letter is in response to your email¹ dated and received October 7, 2014, referencing the subject Request for Proposal ("RFP") and regarding the proposal submitted by Deluxe International Trucks, Inc. ("Deluxe") to the Division of Purchase and Property ("the Division"). The record of this procurement notes that Deluxe's proposal was rejected for failing to include required pricing information. In your letter, you contend that Deluxe did submit pricing information on pages 8, 9, 27, and 28 of the *Price Sheet* and you request clarification on why the proposal was rejected.

I have reviewed the record of this procurement, including the RFP, Deluxe'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, which provided guidance on the information required to be included with all proposals. Under Section 4.4.1 *Forms, Registrations and Certifications Required with Proposal*, the RFP included the following:

¹ Your email correspondence is accepted as a formal protest.

4.4.1.6 PRICING

The bidder must submit its pricing on the State supplied Price Sheet/Schedule and supply any additional pricing information as directed in RFP Section 4.4.5.

Furthermore, as a courtesy to all bidders, the Division provided a Proposal Checklist as an accompaniment to the RFP. The Checklist included the following:

FORMS THAT MUST BE SUBMITTED WITH YOUR PROPOSAL:

- RFP Signatory Page with physical signature or PIN (PIN is for eBid submission ONLY)
- Completed Price Sheets as instructed in Section 4.4.5 of the RFP
- Completed and signed Ownership Disclosure Form*
- Completed and signed Disclosure of Investments in Iran Form*

....

** The Ownership Disclosure, Disclosure of Investigations and Other Actions Involving Bidder, and the Disclosure of Investments in Iran forms MUST each contain either a physical or typed signature (typed signatures are only acceptable for eBid submissions). . . .*

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 Sections 4.4.1.6 and 4.4.5, pricing information supplied on the provided *Price Sheet* was required at the time of proposal submission.

The record of this procurement notes that Deluxe submitted a proposal through the Division's eBid system by the proposal submission date of October 3, 2014. However, a review of the electronic records reveals that Deluxe's submission contained a duplicate *Signatory Page*, uploaded by Deluxe in the place of the *Price Sheet*. (Please see the attached eBid screen print-out.) Although Deluxe contends it did submit pricing information, 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.

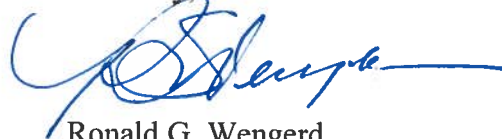
Notwithstanding Deluxe's interest in competing for this procurement, it would not be in the State's best interests to allow a bidder who did not provide the required information to be eligible to participate in the procurement process. Such acceptance would unlevel the bidders' playing field, as the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

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>.

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 Deluxe'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,

A handwritten signature in blue ink, appearing to read "R. Wengerd", with a long horizontal flourish extending to the right.

Ronald G. Wengerd
Chief Hearing Officer

RGW:DF
Attachment

c: L. DuBois
R. Sharbaugh
K. Thomas
V. Bequer
D. Rodriguez



All Sites



Advanced Search

Purchase & Property > Purchase Bureau > eBid Openings > Submitted eBids > 10_3_2014 > 15-X-23440 > Submitted > DELUXE INTERNATIONAL TRUCKS INC

Submitted eBids

eBids submitted

New	Upload	Actions	View:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All Documents
Name	Modified	Solicitation Number	Vendor Name
141713_15-X-23440SignatoryPage-delux.pdf	10/3/2014 02:02 PM	15-X-23440	DELUXE INTERNATIONAL TRUCKS INC.
141716_BiddersDataPacketV3-DELUXE.pdf	10/3/2014 02:02 PM	15-X-23440	DELUXE INTERNATIONAL TRUCKS INC.
141717_NJStandardTermsandConditionsV.pdf	10/3/2014 02:02 PM	15-X-23440	DELUXE INTERNATIONAL TRUCKS INC.
141718_NJStandardTermsandConditionsV.pdf	10/3/2014 02:02 PM	15-X-23440	DELUXE INTERNATIONAL TRUCKS INC.
141719_StandardDocumentsV3-DELUX.pdf	10/3/2014 02:02 PM	15-X-23440	DELUXE INTERNATIONAL TRUCKS INC.
141712_15-X-23440SignatoryPage-delux.pdf	10/3/2014 02:02 PM	15-X-23440	DELUXE INTERNATIONAL TRUCKS INC.

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