



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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August 5, 2014

Via Electronic Mail [rtillman@netqmedia.com] and USPS Regular Mail

Richard Tillman, President
NetQ Multimedia Co.
919 Route 33, Suite 52
Freehold, NJ 07728

RE: Protest of Notice of Proposal Rejection
RFP #15-X-23512 Communications Wiring Services

Dear Mr. Tillman:

This letter is in response to your email¹ dated June 24, 2014 referencing the subject Request for Proposal ("RFP") and regarding the proposal submitted by NetQ Multimedia Co., a division of Network Cabling Inc. ("NetQ"), to the Division of Purchase and Property ("the Division"). The record of this procurement notes that NetQ's proposal was rejected due to a missing *Ownership Disclosure Form* and *Disclosure of Investment Activities in Iran* form. In your email, you request the Division review your submission, claiming the master electronic version of NetQ's proposal included the missing forms.

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

In accordance with RFP Section 4.3.2 *Non-Ebid Submission*, NetQ did not submit a proposal through the Division's eBid system, but properly submitted a hard copy proposal adhering to the specifications addressed below:

4.3.2 NON-EBID SUBMISSION

The Bidder must submit the following proposal copies:

One (1) complete ORIGINAL proposal, clearly marked as the "ORIGINAL" proposal.

Six (6) complete and exact copies, clearly marked "COPY".

¹ Your email correspondence is accepted as a letter of protest.

One (1) unbound, complete and exact copy of the original, clearly marked "COPY Two (2) complete and exact ELECTRONIC copy(ies) of the original proposal in PDF file format on disc (CD or DVD) to be viewable and "read only" by State evaluators using Adobe Acrobat Reader software.

One (1) complete and exact ELECTRONIC copy of the original proposal in an editable and "writable" PDF file format on disc (CD or DVD) for redaction.

Copies are necessary in the evaluation of the proposal and for record retention purposes. A Bidder failing to provide the requested number of copies will be charged the cost incurred by the State in producing the requested number of copies. The Bidder should make and retain a copy of its proposal.

The record reveals that NetQ's hard copy proposals did not contain the forms in question. However, the electronic version of NetQ's proposal, submitted in the form of a CD-R read-only disc, does in fact contain the properly signed and completed *Ownership Disclosure Form* and *Disclosure of Investment Activities in Iran* form. A single copy of each of these forms included within the four corners of NetQ's proposal constitutes disclosure and thus is sufficient to render NetQ's proposal complete.

In light of the findings set forth above, I am reversing the decision of the Proposal Review Unit and reinstating NetQ's proposal for consideration by the Procurement Bureau. Accordingly, NetQ's records will be updated to reflect proper submission of the *NJ Standard RFP Forms*. 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 business with **NJ STAR7** at www.njstart.gov, the State of New Jersey's new eProcurement system.

Sincerely,



Ronald G. Wengerd
Chief Hearing Officer

RGW:DF

c: L. DuBois
G. Olivera
P. MacMeekin
J. Strype
D. Rodriguez