



## 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

<https://www.njstart.gov>

Telephone (609) 292-4886 / Facsimile (609) 984-2575

ELIZABETH MAHER MUOIO  
*State Treasurer*

MAURICE A. GRIFFIN  
*Acting Director*

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

February 24, 2022

*Via Electronic Mail Only* [JRabiea@newyorkpackaging.com](mailto:JRabiea@newyorkpackaging.com)

Jeffrey Rabiea  
New York Packaging II LLC  
135 Fulton Avenue  
New Hyde Park, NY 11040

Re: I/M/O Bid Solicitation #22DPP00711 New York Packaging II LLC  
Protest of Notice of Proposal Rejection – Request for Reconsideration  
T1187 Bags: Plastic for Bakery Goods - Bayside State Prison Bakery

Dear Mr. Rabiea:

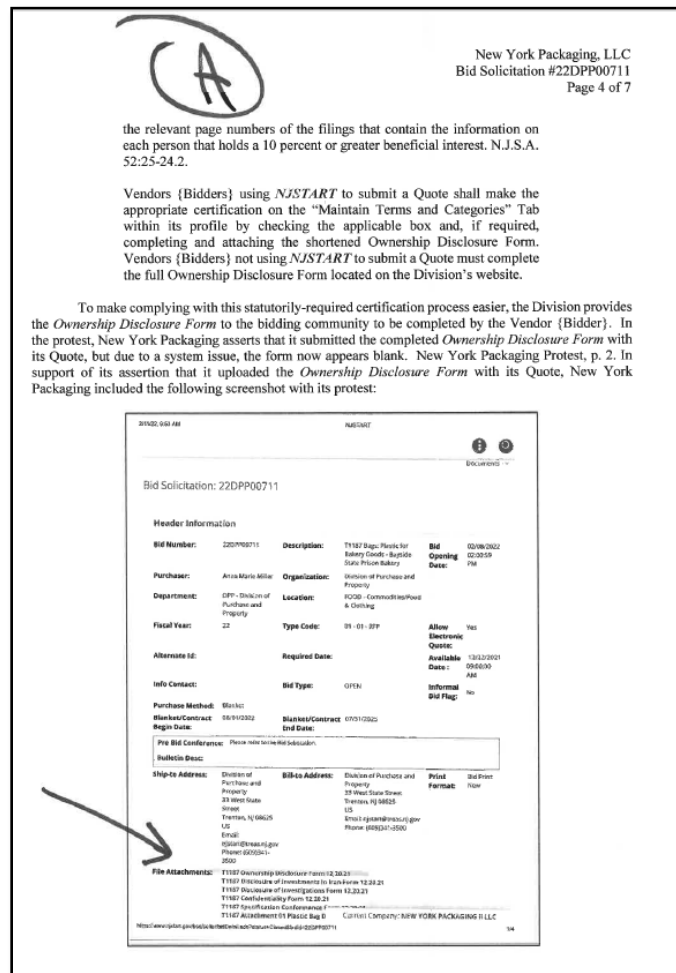
This letter is in response to your correspondence of February 17, 2022, on behalf of New York Packaging LLC (New York Packaging) which was received by the Division of Purchase and Property's (Division) Hearing Unit. In that correspondence, New York Packaging requests that the Division reconsider its decision to uphold the Notice of Proposal Rejection issued by the Division's Proposal Review Unit for Bid Solicitation No. 20DPP00711 - T1187 Bags: Plastic for Bakery Goods - Bayside State Prison Bakery (Bid Solicitation).

By way of background, on December 22, 2021, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the Department of Corrections - Bureau of State Use Industries (DEPTCOR) to solicit Quotes for plastic bags to be used for bakery goods (bread, rolls, etc.) for Bayside State Prison Bakery (BSPB). Bid Solicitation §1.1 *Purpose and Intent*. On February 8, 2022, the Division's Proposal Review Unit opened two Quotes that were received by the submission deadline of 2:00 pm eastern time. After conducting a review of the Quotes received, the Division's Proposal Review Unit issued a Notice of Proposal Rejection to New York Packaging for failing to submit the *Ownership Disclosure Form* with its Quote. In response to the Notice of Proposal Rejection, on February 11, 2022, New York Packaging submitted a letter of protest to the Division stating that it uploaded the *Ownership Disclosure Form* with the Quote. In support of that belief New York Packaging included a screenshot of what it believed were the documents comprising its submitted Quote. In addition, New York Packaging included the completed *Ownership Disclosure Form* which it stated was submitted with its Quote.

After reviewing the Quote and protest submitted by New York Packaging, the Hearing Unit concluded that New York Packaging did not upload the *Ownership Disclosure Form* with its Quote. On February 17, 2022, the Division issued its final agency decision which upheld the Notice of Proposal Rejection. On that day, New York Packaging responded to the final agency decision requesting that the Division reconsider the allegations of its protest and the final agency decision. In part, New York Packaging stated:

In response please see attached document marked A which is my quote inside new jersey start showing the ownership disclosure form in the site. I cannot understand how you can say is it not there when I can log in to new jersey start and see it. I submit to you that there is a glitch in your systems Based on this I request you reopen my protest.<sup>1</sup>

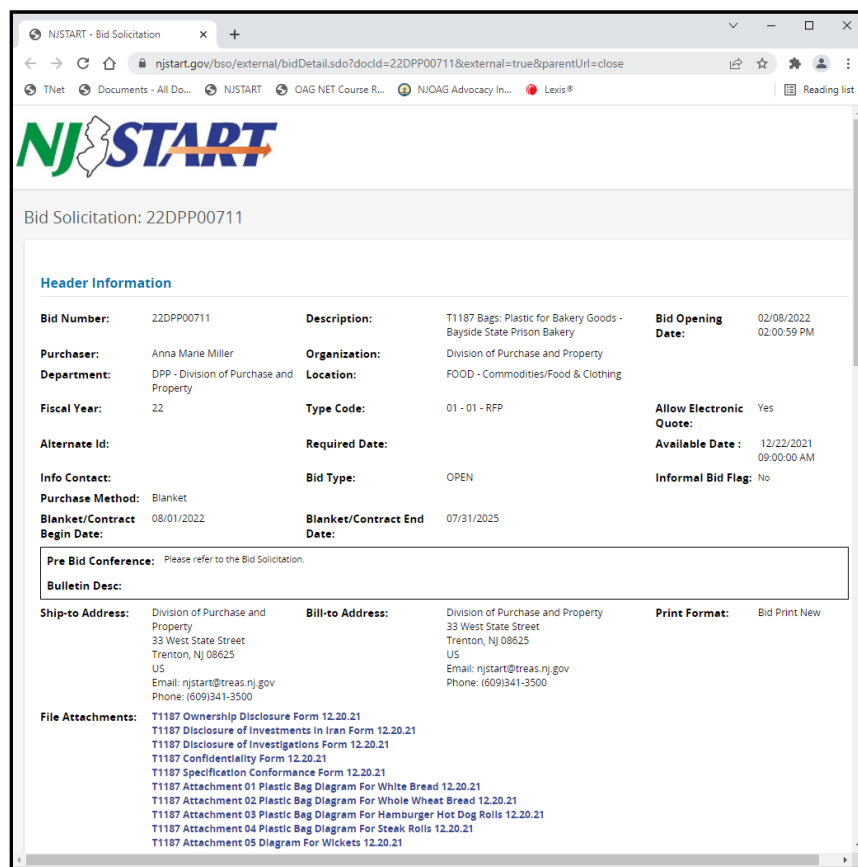
New York Packaging asserts that claim there must be a glitch in the **NJSTART** system because a completed form is not appearing in **NJSTART** when viewed by someone other than New York Packaging. In support of its request for reconsideration, New York Packaging included the following screenshot from the final agency decision:



<sup>1</sup> As part of its reconsideration request, New York Packaging requested that the State purchase the additional state-branded goods remaining in its inventory. Any statements related to these goods have no bearing on this reconsideration decision which must be made solely on the merits of the reconsideration request. However, New York Packaging’s current contract for Bid Solicitation No. 15-X-23405, Contract No. 87428, does not expire until either July 31, 2022, or the award of Bid Solicitation No. 22DPP00711. New York Packaging may continue to provide goods under its contract until the contract expires or an award is made and a new contract begins.

Reconsideration should only be granted in those situations where (1) the reviewing body’s “decision is based upon palpably incorrect or irrational basis”, or (2) the reviewing body failed to consider or appreciate the significance of some piece of evidence. *See Cummings v. Bahr*, 295 N.J. Super. 374, 384 (App. Div. 1996), *citing*, *D’Atria v. D’Atria*, N.J. Super. 392, 402-402 (Ch. Div. 1990). *Id.* In requesting reconsideration, New York Packaging has not brought to light any new or additional information which was not included in its original protest. Rather, New York Packaging simply disagrees with the Division’s decision, and asks that the Division reconsider the decision based upon the same information and arguments presented in the original protest. While New York Packaging may not be entitled to reconsideration under the law, for the sake of completeness I will address its arguments below.<sup>2</sup>

Again, in connection with the request for reconsideration, the Hearing Unit has reviewed the Quote submitted by New York Packaging and finds that the *Ownership Disclosure Form* was not included among the documents uploaded. As previously noted, the screenshot submitted above by New York Packaging, first with its protest and then as part of the request for reconsideration (document A), is not a record of the documents comprising New York Packaging’s Quote. Rather, it is a screenshot of the summary page of the procurement showing the documents, include the Bid Solicitation and a blank *Ownership Disclosure Form*, among other documents, uploaded by the Bureau as part of this procurement. This summary page is identical for anyone viewing this procurement.



<sup>2</sup> Additionally, the Division’s governing regulations do not contemplate requests for reconsideration. Rather, upon issuance of the final agency decision, the appropriate course of action would be to file an appeal with the Superior Court Appellate Division. N.J.A.C. 17:12-3.1 (b).

The only documents uploaded by New York Packaging which comprised Quote No. 00005860 are those shown below in the screenshot of New York Packaging's Quote attachments.

Quote 00005860 - NEW YORK PACKAGING II LLC

General Items Questions Subcontractors Terms & Conditions **Attachments(12)** Evaluations Preference Reminders Summary

**Files**

Name	Description	Confidential	Order	Attached By	Attached Date
BID FORM	BID FORM	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/24/2021
T1187 State Supplied Price Sheet 12.20.21_2~1.xlsx	BID FORM	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/24/2021
T1187 State Supplied Price Sheet 12.20.21_2~2.xlsx	BID FORM	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/24/2021
bid solicitation checklist.pdf	bid solicitation checklist.pdf	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/29/2021
bidder data sheet.pdf	bidder data sheet.pdf	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/29/2021
confidentiality form.pdf	confidentiality form.pdf	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/29/2021
price form.pdf	price form.pdf	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/29/2021
redactions form.pdf	redactions form.pdf	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/29/2021
specification conformance cert.pdf	specification conformance cert.pdf	<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/29/2021
T1187 State Supplied Price Sheet 12.20.21_2.xlsx		<input checked="" type="checkbox"/>	0	jeffrey rabiea	12/29/2021
offer and acceptance	offer and acceptance	<input checked="" type="checkbox"/>	1	jeffrey rabiea	12/29/2021
Iran disclosure	iran disclosure	<input checked="" type="checkbox"/>	2	jeffrey rabiea	12/29/2021

**Forms**

No Form Attachments

**Required Attachments**

No required attachments

Save & Continue Add Form Close Window

Copyright © 2022 Periscope Holdings, Inc. - All Rights Reserved.

Unfortunately, the *Ownership Disclosure Form* is not one of the listed attachments, nor was it included as with any of the items attached to the Quote submitted by New York Packaging.

As noted in the February 17, 2022, final agency decision, the **NJSTART** system does not prevent a Vendor {Bidder} from submitting a Quote without all of the required forms and documents completed and/or attached as mandated by the specifications. The responsibility for ensuring that all necessary forms and other submittals are completed and uploaded into **NJSTART** necessarily and appropriately rests solely with the Vendor {Bidder}. Bid Solicitation § 1.4.2 *Vendor {Bidder} Responsibility*. The Division does not have the power to waive the legislative requirement that a Vendor {Bidder} provide its ownership information prior to or accompanying the Quote submission. Only the New Jersey Legislature can change a requirement it has mandated. Unfortunately, New York Packaging submitted a Quote without a completed *Ownership Disclosure Form* attached.

If New York Packaging wishes to review the documents which were uploaded to **NJSTART** and which comprise its submitted Quote, it should follow the steps set forth in the Division's Quick Reference Guide entitled "How to Review a Submitted Quote" which is included with this decision. If you have questions about how to use **NJSTART**, you may contact the **NJSTART** Help Desk at [njstart@treas.nj.gov](mailto:njstart@treas.nj.gov).

Based upon the foregoing, I find no reason to disturb the Proposal Review Unit's Notice of Proposal Rejection; therefore, I sustain the February 17, 2022 final agency decision.

Sincerely,

*Rachel Doobrajh*

Rachel Doobrajh  
Chief Hearing Officer

RUD: CKK

Enclosure

- c. J. Kerchner
- A. Miller
- A. Nelson
- D. Rodriguez



**New Jersey Department of the Treasury  
Division of Purchase and Property**



**QUICK REFERENCE GUIDE:**

**How to Review a Submitted Quote**



## 1 Purpose

This Purpose of this Quick Reference Guide (QRG) entitled *How to Review a Submitted Quote*, is to provide Vendors {Bidders} with step-by-step instructions on how to review those documents uploaded and submitted as part of a Quote in response to an advertised Bid Solicitation in **NJSTART**.

This QRG uses terminology employed by the State of New Jersey’s **NJSTART** eProcurement system. For ease of reference, the following is a table which cross-references the **NJSTART** term and the statutory, regulatory and/or legacy term.

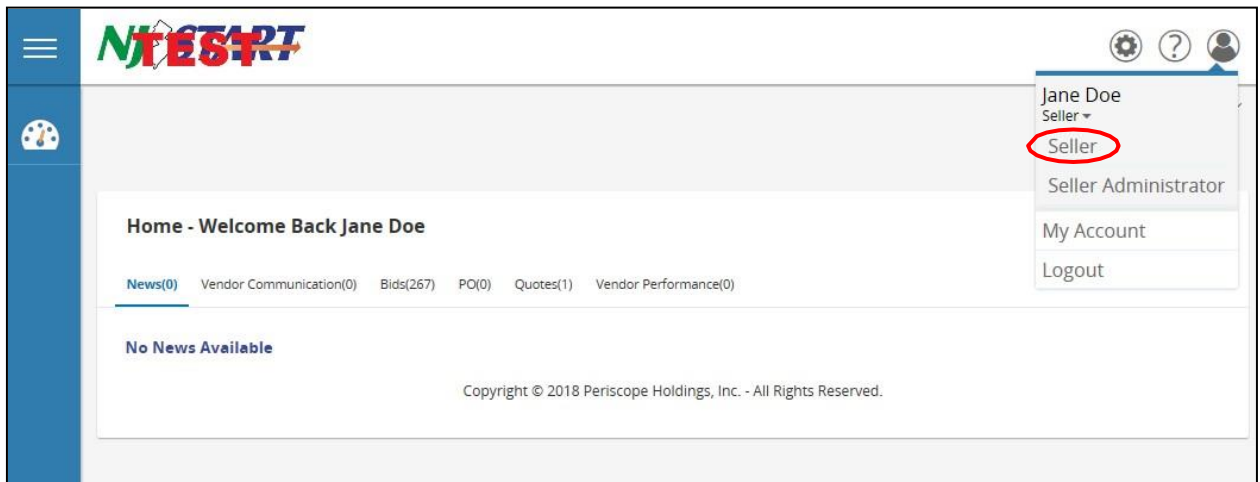
<b>NJSTART</b> Term	Equivalent Statutory, Regulatory and/or Legacy Term
Bid/Bid Solicitation	RFP/Solicitation
Bid Amendment	Addendum
Change Order	Contract Amendment
Master Blanket Purchase Order (Blanket P.O.)	Contract
Offer and Acceptance Page	Signatory Page
Quote	Proposal
Vendor	Bidder/Contractor

Before the Quote Opening Deadline, a Vendor {Bidder} can review the documents attached to the Quote to ensure that all required documents have been attached and to ensure that all of the documents attached are completed as required. If a Vendor {Bidder} desires to make any changes to the attached documents, this can be accomplished by following the steps outlined in the QRG entitled *Submit a Quote*.

After the Quote Opening Deadline, a Vendor {Bidder} can review the documents attached to the Quote; however, a Vendor {Bidder} will be unable to make any changes to the documents.

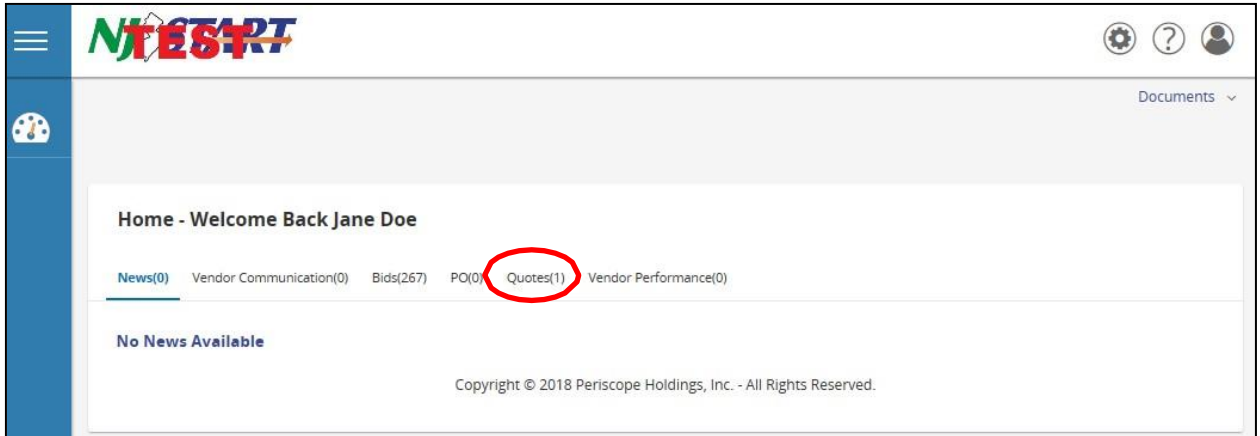
## 2 Instructions

- A Vendor {Bidder} must be logged into to **NJSTART** to review a submitted Quote.
- After you login to **NJSTART**, your home page, shown below, will be displayed.
- If you have more than one role in **NJSTART**, make sure the **Seller** role is selected by clicking on the icon circled in red below.

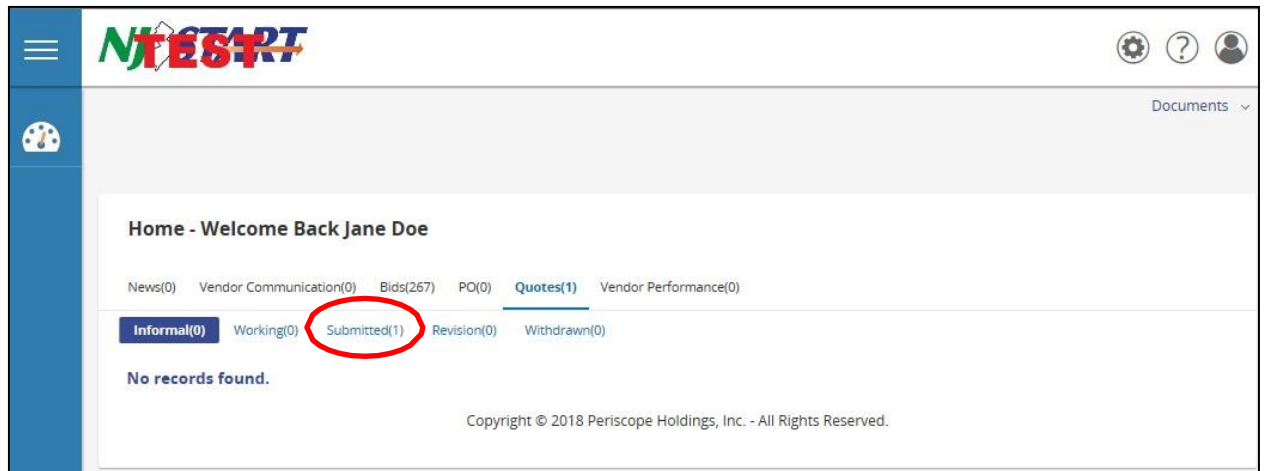




- The area below the “Home - Welcome Back” message contains Tabs with document selection options.
- Select the Option for “Quotes(#)”



- The following Screen will appear.
- Select the option for “Submitted(#)”







- All of your submitted Quotes will appear.
- Select the Quote number that you wish to review by clicking on the number from the list of submitted Quotes.

The screenshot shows the NJ START Home page for user Jane Doe. The page title is "Home - Welcome Back Jane Doe". There are navigation tabs for News(0), Vendor Communication(0), Bids(267), PO(0), **Quotes(1)**, and Vendor Performance(0). Under the Quotes(1) tab, there are sub-tabs for Informal(0), Working(0), **Submitted(1)**, Revision(0), and Withdrawn(0). A table lists the submitted quotes:

Quote #	Organization	Bid #	Bid Opening Date	Date Last Modified
<b>00000502</b>	Division of Purchase and Property	18IT00000533	03/16/2018 02:00:59 PM	03/12/2018 02:19:03 PM

Copyright © 2018 Periscope Holdings, Inc. - All Rights Reserved.

- The following screen will appear.
- Click on the Attachments Tab to view the documents uploaded with the submitted Quote

The screenshot shows the NJ START Quote 00000502 - Jane Doe Consulting page. The page title is "Quote 00000502 - Jane Doe Consulting". There are navigation tabs for General, Items, Questions, Subcontractors, Notes, Terms & Conditions, **Attachments(5)**, Summary, and Back to Bid. The Attachments(5) tab is selected and circled in red. The page displays the following information:

Quote #:	00000502	Bid #:	18IT00000533
Organization:	Division of Purchase and Property	Description:	T1234 Services Test 030918
Status:	Submitted	Discount Percent:	0.0%
Delivery Days:	0	Alternate Bid:	<input type="checkbox"/>
Is "No Bid":	<input type="checkbox"/>	Freight Terms:	
Shipping Terms:		Payment Terms:	
Ship Via Terms:			
Promised Date: (MM/DD/YYYY)			
Info Contact:			
Comments:			
Date Last Updated:	03/12/2018 02:19:03 PM	User Last Updated:	Jane Doe

Copyright © 2018 Periscope Holdings, Inc. - All Rights Reserved.



- The following screen will appear where you can select which document(s) you wish to review.

Quote 00000502 - Jane Doe Consulting

General Items Questions Subcontractors Notes Terms & Conditions **Attachments(5)** Summary **Back to Bid**

### Files

Name	Description	Confidential	Order	Attached By	Attached Date
<b>O&amp;A</b> (view details)	Offer and Acceptance Form	<input type="checkbox"/>	0	Jane Doe	03/12/2018

### Forms

Name	Description	Confidential	Attached By	Attached Date
Disclosure of Investigations	Disclosure of Investigations and Other Actions Involving Bidder	<input type="checkbox"/>	Jane Doe	03/12/2018
Disclosure of Investigations	Disclosure of Investigations and Other Actions Involving Bidder	<input type="checkbox"/>	Jane Doe	03/12/2018
Disclosure of Investigations	Disclosure of Investigations and Other Actions Involving Bidder	<input type="checkbox"/>	Jane Doe	03/12/2018
MacBride Principles	MacBride Principles	<input type="checkbox"/>	Jane Doe	03/12/2018

Copyright © 2018 Periscope Holdings, Inc. - All Rights Reserved.

All Quick Reference Guides are available at: <http://www.nj.gov/treasury/purchase/vendor.shtml>

If you have questions about how to use **NJSTART** you may contact the **NJSTART** Help Desk

**NJSTART** email support: [njstart@treas.nj.gov](mailto:njstart@treas.nj.gov)

**NJSTART** Phone Support – (609) 341-3500; Monday to Friday 8:30 AM to 4:30 PM.

Specific questions about Bid Solicitations will not be answered by the **NJSTART** Help Desk.