



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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State Treasurer

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Director

March 27, 2014

Via e-Mail [brperlman@brprinters.com]

Mr. Brian Perlman
BR Printers

Subject: Request for Eligibility to Submit Proposal
Request for Proposal 14-X-22340
State Contract T2836: *Printing: Production Print Services (NJOIT)*

Dear Mr. Perlman:

This letter is in response to your e-mailed letter dated March 17, 2014, on behalf of BR Printers ("BRP"), by which you express interest in competing for the award of the subject term contract presently being procured by the Procurement Bureau, the unit of the Division of Purchase and Property ("Division") which conducts the Division's formal, competitive procurements on behalf of State using agencies, including the New Jersey Office of Information Technology ("NJOIT"). You explain that you recently became aware of the ongoing procurement of the subject term contract for which BRP would like to offer a proposal, but that a requirement set forth in the Request for Proposal ("RFP") mandating bidders' attendance the Pre-proposal Conference and Site Visit conducted on January 9, 2014, will preclude BRP's participation. Noting BRP's recent discovery of this bidding opportunity, you request that the RFP-mandated attendance requirement be waived in order that BRP can compete for the award of the T2836 contract. In addition, you request contact information so that you can discuss the proposal submission process and requirements.

I have considered your request within the context of the administrative rules that govern competitive contract procurements conducted by the Division, particularly N.J.A.C. 17:12-2.2(a), which specifies that a bidder's proposal must, in order to be eligible for consideration for award of contract meet certain conditions to be eligible for an award of contract. One of these requirements is that a bidder's proposal must:

7. Be preceded by the bidder's attendance and registration at any pre-proposal conference and/or site inspection for which attendance and registration is mandatory pursuant to the RFP. However, the Director reserves the right to waive this requirement upon terms the Director deems acceptable, if doing so is in the State's best interest;

The record of the subject procurement reveals that the Procurement Bureau's notice of the opportunity to compete for the T2836 contract, which included clear mention of the date and location of the mandatory Pro-proposal Conference and Site Visit, appeared in the *Star Ledger* newspaper and was timely and procedurally placed on the Division's website on or about December 2, 2013, at which time interested product/service providers were able to access the subject RFP, familiarize themselves with the bidding

Mr. Brian Perlman
BR Printers
Page 2 of 2

and contractual requirements, pose questions or concerns as part of the RFP-defined electronic Question and Answer process, make arrangements to attend the mandatory conference and site visitation, and then begin to prepare their proposals. These announcements comported with statutory and standard procedural requirements for public notice of bidding opportunities effected by the Division.

With all contract procurements it conducts, the Procurement Bureau, in concert with the using agency or agencies, determines whether a Pre-proposal Conference and/or Site Visit/Inspection is to be conducted and, if so, whether vendor attendance of these events will be mandatory or optional. When deemed essential, product/service providers interested in competing for the State contract are required to attend the conference and/or site visit in order to ensure the opportunity for an exchange of information between the State and the vendors relative to the bidding requirements and the scope of contract services. In this case, the Procurement Bureau determined that interactive participation of vendor and State representatives was imperative for effective bidding and assurance of contract performance. Upon this determination, the Procurement Bureau fulfilled its responsibility for timely public announcement of the subject bidding opportunity and for posting of the proposal solicitation documents on the Division's website, which included timely notice of the requirement for attendance of the date and times of the Pre-proposal Conference and Site Visit. The responsibility for finding the Division's newspaper advertisement and/or website posting, for making arrangements, including contingencies, and then attending these events, of course, rested solely with the product/service provider.

With regard to your request for authorization to participate in the subject procurement, I have determined that allowing a vendor not in attendance at the two requisite events, and thus unable to participate in the give-and-take discussions, to be eligible to participate in the procurement process would not, in my judgment, serve the State's best interests since it would disturb the equal footing precept of public procurement and diminish the State's assurance of contract performance. In light of the circumstances set forth above, and with the Procurement Bureau's indication that it has achieved sufficient representation of the printing community at the two January 9, 2014 events, and in acknowledgement of the efforts of the attending vendors, 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.

Having addressed your request, and trusting that you, on behalf of BRP, will continue to pursue your interest in competing for State contracts competitively procured by the Division, I encourage you to consider taking some time to explore the Division's website, <http://www.state.nj.us/treasury/purchase>, to acquaint yourself with information concerning the Division's procurement and contracting programs, particularly the multiple categories listed in the drop-down box titled Vendor Information. The Procurement Bureau's specialist for printing contracts is Allan Sydlo. He can be reached at Allan.Sydlo@treas.state.nj.us or at 609-292-9885.

The Division welcomes BRP's participation in future bidding opportunities offered by the Division on behalf of agencies of the State of New Jersey.

Sincerely,



Ronald Wengerd
Chief Hearing Officer

c: L. DuBois
K. Moore
P. MacMeekin
F. Tucker
A. Sydlo
D. Rodriguez
J. Palma