



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
OFFICE OF THE DIRECTOR  
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April 9, 2019

Via Electronic Mail [chris@engineeredhydraulics.com] and USPS Regular Mail

Christopher Massari  
Engineered Hydraulics, Inc.  
405 Route 130  
West Collingswood Heights, NJ 08059

Re: I/M/O Bid Solicitation #18DPP00189 Engineered Hydraulics, Inc.  
Protest of Notice of Proposal Rejection  
T3088 – NJDOT Parts Warehouse Management

Dear Mr. Massari:

This letter is in response to your email of March 14, 2019, on behalf of Engineered Hydraulics, Inc. which was received by the Division of Purchase and Property's (Division) Hearing Unit. In that email, Engineered Hydraulics protests the Notice of Proposal Rejection issued by the Division's Proposal Review Unit for Bid Solicitation #18DPP00189 – T3088 – NJDOT Parts Warehouse Management (Bid Solicitation). The record of this procurement reveals that Engineered Hydraulics' Quote was rejected for missing pricing information.

By way of background, on June 1, 2018, the Division's Procurement Bureau (Bureau) issued the Bid Solicitation on behalf of the New Jersey Department of Transportation (DOT). The purpose of this Bid Solicitation is to solicit Quotes from Vendors {Bidders} to provide vehicle parts, fleet accessory parts and equipment parts management and supply services at twelve (12) NJDOT locations throughout the State. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State's intent to award a Master Blanket Purchase Order (Blanket P.O.) to the responsible Vendor {Bidder} whose Quote, conforming to this Bid Solicitation is most advantageous to the State, price and other factors considered. Ibid.

On February 15, 2019, the Division's Proposal Review Unit opened the Quotes 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 Engineered Hydraulics for failing to include pricing information with the submitted Quote.

In response to the Notice of Proposal Rejection, on March 14, 2019, Engineered Hydraulics sent an email to the Division's Hearing Unit stating in part:

As for the bid rejection, it states "missing pricing information." Unfortunately, in hydraulics, products are not needed until the current hydraulics break. It would be nearly impossible to predict what each

NJDOT location would spend on hydraulics each year, as the number of hoses, fittings, adapters, pumps, and motors breaking would need to be forecasted.


... We followed the "Bid Solicitation Checklist" and the need for pricing was not listed on there. We are asking if there is anything we can do to include ourselves in the Parts Warehouse Management Bid and would greatly appreciate any help you could provide us. Thank you for your time and consideration.

In consideration of Engineered Hydraulics' protest, I have reviewed the record of this procurement, including the Bid Solicitation, Engineered Hydraulics' Quote and protest, the 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 final agency decision on the merits of the protest submitted by Engineered Hydraulics'. I set forth herein my final agency decision.

A review of the Quote submitted by Engineered Hydraulics reveals that the following documents were submitted:

- Offer and Acceptance Page
- Ownership Disclosure Form
- Disclosure of Investment Activities in Iran Form
- Subcontractor Utilization Plan Instructions and Information
- Subcontractor Utilization Plan Form
- Business Registration Certificate for EHI Mobile Solutions, Inc.
- New Jersey Corporation Business Tax Letter for EHI Mobile Solutions, Inc.
- Disclosure of Investigations and Other Actions Involving the Vendor {Bidder} Form
- Two-Year Chapter 51 Form
- Employee Information Report
- Source Disclosure Form
- Cooperative Purchasing Form

Engineered Hydraulics did not include any pricing with its submitted Quote, a fact which Engineered Hydraulics does not dispute. However, in support of its protest, Engineered Hydraulics states that the requirement that the State-Supplied Price Sheet be submitted with the Quote was not included on the Bid Solicitation Checklist. However, as shown in the screenshot below, Vendors {Bidders} were on notice that the checklist was provided only as a guide; and that it was the Vendor's {Bidder's} responsibility to ensure that all Bid Solicitation requirements have been met.

	STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY DIVISION OF PURCHASE AND PROPERTY  33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230
<b>BID SOLICITATION CHECKLIST</b>	
<b>BID SOLICITATION #:</b>	18DPP00189
<b>BID SOLICITATION TITLE:</b>	T3088 NJDOT Parts Warehouse Management
<b>THIS CHECKLIST WAS CREATED AS A GUIDE TO ASSIST VENDORS (BIDDERS) IN PREPARING A COMPLETE AND RESPONSIVE QUOTE. IT IS THE VENDOR'S (BIDDER'S) RESPONSIBILITY TO ENSURE THAT ALL REQUIREMENTS OF THE BID SOLICITATION HAVE BEEN MET.</b>	

Here, Bid Solicitation Section 4.0 *Quote Preparation and Submission* addressed each of required documents and forms necessary for Quote submission. With respect to Quote content, the Bid Solicitation advised:

The Quote should be submitted in three (3) volumes with the content of each volume as indicated below.

A. Volume 1

Section 1 - Forms (Sections 4.4.1 and 4.4.2).

Note: In general, Volume 1 applies to hard copy submissions; however, there may be instances where Bid Solicitation specific forms are required through **NJSTART** electronic submission as well.

B. Volume 2

Section 2 - Technical Quote (Section 4.4.3);

Section 3 - Organizational Support and Experience (Section 4.4.4); and

Section 3A - Any other miscellaneous documents to be included by the Vendor {Bidder}.

C. Volume 3

Section 4 – Parts Cost and Pricing (Section 4.4.3.3.6)

Section 5 – State-Supplied Price Sheet (Section 4.4.6).

Note: Vendors {Bidders} submitting Quotes through **NJSTART** must complete the State-Supplied Price Sheet (Volume 3) accompanying this Bid Solicitation and upload it as an attachment on the “Attachments” Tab (See Section 4.4.5 of this Bid Solicitation).

[Bid Solicitation Section 4.4 *Quote Content*.]

Bid Solicitation Section 4.4.5 *Price Schedule/Sheet* further advised that “[t]he Vendor {Bidder} must submit its pricing using the State-Supplied Price Sheet accompanying this Bid Solicitation and located on the “Attachments” Tab.”<sup>1</sup> *Emphasis added*.

Engineered Hydraulics states that it did not include a price sheet with the submitted Quote because “in hydraulics, products are not needed until the current hydraulics break. It would be nearly impossible to predict what each NJDOT location would spend on hydraulics each year.” This Bid Solicitation however did not seek a Vendor {Contractor} to only provide parts or more specifically only hydraulic parts. Rather, this Bid Solicitation sought a Vendor {Contractor} to provide parts management services. Specifically,

The Vendor {Contractor} shall provide parts management services for NJDOT as described in the Bid Solicitation and procure and furnish all parts, materials, supplies, and fluids required for the operation, maintenance and servicing of vehicles, fleet accessories and equipment.

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<sup>1</sup> “Shall or Must – Denotes that which is a mandatory requirement. Failure to meet a mandatory material requirement will result in the rejection of a Quote {Proposal} as non-responsive.” Should or May – “Denotes that which is permissible or recommended, not mandatory.” Bid Solicitation § 2.2 *General Definitions*.

The Vendor {Contractor} shall be required to adequately staff, operate, and manage all twelve (12) on-site parts rooms and counters pursuant to this Blanket P.O. The Vendor {Contractor} shall provide those items required for the management, operation and maintenance of the on-site parts room(s) including, but not limited to computers, step stools, office supplies and additional storage, for example. Any shelving and storage already on site will be available to the Vendor {Contractor}.

[Bid Solicitation Section 3.0 *Scope of Work.*]

In addition, State-Supplied Price Sheet did not request pricing for parts; rather, Vendors {Bidders} were required to provide a firm fixed annual rate to provide parts management services for each of the twelve NJDOT locations. Bid Solicitation Section 4.4.5.2 *Price Sheet/Schedule Attachment Instructions.*

The Division's administrative regulations that govern the advertised procurement process establish certain requirements that must be met in order for a Quote to be accepted. Those regulations provide in relevant part that:

- (a) In order to be eligible for consideration for award of contract, the bidder's proposal shall conform to the following requirements or be subject to designation as a non-responsive proposal for non-compliance:

...

4. Contain all RFP-required certifications, forms, and attachments, completed and signed as required. An RFP may designate certain forms and/or certifications that need not be included in the bidder's proposal but that must be provided by a successful bidder upon request prior to an award of contract;

...

6. Include all RFP-required pricing information;

[N.J.A.C. 17:12-2.2(a).]

As noted above, Engineered Hydraulics did not include any pricing with its submitted Quote, a fact which Engineered Hydraulics does not dispute. Therefore, the Notice of Proposal Rejection issued by the Division's Proposal Review Unit is sustained.

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 the Quote. However, in light of the findings set forth above, I have no choice but to deny your request for eligibility to participate in the competition for the subject contract. This is my final agency decision on this matter.

Thank you for your company's interest in doing business with the State of New Jersey and for registering your business with **NJSTART** at [www.njstart.gov](http://www.njstart.gov), the State of New Jersey's eProcurement system.

Sincerely,



Rachel U. Doobraj

Acting Chief Hearing Officer

c: J. Kerchner  
K. Thomas  
D. Warren  
D. Rodriguez  
A. Nelson