



# State of New Jersey

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September 6, 2018

Via Electronic Mail [[michelle@allamericanlandscapes.net](mailto:michelle@allamericanlandscapes.net)] and USPS Regular Mail

Michelle Doyle, Owner  
All American Landscapes, LLC  
3474 Delsea Drive  
Franklinville, NJ 08322

Re: I/M/O Bid Solicitation #18DPP00205 All American Landscapes, LLC  
T0777 Snow Plowing and Spreading Services  
Protest of Notice of Intent to Award

Dear Ms. Doyle:

This correspondence is in response to your letters of August 27, 2018, on behalf of All American Landscapes, LLC (All American) to the Division of Purchase and Property's Hearing (Division) Unit. In that correspondence All American protests the August 24, 2018, Notice of Intent to Award (NOI) issued by the Division's Procurement Bureau (Bureau) indicating an intent to award a Master Blanket Purchase Orders (Blanket P.O.s)<sup>1</sup> for Bid Solicitation #18DPP00205 - T0777 Snow Plowing and Spreading Services (Bid Solicitation).

## BACKGROUND

By way of background, on January 30, 2018, the Bureau issued the Bid Solicitation on behalf of the New Jersey Department of Transportation (NJDOT), to solicit Quotes from qualified Vendors

<sup>1</sup> For consistency, this final agency decision uses terminology employed by the State of New Jersey's **NJSTART** eProcurement system. For ease of reference, the following is a table which references the **NJSTART** term and the statutory, regulatory and/or legacy term.

<b>NJSTART Term</b>	<b>Statutory, Regulatory and/or Legacy Term</b>
Bid Solicitation	Request For Proposal
Bid Amendment	Addendum
Change Order	Contract Amendment
Master Blanket Purchase Order	Contract
Offer and Acceptance Page	Signatory Page
Quote	Proposal
Vendor {Bidder}	Bidder
Vendor {Contractor}	Contractor

{Bidders} to provide snow plowing and spreading services on all State interstates and highways under the jurisdiction of NJDOT. Bid Solicitation § 1.1 *Purpose and Intent*. It is the State's intent to award Statewide Blanket P.O.s to those responsible Vendors {Bidders} whose Quotes, conforming to this Bid Solicitation are most advantageous to the State, price and other factors considered. Ibid.

On February 28, 2018, the Bureau issued Bid Amendment #1 responding to the questions posed by potential Vendors {Bidders}. On March 16, 2018, the Division's Proposal Review Unit opened 164 Quotes received through the State's *NJSTART* eProcurement system and/or hardcopy format by the submission deadline of 2:00 pm eastern time. Thirty-two Quotes were automatically rejected by the Proposal Review Unit for failure to conform to the mandatory administrative requirements for Quote submission.

The remaining Quotes were forwarded to the Bureau for review and evaluation consistent with the requirements of Bid Solicitation Section 6.7 *Evaluation Criteria* which states:

The following evaluation criteria categories, not necessarily listed in order of significance, may be used to evaluate Quotes {Proposals} received in response to this Bid Solicitation {RFP}. The evaluation criteria categories may be used to develop more detailed evaluation criteria to be used in the evaluation process.

- A. Experience of firm (Attachment #2): The Vendor's {Bidder's} documented experience in successfully completing Blanket P.O. {Contracts} of a similar size and scope in relation to the work required by this Bid Solicitation {RFP};
- B. Vendor Equipment (Attachment #1): The quantity and type of Vendor {Bidder} trucks and ability to provide equipment; and
- C. Price: The Vendor's {Bidder's} hourly rate. See Section 6.7.1 below.

With respect to the evaluation of the Vendors' {Bidders'} Quote pricing, Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule* states:

The Bureau will utilize a weighted price model. The price model will be date-stamped and entered into the record before Quote {Proposal} opening.

One (1) or multiple awards will be made to the Vendor {Bidder} submitting the lowest hourly rate for each Snow Section and meeting, at a minimum, the criteria for experience and equipment set forth in this Bid Solicitation {RFP}, in the following order:

**Snow Plowing and Hauling Services:**

- 1<sup>st</sup> – Vendors {Bidders} supplying all required Class A trucks with equipment;
- 2<sup>nd</sup> – Vendors {Bidders} supplying all required Class A trucks without equipment;
- 3<sup>rd</sup> – Vendors {Bidders} supplying all required Class B trucks with equipment;

- 4<sup>th</sup> – Vendors {Bidders} supplying all required Class B trucks without equipment;
- 5<sup>th</sup> – Vendors {Bidders} supplying fewer than the required number of Class A trucks with equipment; and
- 6<sup>th</sup> – Vendors {Bidders} supplying fewer than the required number of Class B trucks without equipment.

For example, Vendors {Bidders} submitting responsive Quotes {Proposals} and able to supply all required Class A trucks with Vendor {Bidder} owned equipment, will be awarded a Blanket P.O. {Contract} before the Vendors {Bidders} supplying Class A trucks without equipment.

**Spreading Services:**

- 1<sup>st</sup> – Vendors {Bidders} supplying all required Class R trucks with an on board wetting system;
- 2<sup>nd</sup> – Vendors {Bidders} supplying all required Class R trucks;
- 3<sup>rd</sup> – Vendors {Bidders} supplying all required Class Q trucks with an on board wetting system;
- 4<sup>th</sup> – Vendors {Bidders} supplying all required Class Q trucks;
- 5<sup>th</sup> – Vendors {Bidders} supplying all required Class P trucks with an on board wetting system;
- 6<sup>th</sup> – Vendors {Bidders} supplying all required Class P trucks;
- 7<sup>th</sup> – Vendors {Bidders} supplying V Box trucks with an on board wetting system;
- 8<sup>th</sup> – Vendors {Bidders} supplying V Box trucks;
- 9<sup>th</sup> – Vendors {Bidders} supplying mid-body style trucks with an on board wetting system; and
- 10<sup>th</sup> – Vendors {Bidders} supplying mid-body style trucks.

For example, Vendors {Bidders} submitting responsive Quotes {Proposals} and able to supply all required Class R trucks, with an on board wetting system, will be awarded a Blanket P.O. {Contract} before the Vendors {Bidders} supplying Class R trucks without an on board wetting system.

The evaluation of Quotes received and submission of Quote pricing was conducted in three phases as set forth in Bid Solicitation Section 1.1 *Purpose and Intent* which states:

Award of this Bid Solicitation {RFP} will be conducted in three (3) consecutive phases, as described further below. All phases will continue until all Snow Sections have been awarded. Pricing shall not be released until completion of all phases and the final Notice of Intent to Award has been issued.

This procurement will be bid in three consecutive phases, numbered One, Two and Three. The first Phase will be Phase One (1). In Phase One (1), the State will attempt to award all Snow Sections. To the extent that any Snow Sections remain un-awarded following Phase One (1), the State will request that all Vendors {Bidders} who submitted a Quote {Proposal} to

this Bid Solicitation {RFP} for Phase One (1) submit a Phase Two (s) price sheet addressing any Snow Sections that remain un-awarded that the Vendor {Bidder} is interested in. The State will attempt to award all remaining Snow Sections in Phase Two (2) based on the Phase Two price sheets received. In the event that any Snow Sections remain un-awarded after Phase Two (2) is completed, the State will request that all Vendors {Bidders} submit a Phase Three (3) price sheet, addressing any Snow Sections that remain un-awarded, that the Vendor {Bidder} is interested in.

Under no circumstances shall any Vendor {Bidder}, when submitting a Phase Two (2) or Phase Three (3) price sheet after being requested to do so by the State, submit any supplemental or additional information regarding any other aspects of its previously-submitted bid. During Phase Two and Phase Three, the State will only consider the price sheets, and will not consider any additional or supplemental information or documents.

1. **Phase One (1)** – will apply to all Vendors {Bidders} that have submitted a responsive Quote {Proposal};
2. **Phase Two (2)** – will apply to all Snow Sections not awarded and will occur after the Notice of Intent to Award has been issued for Phase One (1) and prior to the issuance of the final Notice of Intent to Award. All Vendors {Bidders} that have submitted a responsive Quote {Proposal}, in response to this Bid Solicitation {RFP}, will be eligible to participate during Phase Two (2); and
3. **Phase Three (3)** – will apply to Snow Sections not awarded and will occur after the Notice of Intent to Award has been issued for Phase Two (2) and prior to the issuance of the final Notice of Intent to Award. All Vendors {Bidders} that have submitted a responsive Quote {Proposal}, in response to this Bid Solicitation {RFP}, will be eligible to participate during Phase Three (3).

In other words, only those Vendors {Bidders} whose original submitted Quotes were responsive to the requirements of the Bid Solicitation would be able to participate in, and submit pricing for Phase 2 and Phase 3.

In accordance with the procedure set forth in Bid Solicitation Section 1.1 *Purpose and Intent*, after the review and evaluation of all Quotes received in response to Bid Solicitation Phase One was completed, the Bureau issued a preliminary notice. That preliminary notice advised the Vendors {Bidders} which snow plowing and spreading sections would be awarded based upon the Phase One submitted Quotes. The preliminary notice also provided Vendors {Bidders} the opportunity to withdraw a submitted Quote or a preliminarily awarded price line. Four Vendors {Bidders} withdraw a submitted Quotes for some or all of the snow plowing and/or and spreading sections originally submitted during Phase One. Thereafter, the Bureau commenced Phase Two to solicit Quotes pricing for those snow plowing and spreading sections for which no responsive Quotes had been received. On June 11, 2018, requests for Phase Two pricing were sent to all Vendors {Bidders} who submitted Quotes which were deemed initially responsive. Phase Two Quote submission pricing was due to the Bureau on June 18, 2018 at 2:00 p.m.

After the review and evaluation of all Quotes received in response to the Bid Solicitation Phase Two was completed, the Bureau issued a second preliminary notice. That second preliminary notice advised the Vendors {Bidders} which snow plowing and spreading sections would be awarded based upon the Phase One and Phase Two submitted Quotes. The second preliminary notice also provided Vendors {Bidders} the opportunity to withdraw a submitted Quote or a preliminarily awarded price line. Thereafter, the Bureau commenced Phase Three to solicit Quote pricing for those snow plowing and spreading sections for which no responsive Quotes had been received in either Phase One or Phase Two. Requests for Phase Three pricing were sent to all responsive Vendors {Bidders} on June 26, 2018 with a Phase Three Quote submission due date of June 28, 2018 at 2:00 p.m.

After the review and evaluation of all Quotes received in response to the Bid Solicitation Phase Three was completed, the Bureau issued a third preliminary notice. That third preliminary notice advised the Vendors {Bidders} which snow plowing and spreading sections would be awarded based upon the Phase One, Phase Two and Phase Three submitted Quotes. The third preliminary notice also provided Vendors {Bidders} the opportunity to withdraw a submitted a Quote or a preliminarily awarded price line.

Thereafter, on August 22, 2018, the Bureau issued a Recommendation Report which recommended Blanket P.O. awards to those responsible Vendors {Bidders} whose Quotes, conforming to the Bid Solicitation are most advantageous to the State, price and other factors considered.<sup>2</sup> On August 24, 2018, the NOI was issued advising all Vendors {Bidders} that it was the State's intent to award a Blanket P.O.s consistent with the Bureau's Recommendation Report.

On August 27, 2018, the Division received All American's protest challenging the intended Blanket P.O. awards. Specifically, All American challenges the award of price lines 252, 254, 255, 275, 362, and 365. With respect to each of the price lines referenced, by way of summary, All American alleges as follows: (1) that contractors located in, and bidding on sections located in Southern New Jersey were treated unfairly during the evaluation; (2) it was disqualified based upon its status as a Women Owned Business; (3) it was unfairly treated and disqualified as no one from the State informed it of a wrong doing or error in our original Quote and assumes that the lack of notification was based on vendor bias; (4) that the questions were set up in a purposely confusing manner<sup>3</sup>; (5) Vendors {Bidders} in Northern New Jersey were given a preferential treatment; and (6) that it has a perfect safety record, perfect job performance and has not had any past issues or grievances with the State and was not awarded any Blanket P.O.s while Vendors {Bidders} with habitual patterns of no show and safety violations were awarded Blanket P.O.s.

In consideration of All American's protest, I have reviewed the record of this procurement, including the Bid Solicitation, the submitted Quotes, the relevant statutes, regulations, and case law. This review of the record 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. I set forth herein the Division's Final Agency Decision.

### DISCUSSION

First, and foremost, in response to All American's allegations that it was treated unfairly, I must assure you that all Vendors {Bidders}, including All American, were treated equally and fairly. The New

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<sup>2</sup> The list of Vendors {Contractors} who are recommended to receive Blanket P.O. awards are listed in the attachment to the Bureau's August 22, 2018 Recommendation Report.

<sup>3</sup> It is unclear from All American's protest which "questions" All American is referring to. However, the August 22, 2018 Recommendation Report indicates that All American's Quote was deemed non-responsive for failing to answer question #1 on Attachment #2 – the *Vendor {Bidder} Experience Form*. Therefore, the Division presumes that All American is protesting that question #1 on Attachment #2 was confusing.

Jersey Courts have long recognized that the purpose of the public bidding process is to “secure for the public the benefits of unfettered competition.” Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307, 313 (1994). To that end, the “public bidding statutes exist for the benefit of the taxpayers, not bidders, and should be construed with sole reference to the public good.” Borough of Princeton v. Board of Chosen Freeholders, 169 N.J. 135, 159-60 (1997). The objective of New Jersey’s statutory procurement scheme is “to guard against favoritism, improvidence, extravagance and corruption; their aim is to secure for the public the benefits of unfettered competition.” Barrick v. State of New Jersey, 218 N.J. 247, 258. (2014); citing, Keyes Martin & Co. v. Dir. of Div. of Purchase and Prop., 99 N.J. 244, 256 (1985). The Division takes its duty to conduct procurements in a fair and unbiased manner in accordance with the statutory and case law requirements seriously. In reviewing the responsiveness of a Quote, the Division does not and cannot take into account a Vendor’s {Bidder’s} location, gender make-up, or other matter that could lead to claim of favoritism or bias. Vendors {Bidders} submitted Quotes are only evaluated based upon the documents submitted as against the Bid Solicitation, statutory and regulatory requirements.

Second, a review of the August 22, 2018 Recommendation Report indicates that All American’s Quote was deemed non-responsive for submitting an incomplete Attachment #2 – the *Vendor {Bidder} Experience Form*. Specifically the Recommendation Report states:

The following Quotes were deemed non-responsive for failure to demonstrate experience. Section 4.4.3 of the Bid Solicitation states “the Vendor {Bidder} must furnish all information by completing the forms accompanying this Bid Solicitation.”

1. All American Landscapes LLC (All American) - Although the Quote submitted by All American included Attachment #2, it failed to demonstrate that it possessed the minimum experience requirements, as it failed to furnish all information as requested on Attachment #2, specifically, question #1 “Number of years - plowing snow.”

[August 22, 2018 Recommendation Report, p. 6.]

In connection with the review of record of this the Division’s Hearing Unit reviewed the Attachment #2 – the *Vendor {Bidder} Experience Form* submitted by All American with its Quote. As show in the screen shot below, All American did not answer question #1 which asked the Vendor {Bidder} to provide the number of years it has been plowing snow. All American did answer the remaining questions on the form, including question #2 which asked if the Vendor {Bidder} has experience plowing on public roadways. All American responded “yes” to question #2 and provided the location, along with contact information for those public roadways it has previously plowed.

ATTACHMENT 2 SNOW PLOWING AND SPREADING SERVICES-NJDOT  
 BID SOLICITATION {RFP} 18DPP00222  
 VENDOR {BIDDER} EXPERIENCE (BID SOLICITATION {RFP} SECTION 3.2)  
**Vendor (Bidder) to complete the following information**

Vendor (Bidder) Name: All American Landscapes LLC

1. Number of years plowing snow.

2. Does your company have experience with snow plowing on public roadways?  
 Yes  No

If so, please provide the following information:

Location (Roadway) Plowed	Contact Person	Contact Person Phone #
Rt 55 Sect 5417264	Don Mikus	856-207-9567
Rt 40 Sect 5420262	Don Perazzo	856-207-9733
Rt 77 Sect 5420267	Don Perazzo	856-207-9733
Rt 55 Sect 5426262	Don Mikus	856-207-9567
Ryan Holmes	Jason McNeil	856-889-1462
Dr. Hinton	Bob Fazio	609-314-9105

3. If you do not possess experience plowing public roadways, please document any plowing or spreading experience you possess:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Do your drivers have experience plowing with Class A trucks?  
 Yes  No

6. Do your drivers have experience plowing with Class B trucks?  
 Yes  No

The information provided by All American on Attachment #2 – the *Vendor {Bidder} Experience Form* indicates that All American has experience plowing four snow plow sections on a New Jersey State Contract. Specifically:

<u>Snow Section</u>	<u>Route</u>	<u>Region</u>
5417264	Rt 55 Fwy From Rt 40, Malaga To Exit 50 Route 322	South Crew 417 Glassboro
5420262	Rt 40 From Rt 45, Woodstown To Rt 47	South Crew 420 Elmer
5420267	Rt 77 From Pole Tavern Circle, Upper Pittsgrove Twp, To Rt 45, Harrison Twp	South Crew 420 Elmer
5426262	Rt 55 Fwy From Landis Avenue, Vineland To Rt 40, Malaga	South Crew 426 Cumberland

Based upon the information submitted by All American on Attachment #2 – the *Vendor {Bidder} Experience Form*, the Hearing Unit’s undertook a review of existing State contracts for snow plowing services. All American is currently a vendor, and has been since September 2015 on AG-067 providing snow plowing services to the State. Accordingly, All American has at least two (2) years of snow plowing experience as required by Bid Solicitation Section 3.2(A) *Vendor {Contractor} Requirements*. With this information, the Quote submitted by All American should not have been deemed non-responsive; rather, the Quote should have been evaluated along with the other Quotes received.

The Division’s overriding mission in conducting sealed, advertised bidding is to “encourage free and open competition.” N.J.A.C. 17:12-2.1. It is only through maintaining a level playing field for all potential Vendors {Bidders} that the public policy of “thwarting favoritism, improvidence, extravagance, and corruption” underlying the public bidding process can be realized. Barrick, supra, 218 N.J. at 258-59. All American’s Quote included a reference to its prior experience with the State of New Jersey. The Bureau should have taken notice of the State’s own contracts to determine that All American had the requisite snow plowing experience. Doing so would not have provided All American preferential treatment as the information regarding the prior contracts was included on Attachment #2 – the *Vendor {Bidder} Experience Form* and was therefore within the four corners of All American’s its submitted Quote.

In the August 27, 2018 letters, All American protests the Blanket P.O. awards for the following price lines:

Price Line #	Snow Plow Section/Region	Route	Quantity of Trucks Required
252	5417261 South Crew 417 Glassboro	Rt 47 From Rt 322, Glassboro To Rt 41 Deptford Twp	4
254	5417263 South Crew 417 Glassboro	Rt 47 From Rt 40, Malaga To Rt 322 Glassboro	3
255	5417264 South Crew 417 Glassboro	Rt 55 Fwy From Rt 40, Malaga To Exit 50 Route 322	12
275	5426262 South Crew 426 Cumberland	Rt 55 Fwy From Landis Avenue, Vineland To Rt 40, Malaga	7

Price Line #	Spreading Section	Route	Quantity & Truck Class Types Required
362	Crew #: 414 Deptford Yard	Route 41 South Superior Way, Deptford, NJ	Eight (8) Class R
365	Crew #: 417 Glassboro Yard	Route 47 South @ 126 Grove Street, Glassboro, NJ	Four (4) Class R

For these six (6) price lines, the Division’s Hearing Unit has undertaken a review of the Quotes received. That review has resulted in the following determination:

With respect to the evaluation of the Vendors’ {Bidders’} Quotes pricing for the snow plowing and hauling price lines, Bid Solicitation Section 6.7.1 *Vendor’s {Bidder’s} Price Schedule* states:

One (1) or multiple awards will be made to the Vendor {Bidder} submitting the lowest hourly rate for each Snow Section and meeting, at a minimum, the criteria for experience and equipment set forth in this Bid Solicitation {RFP}, in the following order:

**Snow Plowing and Hauling Services:**

- 1<sup>st</sup> – Vendors {Bidders} supplying all required Class A trucks with equipment;
- 2<sup>nd</sup> – Vendors {Bidders} supplying all required Class A trucks without equipment;
- 3<sup>rd</sup> – Vendors {Bidders} supplying all required Class B trucks with equipment;
- 4<sup>th</sup> – Vendors {Bidders} supplying all required Class B trucks without equipment;
- 5<sup>th</sup> – Vendors {Bidders} supplying fewer than the required number of Class A trucks with equipment; and
- 6<sup>th</sup> – Vendors {Bidders} supplying fewer than the required number of Class B trucks without equipment.

For example, Vendors {Bidders} submitting responsive Quotes {Proposals} and able to supply all required Class A trucks with Vendor {Bidder} owned equipment, will be awarded a Blanket P.O. {Contract} before the Vendors {Bidders} supplying Class A trucks without equipment.

**Price Line 252**

In its Quote (Phase 1), All American proposed the following for price line 252:

LINE NO	DESCRIPTION	QTY	UNIT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING-TRUCK ONLY	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING TRUCK & EQUIPMENT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING SUPERINTENDENT	ALL-INCLUSIVE HOURLY RATE HAULING ONLY
252	SNOW PLOWING SERVICES – D.O.T. REGION: SOUTH CREW 417 GLASSBORO SUBREGION: S2 SNOW SECTION: 5417261 RT 47 FROM RT 322, GLASSBORO TO RT 41 DEPTFORD TWP (MP 62.3 TO MP 68.37) NUMBER OF TRUCKS REQUIRED: 4	1	HOUR	Class A \$200.00 Class B \$200.00	No Bid	\$45.00	\$190.00

ATTACHMENT 1 SNOW PLOWING AND SPREADING SERVICES-NJDOT  
 BID SOLICITATION {RFP} 18DPP00205  
 REVISED – VENDOR {BIDDER} EQUIPMENT FORM

The Vendor {Bidder} must complete and submit one (1) form for each Section Offered

Vendor {Bidder} Name: All American Landscapes, LLC

**SNOW PLOWING SERVICES ONLY**

Snow Section: 5417261

Number of Class A Trucks 4

Number of Class B Trucks 4

Are you able to provide your own plows? YES \_\_\_ or NO

If yes, how many? \_\_\_\_\_

No other Quotes were received for price line 252, in response to Phase 1, 2 or 3. Therefore, All American is eligible for a Blanket P.O. Award for this price line. Based upon the needs of the using agency, NJDOT,

and the evaluation criteria set forth in Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule*, All American is awarded a Blanket P.O. for price line 252 for four (4) Class A trucks, without equipment.

**Price Line 254**

In its Quote (Phase 1), All American proposed the following for price line 254:

LINE NO	DESCRIPTION	QTY	UNIT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING-TRUCK ONLY	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING TRUCK & EQUIPMENT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING SUPERINTENDENT	ALL-INCLUSIVE HOURLY RATE HAULING ONLY
254	SNOW PLOWING SERVICES - D.O.T. REGION: SOUTH CREW 417 GLASSBORO SUBREGION: S2 SNOW SECTION: 5417263 RT 47 FROM RT 40, MALAGA TO RT 322 GLASSBORO (MP 53.0 TO MP 62.4) NUMBER OF TRUCKS REQUIRED: 3	1	HOUR	Class A \$195.00 Class B \$195.00	Class A \$350.00 Class B \$300.00	\$45.00	\$190.00

**ATTACHMENT 1** SNOW PLOWING AND SPREADING SERVICES-NJDOT  
 BID SOLICITATION (RFP) 18DPP00205  
 REVISED - VENDOR (BIDDER) EQUIPMENT FORM

The Vendor (Bidder) must complete and submit one (1) form for each Section Offered

Vendor {Bidder} Name: All American Landscapes, LLC

**SNOW PLOWING SERVICES ONLY**

Snow Section: 5417263

Number of Class A Trucks 3

Number of Class B Trucks 3

Are you able to provide your own plows? YES  or NO

If yes, how many? 3 class A / 3 class B

No other Quotes were received during Phase 1 for price line 254. However, during Phase 2, a Quote was received from Amadei Contracting, LLC as follows:

Line No	Required Quantity of Trucks	Vendor Name	Vendor offered trucks for plowing	Hourly Rate w/Equipment	Hourly Rate truck Only	Hourly Rate Superintendent	Hourly Rate Hauling	Comments
254	3	**Amadei Contracting LLC	3 Class A		\$ 240.00	\$ 65.00	\$ 100.00	Trucks Only

Here, had All American's Quote been considered during the evaluation of Phase 1, it would have been recommended for a Blanket P.O. award for this price line, and this line would not have been included in Phase 2. Based upon the needs of the using agency, NJDOT, and the evaluation criteria set forth in Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule*, All American is awarded a Blanket P.O. for price line 254 for three (3) Class A trucks, with equipment, and the award to Amadei Contracting, LLC for this price line is rescinded.

**Price Line 255**

In its Quote (Phase 1), All American proposed the following for price line 255:

LINE NO	DESCRIPTION	QTY	UNIT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING-TRUCK ONLY	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING TRUCK & EQUIPMENT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING SUPERINTENDENT	ALL-INCLUSIVE HOURLY RATE HAULING ONLY
255	SNOW PLOWING SERVICES - D.O.T. REGION: SOUTH CREW 417 GLASSBORO SUBREGION: S2 SNOW SECTION: 5417264 RT 55 FWY FROM RT 40, MALAGA TO EXIT 50 ROUTE 322 (MP 39.3 TO MP 50.5) NUMBER OF TRUCKS REQUIRED: 12	1	HOUR	Class A \$190.00 Class B \$185.00	Class A \$350.00 Class B \$300.00	\$45.00	\$190.00

ATTACHMENT 1 SNOW PLOWING AND SPREADING SERVICES-NJDOT  
 BID SOLICITATION (RFP) 18DPP00205  
 REVISED - VENDOR (BIDDER) EQUIPMENT FORM

The Vendor (Bidder) must complete and submit one (1) form for each Section Offered

Vendor {Bidder} Name: All American Landscapes, LLC

SNOW PLOWING SERVICES ONLY

Snow Section: 5417264

Number of Class A Trucks 12

Number of Class B Trucks 12

Are you able to provide your own plows? YES  or NO

If yes, how many? 6 CLASS A / 6 CLASS B

No other Quotes were received for price line 255, in response to Phase 1, 2 or 3. Therefore, All American is eligible for a Blanket P.O. Award for this price line. Based upon the needs of the using agency, NJDOT, and the evaluation criteria set forth in Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule*, All American is awarded a Blanket P.O. for price line 255 for twelve (12) Class A trucks. In accordance with All American's Quote, six (6) of those Class A trucks awarded are with equipment and six (6) of those Class A trucks awarded are without equipment.

**Price Line 275**

In its Quote (Phase 1), All American proposed the following for price line 275:

LINE NO	DESCRIPTION	QTY	UNIT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING-TRUCK ONLY	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING TRUCK & EQUIPMENT	ALL-INCLUSIVE HOURLY RATE SNOW PLOWING SUPERINTENDENT	ALL-INCLUSIVE HOURLY RATE HAULING ONLY
275	SNOW PLOWING SERVICES - D.O.T. REGION: SOUTH CREW 426 CUMBERLAND SUBREGION: S2 SNOW SECTION: 5426262 RT 55 FWY FROM LANDIS AVENUE, VINELAND TO RT 40, MALAGA (MP 32.7 TO MP 39.3) NUMBER OF TRUCKS REQUIRED: 7	1	HOUR	Class A \$249.00 Class B \$245.00	Class B \$300.00	\$45.00	\$190.00

ATTACHMENT 1 SNOW PLOWING AND SPREADING SERVICES-NJDOT  
 BID SOLICITATION (RFP) 18DPP00205  
 REVISED – VENDOR (BIDDER) EQUIPMENT FORM  
 The Vendor (Bidder) must complete and submit one (1) form for each Section Offered

Vendor {Bidder} Name: All American Landscapes, LLC

SNOW PLOWING SERVICES ONLY

Snow Section: 5426262

Number of Class A Trucks 7

Number of Class B Trucks 7

Are you able to provide your own plows? YES  or NO

If yes, how many? 3

Additionally, in response to Phase 1, Seashore Asphalt Corp. (Seashore) submitted a Quote for price line 275 as follows:

Line No	Required Quantity of Trucks	Vendor Name	Vendor offered trucks for plowing	Hourly Rate w/Equipment	Hourly Rate truck Only	Hourly Rate Superintendent	Hourly Rate Hauling	Comments
275	7	**Seashore Asphalt Co.	7 Class A		\$ 228.00	\$ 97.00	\$ 90.00	Trucks Only

ATTACHMENT 1 SNOW PLOWING AND SPREADING SERVICES-NJDOT  
 BID SOLICITATION (RFP) 18DPP00205  
 REVISED – VENDOR (BIDDER) EQUIPMENT FORM  
 The Vendor (Bidder) must complete and submit one (1) form for each Section Offered

Vendor {Bidder} Name: Seashore Asphalt Corp.

SNOW PLOWING SERVICES ONLY

Snow Section: 5426262

Number of Class A Trucks 7

Number of Class B Trucks

Are you able to provide your own plows? YES  or NO

If yes, how many?

Because All American's Quote was not evaluated during Phase 1, the Bureau recommended a Blanket P.O. award to Seashore for this price line. Had All American's Quote been evaluated and considered during Phase 1, it would have been recommended for a Blanket P.O. award for this price line as it offered some plow equipment as part of its Quote.

Based upon the Quote submitted, All American is offering seven (7) Class A Trucks, three (3) with plows; Seashore is offering seven (7) Class A Trucks, with no plows. Bid Solicitation Section 6.7.1 Vendor's {Bidder's} Price Schedule states that awards will be recommended as follows:

- 1<sup>st</sup> – Vendors {Bidders} supplying all required Class A trucks with equipment;
- 2<sup>nd</sup> – Vendors {Bidders} supplying all required Class A trucks without equipment;

For example, Vendors {Bidders} submitting responsive Quotes {Proposals} and able to supply all required Class A trucks with Vendor {Bidder} owned equipment, will be awarded a Blanket P.O. {Contract} before the Vendors {Bidders} supplying Class A trucks without equipment.

Based upon the needs of the using agency, NJDOT and the evaluation criteria set forth in Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule*, All American is awarded a Blanket P.O. for price line 275 for seven (7) Class A Trucks, three (3) with plows; four (4) without plows, as this configuration, pursuant to Bid Solicitation 6.7.1 *Vendor's {Bidder's} Price Schedule*, is ranked/preferred over Class A Trucks without any plows as proposed by Seashore in its Quote.

With respect to the evaluation of the Vendors' {Bidders'} Quotes pricing for the spreading price lines, Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule* states:

**Spreading Services:**

- 1<sup>st</sup> – Vendors {Bidders} supplying all required Class R trucks with an on board wetting system;
- 2<sup>nd</sup> – Vendors {Bidders} supplying all required Class R trucks;
- 3<sup>rd</sup> – Vendors {Bidders} supplying all required Class Q trucks with an on board wetting system;
- 4<sup>th</sup> – Vendors {Bidders} supplying all required Class Q trucks;
- 5<sup>th</sup> – Vendors {Bidders} supplying all required Class P trucks with an on board wetting system;
- 6<sup>th</sup> – Vendors {Bidders} supplying all required Class P trucks;
- 7<sup>th</sup> – Vendors {Bidders} supplying V Box trucks with an on board wetting system;
- 8<sup>th</sup> – Vendors {Bidders} supplying V Box trucks;
- 9<sup>th</sup> – Vendors {Bidders} supplying mid-body style trucks with an on board wetting system; and
- 10<sup>th</sup> – Vendors {Bidders} supplying mid-body style trucks.

For example, Vendors {Bidders} submitting responsive Quotes {Proposals} and able to supply all required Class R trucks, with an on board wetting system, will be awarded a Blanket P.O. {Contract} before the Vendors {Bidders} supplying Class R trucks without an on board wetting system.

**Price Line 362**

In its Quote (Phase 1), All American proposed the following for price line 362:

LINE NO	DESCRIPTION	QTY	UNIT	DO NOT USE	ALL-INCLUSIVE HOURLY RATE CLASS R TRUCK	ALL-INCLUSIVE HOURLY RATE CLASS Q TRUCK	ALL-INCLUSIVE HOURLY RATE CLASS P TRUCK
362	SPREADING SERVICES - D.O.T. REGION: SOUTH CREW #: 414 DEPTFORD YARD ROUTE 41 SOUTH * SUPERIOR WAY, DEPTFORD, NJ  NUMBER OF TRUCKS REQUIRED: CLASS R - 8	1	HOUR		No Bid	\$295.00	No Bid

ATTACHMENT 1	SNOW PLOWING AND SPREADING SERVICES-NJDOT BID SOLICITATION (RFP) 18DPP00205 REVISED - VENDOR (BIDDER) EQUIPMENT FORM
The Vendor (Bidder) must complete and submit one (1) form for each Section Offered	
Vendor {Bidder} Name: <u>All American Landscapes, LLC</u>	
<b>SNOW PLOWING SERVICES ONLY</b>	
Snow Section: _____	
Number of Class A Trucks	_____
Number of Class B Trucks	_____
Are you able to provide your own plows? YES ___ or NO ___	
If yes, how many? _____	
<b>SPREADING ONLY</b>	
Crew #: <u>414 Deptford Yard</u>	
Number of Class P Trucks	_____
Number of Class Q Trucks	<u>2</u>
Number of Class R Trucks	_____
Type of spreading equipment	<u>Tailgate mounted</u> , Mid-Body, or V Box
Are you able to provide on board wetting? YES ___ or NO <input checked="" type="checkbox"/>	
Are your vehicles capable of offloading unused material quickly after an event? YES <input checked="" type="checkbox"/> or No ___	

The record of this procurement reveals that four (4) Vendors {Bidders}, including All American, submitted a Quote for price line 362 in Phase 1. As noted in the Bureau's Recommendation Report,

Price Line #362 - the following Vendors {Bidders} submitted responsive Quotes; however, the Quote submitted by AIT is considered to be the overall lowest cost responsive, responsible Quote most advantageous to the State price and other factors considered and offered the State the required quantity of trucks for this Snow Section. This Snow Section requires eight (8) Class R Trucks. Therefore, for the reasons stated above, AIT is recommended for award of this price line.

- AIT - offered eight Tailgate Mounted Class R Trucks, the quantity required for this Section, at a rate of \$190.00 per hour;
- VH Motto - offered four (4) Tailgate Mounted Class R Trucks, with a wetting system; however, less than the quantity required for this Snow Section;
- ATA - offered eight (8) Tailgate Mounted Class R Trucks, the quantity required for this Section, at a rate of \$195.00 per hour. Therefore, for the reason stated, the Quote submitted by ATA is not the lowest cost responsive, responsible Quote.

[Recommendation Report, pgs. 44-45.]

Here, the using agency, NJDOT, sought eight (8) Class R Trucks to perform the work required for this spreading section. The intended awardee, AIT Express, LLC (AIT), proposed eight (8) Class R tailgate

mounted Trucks. All American proposed two Class Q tailgate mounted Trucks. All American's proposal was for a different class of truck in a lower quantity than sought by the using agency. Based upon the needs of the using agency, NJDOT, and the evaluation criteria set forth in Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule*, the Bureau's recommendation to award a Blanket P.O. to AIT for price line 362 is upheld.

**Price Line 365**

In its Quote (Phase 1), All American proposed the following for price line 365:

LINE NO	DESCRIPTION	QTY	UNIT	DO NOT USE	ALL-INCLUSIVE HOURLY RATE CLASS R TRUCK	ALL-INCLUSIVE HOURLY RATE CLASS Q TRUCK	ALL-INCLUSIVE HOURLY RATE CLASS P TRUCK
365	SPREADING SERVICES - D.O.T. REGION SOUTH CREW #: 417 GLASSBORO YARD ROUTE 47 SOUTH @ 126 GROVE STREET, GLASSBORO, NJ  NUMBER OF TRUCKS REQUIRED: CLASS R -4	1	HOUR		No Bid	\$195.00	No Bid

ATTACHMENT 1 SNOW PLOWING AND SPREADING SERVICES-NJDOT  
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Vendor {Bidder} Name: All American Landscapes, LLC

**SNOW PLOWING SERVICES ONLY**

Snow Section: \_\_\_\_\_

Number of Class A Trucks \_\_\_\_\_

Number of Class B Trucks \_\_\_\_\_

Are you able to provide your own plows? YES \_\_\_ or NO \_\_\_

If yes, how many? \_\_\_\_\_

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**SPREADING ONLY**

Crew #: 417 Glassboro Yard

Number of Class P Trucks \_\_\_\_\_

Number of Class Q Trucks 1

Number of Class R Trucks \_\_\_\_\_

Type of spreading equipment Tailgate mounted, Mid-Body, or V Box

Are you able to provide on board wetting? YES \_\_\_ or NO

Are your vehicles capable of offloading unused material quickly after an event?  
 YES  or No \_\_\_

The record of this procurement reveals that three (3) Vendors {Bidders}, including All American, submitted a Quote for price line 365 in Phase 1. As noted in the Bureau's Recommendation Report,

Price Line #365 - the following Vendors {Bidders} submitted responsive, responsible Quotes; however, the Quote submitted by MSN is considered to be the overall lowest cost responsive, responsible Quote most advantageous to the State price and other factors considered. This Section

requires four (4) Class R Trucks. Therefore, for the reasons stated above, MSN is recommended for award of this price line.

- MSN - offered four (4) Tailgate Mounted Class R Trucks, the quantity required for this Snow Section at a rate of \$175 per hour; and
- AIT - offered four (4) Tailgate Mounted Class R Trucks, the quantity required for this snow Section at a rate of \$220 per hour.

[Recommendation Report, p. 45.]

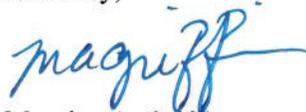
Here, the using agency, NJDOT, sought four (4) Class R Trucks to perform the work required for this spreading section. The intended awardee, MSN trucking, LLC (MSN) proposed four (4) Class R tailgate mounted Trucks. All American proposed one Class Q tailgate mounted Truck. All American's proposal was for a different class of truck in a lower quantity than sought by the using agency. Based upon the needs of the using agency, NJDOT, and the evaluation criteria set forth in Bid Solicitation Section 6.7.1 *Vendor's {Bidder's} Price Schedule*, the Bureau's recommendation to award a Blanket P.O. to MSN for price line 365 is upheld.

### CONCLUSION

Based upon the foregoing, the Bureau's recommendation to award and the August 24, 2018 Notice of Intent to Award is amended as noted above. This is my final agency decision with respect to the protest submitted by All American.

Thank you for your company's continuing interest in doing business with the State of New Jersey and for registering your company with [NJSTART](http://www.njstart.gov) at [www.njstart.gov](http://www.njstart.gov), the State of New Jersey's eProcurement system. I encourage you to log into [NJSTART](http://www.njstart.gov) to select any and all commodity codes for procurements you may be interested in submitting a Quote for so that you may receive notification of future bidding opportunities. Please monitor the New Jersey Department of Transportation's, the Division's and the [NJSTART](http://www.njstart.gov) websites for future bidding opportunities for these services.

Sincerely,



Maurice A. Griffin  
Acting Director

MAG: RUD

c: M. Ottinger, Seashore Asphalt Corp.  
P. Michaels  
L. Spildener  
M. Groninger