



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

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ELIZABETH MAHER MUOIO
State Treasurer

MAURICE A. GRIFFIN
Acting Director

March 7, 2019

Via Electronic Mail [peacock@tspsupply.com] and USPS Regular Mail

Chris Peacock, President
TSP Maintenance Supply, LLC
52 East Drive
Livingston, NJ 07039

Re: I/M/O Bid Solicitation #18DPP00259 TSP Maintenance Supply, LLC
Protest of Notice of Proposal Rejection – Second Request for Reconsideration
T0374 Bar Soap, Individually Wrapped for Distribution and Support Services (DSS)

Dear Mr. Peacock:

This letter is in response to your email of February 22, 2019, on behalf of TSP Maintenance Supply, LLC (TSP) to the Division of Purchase and Property's (Division) Hearing Unit.

The factual and procedural history giving rise to this second request for reconsideration is as follows. On December 5, 2018, the Division's Procurement Bureau ("Bureau") issued the Bid Solicitation on behalf of the New Jersey Department of the Treasury, Distribution and Support Services (DSS). The purpose of the Bid Solicitation was to solicit Quotes for bar soap, individually wrapped, for DSS. 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 January 29, 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 TSP for failure to submit the *Disclosure of Investment Activities in Iran Form* with its Quote.

In response to the Notice of Proposal Rejection, on January 31, 2019, TSP sent an email to the Division's Hearing Unit stating:

We would like to protest our notice of proposal rejection for 18DPP00259. The proposed rejection states that we are missing disclosure of investment activities in Iran. The form is attached with our bid that was submitted. We are currently unsure why we were rejected for this form missing. We triple checked and its (sic) included with attachments that are required. Please review and confirm that our bid will be accepted.

On February 5, 2019, the Division issued its final agency decision sustaining the Notice of Proposal Rejection. In part, the final agency decision stated:

With respect to the submission of the *Disclosure of Investment Activities in Iran Form*, the New Jersey Legislature has mandated that “[a] State agency shall require a person or entity that submits a bid or Quote or otherwise proposes to enter into or renew a [Blanket P.O.] to certify, at the time the bid is submitted or the [Blanket P.O.] is renewed, that the person or entity is not identified on a list created pursuant to subsection b. of section 3 [C.52:32-57] of this act as a person or entity engaging in investment activities in Iran described in subsection f. of section 2 [C.52:32-56] of this act.” N.J.S.A. 52:32-58(a).¹

...

Notwithstanding TSP’s interest in competing for this procurement, the Division does not have the power to waive the legislative requirement that a Vendor {Bidder} certify with its Quote that it is not engaged in investment activities in Iran. Only the New Jersey Legislature can change a requirement it has mandated. Accordingly, TSP’s Quote was properly rejected by the Division’s Proposal Review Unit for failure to submit the mandatory *Disclosure of Investment Activities in Iran Form* with its Quote.

On February 5, 2019, TSP responded to the final agency decision stating:

I finally see that we submitted the wrong form and understand now the reason for the automatic rejection.

Question for you unit. There’s nothing in any of rules and regulations for a clerical mistake?

The submission form for Iran Disclosure was made in good faith and the wrong form was submitted.

We have no business or have ever done any business with Iran. We will provide the correct form if allowed.

This was 100% a human error.

Also if TSP’s price is the lowest and the product is already approved and this is clearly a clerical mistake doesn’t (sic) the state want to rectify so it there’s no extra money spent on a more expensive product?

If seems the punishment of a rejected bid for clearly a clerical error hurts the State of NJ harshly if we are the best option and price for this product.

Pleas (sic) let me know if we have an (sic) other alternatives to protest the rejection and also the answer to the questions.

In response to TSP’s February 5, 2019 email, on February 6, 2019, the Division responded as follows:

As discussed in the Division’s Final Agency Decision, the New Jersey Legislature has mandated that “[a] State agency shall require a person or entity that submits a bid or Quote or otherwise proposes to enter into or renew a [Blanket P.O.] to certify, at the time the bid is submitted or the

¹ “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*.

[Blanket P.O.] is renewed, that the person or entity is not identified on a list created pursuant to subsection b. of section 3 [C.52:32-57] of this act as a person or entity engaging in investment activities in Iran described in subsection f. of section 2 [C.52:32-56] of this act.” N.J.S.A. 52:32-58(a). Unfortunately, the Division does not have the power to waive the legislative requirement that a Bidder certify with its Quote that it is not engaged in investment activities in Iran. Only the New Jersey Legislature can change a requirement it has mandated.

Accordingly, the Division’s Proposal Review Unit’s Notice of proposal rejection issued to TSP for failure to submit the Disclosure of Investment Activities in Iran Form with its Quote 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. Thank you for your company’s interest in doing business with the State of New Jersey.

Thereafter, on February 7, 2019, TSP wrote to the Hearing Unit providing a copy of the completed *Disclosure of Investment Activities in Iran Form* and stating:

I attached (sic) the Iran Disclosure form that was filled on 1/6/19 and signed. Clearly TSP has never done business with Iran.
Your (sic) using the legislature as your reason for being unable to take action to change our rejection but we currently sell bar soap to NJ and also gloves. There is an order for bar soap due on 2/25/19 re PO 87044:12.
Because NJ is already engaged in a contract with TSP doesn’t it currently meet the Iran requirement.
The form is in use for the current soap contract.
Again this was a human error as the wrong form was uploaded to your bid site.
If your (sic) going to keep using the legislature as the reason for the rejection please provide another outlet that TSP can approach for relief form this rejection based on a clerical error.
I will wait on your response.

In response, the Division advised TSP that “In accordance with the Division’s governing regulations, the Division’s final agency decision can be appealed to the Superior Court of New Jersey - Appellate Division.” See, Division’s February 8, 2019 email. Dissatisfied with the response, TSP wrote the Division stating: “That’s it? There's no other outlet available other than Superior Court? Also can you please answer if our current soap contract would apply as it has a (sic) Iran disclosure form with it?” See, TSP’s February 8, 2019 email.

In an effort to address TSP’s continuing questions, on February 8, 2019, the Division advised TSP that it would accept its prior emails as a request for reconsideration. On February 22, 2019, the Division issued its decision regarding TSP’s request for reconsideration. Again the Division advised TSP that

As noted in the Division’s February 5, 2019, final agency decision, the New Jersey Legislature, in enacting the law, mandated that “[a] State agency shall require a person or entity that submits a bid or Quote or otherwise proposes to enter into or renew a [Blanket P.O.] to certify, at the

time the bid is submitted or the [Blanket P.O.] is renewed, that the person or entity is not identified on a list created pursuant to subsection b. of section 3 [C.52:32-57] of this act as a person or entity engaging in investment activities in Iran described in subsection f. of section 2 [C.52:32-56] of this act.” N.J.S.A. 52:32-58(a), emphasis added. If the Division were to waive a legislatively mandated bid submission requirement, it would un-level the playing field giving TSP the opportunity to cure a deficiency in its submitted Quote, an opportunity not afforded to other Vendors {Bidders}. Allowing TSP to cure the deficiency would place it “in a position of advantage over other bidders or by otherwise undermining the necessary common standard of competition.” River Vale, supra, 27 N.J. Super. at 216.

Further, with respect to TSP’s assertion that the State could potentially pay more for the product sought, I note that the legislative history reveals that in reviewing the bill prior to enactment, the Office of Legislative Services (OLS) recognized that the law could result in fewer bidders and increased costs to the State. Specifically, OLS stated “that to the extent that this bill reduces the number of persons or entities eligible to hold public contracts, the costs of such contracts could, perhaps, increase due to a fewer number of suppliers bidding.” See, Senate Budget and Appropriates Committee, Statement to Senate, No. 1304. Despite the recognition that law could result in few bids and increased costs, it was enacted without amendment, requiring that the certification be made at the time the Quote is submitted.

Finally, TSP notes that as the current vendor, it had previously submitted an Iran form to the State. Unfortunately, as noted above, the law mandates that a Vendor {Bidder} certify with its Quote that it is not engaged in investment activities in Iran. The Division does not dispute TSP’s statement that it is not engaged in prohibited activities, but nonetheless, the Division is not authorized to waive the legislative requirement that a Vendor {Bidder} certify with its Quote that it is not engaged in investment activities in Iran. Therefore, I sustain the February 5, 2019, final agency decision.

Still dissatisfied, TSP raises the following questions in its February 22, 2019 email to the Division’s Hearing Unit:

1. Can you provide us with proof that we didn’t upload the Iran disclosure form and are you sure a mistake wasn’t made on your end mixing up disclosure forms?
2. Is it possible a mix up occurred with your system?
3. Can another person access our bid and make changes form your end?
4. There is a system that keeps these forms up to date right?
5. Please explain in detail what advantage over the other bidders we have?
6. Also what is waivable as a minor irregularity or omission?
7. Also Ms. Doobrajh please provide the name of your boss.

In response to TSP’s questions, the Division notes the following.

In response to questions 1, 2, and 3, when a Vendor {Bidder} uploads documents to its Quote, neither the Quote nor the documents comprising the Quote are visible to the Division’s staff until after the Quote opening date. Importantly, at no time does the Division’s staff have the ability to change the documents comprising the Quote. Only a Vendor {Bidder}, prior to the Quote opening date, has the ability to change the documents comprising its Quote. See, Division’s Quick Reference Guide entitled “Submit a Quote.”

A review of TSP’s submitted Quote reveals the following with respect to the documents comprising its submitted Quote. As shown on the screenshot below, on January 29, 2019, the Quote opening date, TSP uploaded its price sheet. All other documents comprising the Quote were attached on January 11, 2019. See, the screenshot below.

Quote 00002669 - TSP Maintenance Supply LLC

General Items Questions Subcontractors Terms & Conditions Attachments(8) Evaluations Preference Reminders Summary

Files

Name	Description	Confidential	Order	Attached By	Attached Date
EIRCERT.pdf (view details)	NJ Employee Info Report	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/11/2019
NJ18DPP00259PAGE1IRAN.pdf (view details)	Iran Disclosure page 1	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/11/2019
NJ18DPP00259PAGE2IRAN.pdf (view details)	Iran disclosure page 2	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/11/2019
NJ18DPP00259OAPAGE.pdf (view details)	Offer and Acceptance page	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/11/2019
NJ18DPP00259ODFPAGE1.pdf (view details)	Page 1 Ownership disclosure form	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/11/2019
NJ18DPP00259ODFPAGE2.pdf (view details)	Page 2 Ownership disclosure form	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/11/2019
NJ18DPP00259Bidder Data Form - 5 (1).pdf (view details)	Bidder Data Form	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/11/2019
T0374 Price Sheet protected-3 (3) (5).xlsx (view details)	Price Sheet	<input checked="" type="checkbox"/>	0	Michelle Pascech	01/29/2019

Forms

No Form Attachments

Save & Continue Close Window

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With respect to the form in question here, the *Disclosure of Investment Activities in Iran Form*, although the two (2) files noted on the screenshot above have “Iran” in the file name, neither of these is the required *Disclosure of Investment Activities in Iran Form*. As shown in the two (2) screenshots below, those documents were attached by TSP on January 11, 2019.

The remainder of this page is intentionally left blank

Attachment File Detail: NJ18DPP00259PAGE1IRAN.pdf

Name*: NJ18DPP00259PAGE1IRAN.pdf
Description: Iran Disclosure page 1
File:  NJ18DPP00259PAGE1IRAN.pdf
Location: vendor/V00001232/profile

Size:	465,421 bytes	Last Modified On Disk:	01/11/2019 07:00:42 AM
Uploaded:	01/11/2019 07:00:42 AM	Uploaded By:	Michele Peacock

Exit

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Attachment File Detail: NJ18DPP00259PAGE2IRAN.pdf

Name*: NJ18DPP00259PAGE2IRAN.pdf
Description: iran disclosure page 2
File:  NJ18DPP00259PAGE2IRAN.pdf
Location: vendor/V00001232/profile

Size:	423,611 bytes	Last Modified On Disk:	01/11/2019 07:01:42 AM
Uploaded:	01/11/2019 07:01:42 AM	Uploaded By:	Michele Peacock

Exit

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As noted in the Division's February 5, 2019, final agency decision,

Two of the attached documents have a file name indicative of a *Disclosure of Investment Activities in Iran Form* being submitted; however, a review of the individual attachments reveals that neither of these attachments is the *Disclosure of Investment Activities in Iran Form*. Rather, TSP uploaded each page of the two page *Disclosure of Investigations and Other Actions Involving the Vendor {Bidder} Form* as a separate file. Although TSP may have meant to upload the *Disclosure of Investment Activities in Iran Form* it did not do so.

[February 5, 2019, final agency decision, page 5.]

Opening each of those file attachments reveals the following²:

**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

DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING THE VENDOR (BIDDER) FORM

BID SOLICITATION #: 18DPP00259 VENDOR (BIDDER): TSP MAINTNANCE SUPPLY, LLC

PART 1
 PLEASE LIST ALL OFFICERS/DIRECTORS OF THE VENDOR (BIDDER) BELOW.
 IN PART 2 OF THIS FORM, YOU WILL BE REQUIRED TO ANSWER QUESTIONS REGARDING THESE INDIVIDUALS.

OFFICERS/DIRECTORS

NAME	Michele Peacock		
TITLE	CEO		
ADDRESS 1	52 EAST DRIVE		
ADDRESS 2			
CITY	STATE	ZIP	
Livingston	NJ	07039	

NAME	Chris Peacock		
TITLE	VP		
ADDRESS 1	52 EAST DRIVE		
ADDRESS 2			
CITY	STATE	ZIP	
Livingston	NJ	07039	

Attach Additional Sheets if Necessary.

PART 2
 PLEASE COMPLETE THE QUESTIONS BELOW BY CHECKING EITHER "YES" OR "NO".
 PLEASE REFER TO THE PERSONS LISTED ABOVE AND/OR THE PERSONS AND/OR ENTITIES LISTED ON
 YOUR OWNERSHIP DISCLOSURE FORM WHEN ANSWERING THESE QUESTIONS.

	YES	NO
1. Has any person or entity listed on this form or its attachments ever been arrested, charged, indicted, or convicted in a criminal or disorderly persons matter by the State of New Jersey (or political subdivision thereof), or by any other state or the U.S. Government?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Has any person or entity listed on this form or its attachments ever been suspended, debarred or otherwise declared ineligible by any government agency from bidding or contracting to provide services, labor, materials or supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Are there currently any pending criminal matters or debarment proceedings in which the firm and/or its officers and/or managers are involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Has any person or entity listed on this form or its attachments been denied any license, permit or similar authorization required to engage in the work applied for herein, or has any such license, permit or similar authorization been revoked by any agency of federal, state or local government?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IF ANY OF THE ANSWERS TO QUESTIONS 1-4 ARE "YES", PLEASE PROVIDE THE REQUESTED INFORMATION IN PART 3. IF ALL OF THE ANSWERS TO QUESTIONS 1-4 ARE "NO", NO FURTHER ACTION IS NEEDED; PLEASE SIGN AND DATE THE FORM.

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² TSP can itself review the documents attached to its submitted Quote by following the instructions on the Division's Quick Reference Guide entitled "How to Review a Submitted Quote." Available at, <https://www.state.nj.us/treasury/purchase/njstart/vendor.shtml#tabs-3>.

and

PART 3
PROVIDING ADDITIONAL INFORMATION

If you answered "YES" to any of questions 1 - 4 above, you must provide a detailed description of any investigation or litigation, including but not limited to administrative complaints or other administrative proceedings, involving public sector clients during the past five (5) years. The description must include the nature and status of the investigation, and for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and if applicable, disposition.

PERSON OR ENTITY NAME	NA	PHONE NUMBER	
CONTACT NAME			
CASE CAPTION			
INCEPTION OF THE INVESTIGATION		CURRENT STATUS	
SUMMARY OF INVESTIGATION			

Attach Additional Sheets if Necessary.

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor/Bidder, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor/Bidder is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to criminal prosecution under the law, and it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Signature: Chris Pearce Date: 11/9/19
Print Name and Title: Chris Pearce Vice President

Page 2 of 7

The two attached pages comprise the *Disclosure of Investigations and Other Actions involving the Vendor {Bidder} Form*. Not that the *Disclosure of Investment Activities in Iran Form* which is only 1 page. See the sample form below.

Disclosure of Investments in Iran Form 6.19.17-3.pdf - Adobe Acrobat Pro

File Edit View Window Help

Create [Icons] Customize [Icons]

1 / 1 [Icons] 75% [Icons] Tools Sign Comment

Please fill out the following form. [Icon] Highlight Existing Fields



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

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM

BID SOLICITATION #: 18DPP00259 VENDOR/BIDDER: _____

PART I
CERTIFICATION
VENDOR/BIDDER MUST COMPLETE PART I BY CHECKING ONE OF THE BOXES
FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person nor entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of the Treasury's Chapter 25 list as a person or entity engaged in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.treasury.gov/press/releases/2012/01/20120110.htm>. Vendors/Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a Vendor's/Bidder's proposal non-responsive. If the Director of the Division of Purchase and Property finds a person or entity to be in violation of the law, the Director shall take such actions as are appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compensation, recovering costs, and declaring the party in default and seeking debarment or suspension of the party.

CHECK THE APPROPRIATE BOX

A. I certify, pursuant to Public Law 2012, c. 25, that neither the Vendor/Bidder, nor any of its parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's Chapter 25 list as a person or entity engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I have reviewed the Chapter 25 List and I am not on the list. I complete and sign the Certification below.

B. I am unable to certify as above because the Vendor/Bidder, or one of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate description of the activities of the Vendor/Bidder, or one of its parents, subsidiaries, or affiliates, engaged in prohibited activities in Iran, in Part II below and complete the Certification below. Failure to provide such information will result in the proposal being rendered as non-responsive and appropriate penalties, fines and or sanctions will be applied to the Vendor/Bidder.

PART II
PLEASE PROVIDE ADDITIONAL INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

If you checked Box "B" above, provide a detailed, accurate description of the activities of the Vendor/Bidder, or one of its parents, subsidiaries, or affiliates, engaged in prohibited activities in Iran, by completing the boxes below:

ENTITY NAME: _____
RELATIONSHIP TO VENDOR/BIDDER: _____
DESCRIPTION OF ACTIVITY: _____
DURATION OF ENGAGEMENT: _____
ANTICIPATED CESSATION DATE: _____
VENDOR/BIDDER CONTACT: _____
VENDOR/BIDDER CONTACT PHONE No.: _____
Attach Additional Sheets If Necessary

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor/Bidder, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor/Bidder is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein, that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to criminal prosecution under the law, and it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Signature Date

Print Name and Title

DPP Rev. 6.19.17 Page 1 of 1

Unfortunately, TSP did not upload the *Disclosure of Investment Activities in Iran Form* with its Quote documents.

Second, in response to question 4, with respect to the maintenance of forms during the contract term, it is incumbent on the Vendor {Contractor} to ensure that its information and form are kept up to date.

Third, with respect to question 5, as set forth in the Division's February 22, 2019, response to TSP's request for reconsideration, if the Division were to allow TSP to cure the deficiency contained within its submitted Quote, not including the *Disclosure of Investment Activities in Iran Form* as mandated by the New Jersey Legislature, TSP would be given an option not available to other Vendors {Bidders}, namely the ability to cure the deficiency in the Quote submission. See, Twp. of River Vale v. Longo Constr. Co., 27 N.J. Super. 207, 216 (Law Div. 1974).³

Finally, as noted in the Division's February 5, 2019 final agency decision, notwithstanding TSP's interest in competing for this procurement, the Division does not have the power to waive the legislative requirement that a Vendor {Bidder} certify with its Quote that it is not engaged in investment activities in Iran. Only the New Jersey Legislature can change a requirement it has mandated. Accordingly, TSP's Quote was properly rejected by the Division's Proposal Review Unit for failure to submit the mandatory *Disclosure of Investment Activities in Iran Form* with its Quote. 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, the Division has no choice but to deny your request for eligibility to participate in the competition for the subject contract.

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, the State of New Jersey's eProcurement system. In accordance with the Division's governing regulations, final agency determinations by the Director on matters of protest are appealable to the Appellate Division of the Superior Court of New Jersey.⁴ N.J.A.C. 17:12-3.1(b).

Sincerely,



Rachel U. Doobraj
Acting Chief Hearing Officer⁵

c: J. Kerchner
K. Thomas
A. Puza

³ With respect to question 6, the Division's final agency decisions regarding the Vendor's {Bidder's} failure to submit the *Disclosure of Investment Activities in Iran Form* as well as decisions related to irregularities or omissions are available on the Division's website.

⁴ The Division is unable to provide legal guidance, instruction or information regarding a Vendor's right to appeal or how to file an appeal of a final agency decision.

⁵ As to question 7, the Division's Acting Chief Hearing Officer reports to the Acting Director of the Division of Purchase and Property, Maurice A. Griffin.