

**FINAL AGENCY DECISION**

October 31, 2018

Via Email and Regular First Class Mail

Mr. James DiNatale  
Site Enterprises, Inc.  
6626 Delilah Road  
Egg Harbor Township, New Jersey 08234

**Re: Orange – Cleveland Street Elementary School – Abatement & Selective Demolition  
NJSDA Contract No. ES-0043-N02  
Protest By Site Enterprises, Inc.**

Dear Mr. DiNatale:

The New Jersey Schools Development Authority (“NJSDA”) is in receipt of your October 24, 2018 protest letter on behalf of Site Enterprises, Inc. (“Site”) relating to the above-referenced procurement for abatement and selective demolition services for the Cleveland Street Elementary School project in Orange, New Jersey (the “Procurement”). Site’s protest letter challenges an award to the “low bidder” (i.e. Bismark Construction Corp. (“Bismark”)). This letter is the NJSDA’s formal response and final agency decision on Site’s bid protest.

Site’s letter, which was submitted the day after bids were received by the NJSDA, states that it “feel[s] that the low bidder did not have the proper paperwork in correspondence with the bid requirements.” Furthermore, Site contends that the presumptive winning bidder was “missing Subs, necessary paperwork, as well as required DPMC Classifications.” However, Site’s letter further requests the opportunity to review the bids submitted by the lowest bidders “to ensure that the proper paperwork was included in the Bid Proposal.”

On the same date that it submitted the instant Bid Protest, Site also submitted a request for copies of the bids received by the NJSDA for the above-referenced Procurement, pursuant to the New Jersey Open Public Records Act (“OPRA”). While any documents responsive to Site’s OPRA request will be made available to Site consistent with the requirements of OPRA, it is plainly evident that the contentions set forth in Site’s bid protest were made without having had the benefit of reviewing the other bids. Thus, Site’s contentions are purely speculative and were made without any factual basis at the time of Site’s bid protest submission. Speculative and factually unsupported bid protests are subject to summary rejection.

Mr. James DiNatale  
October 31, 2018  
Page 2

The foregoing notwithstanding, please be advised that the NJSDA has already rejected Bismark's bid as non-responsive. As such, your firm's protest is rejected as moot.

This is a Final Agency Decision.

Sincerely,



Donald R. Guarriello  
Vice President and Chief Financial Officer

cc: Lizette Delgado Polanco, NJSDA Chief Executive Officer  
Roy Garcia, NJSDA Chief of Staff  
Andrew Yosha, NJSDA Chief Operating Officer  
Manuel Da Silva, NJSDA Vice President, Construction Operations  
Jane F. Kelly, NJSDA Vice President, Corporate Governance and Legal Affairs  
Pamela Luster, NJSDA Vice President, Administrative Operations  
Thomas Schrum, NJSDA Vice President, Predevelopment and Real Estate  
Sean Murphy, NJSDA Director of Procurement  
Robert Ryan, NJSDA Program Director  
Martin Taylor, Senior Procurement Analyst  
Albert D. Barnes, NJSDA Chief Counsel  
Cecelia E. Haney, NJSDA Deputy Chief Counsel  
Desmond H. O'Neill, NJSDA Senior Counsel  
Bismark Construction Corp.