
FINAL AGENCY DECISION

Via Email and Regular First Class Mail

April 6, 2026

Mr. Leonard A. Faiola
Remington & Vernick Engineers
2059 Springdale Road
Cherry Hill NJ 08003

Re: Project No. ET-0102-M01
Pleasantville - New Elementary PK-5 School - Construction Management Services
Bid Protest by Remington & Vernick Engineers

Dear Mr. Faiola:

The New Jersey Schools Development Authority (“NJSDA”) is in receipt of your March 27, 2026 correspondence on behalf of Remington & Vernick Engineers (“RVE”) relating to the above-referenced procurement for Construction Management Services for the Pleasantville New Elementary PK-5 School in Pleasantville, New Jersey (the “Procurement”). Your March 27 correspondence asserts a formal protest challenging NJSDA’s determination to reject your firm’s submission in the Procurement as non-responsive. NJSDA hereby provides this formal response and final agency decision with respect to that protest.

In evaluating RVE’s protest, the NJSDA has reviewed and considered the following: correspondence from Sean Murphy, NJSDA’s Managing Director of Procurement, to you dated March 26, 2026; your March 27, 2026 protest letter; the February 5, 2026 advertisement of the Procurement; the February 5, 2026 Request for Qualifications and Technical Proposals (“RFQ/RFP”) and the Addendum thereto issued on February 26, 2026; RVE’s Qualifications and Technical Proposal submitted on March 10, 2026; and a March 18, 2026 letter from NJSDA Senior Procurement Analyst David Kutch inviting your firm to participate in an interview for the Procurement.

Brief Overview of the Procurement Process

The Procurement was advertised on February 5, 2026. Under the terms of the Advertisement and the RFQ/RFP, any firm wishing to submit a proposal was required to submit an electronic Notice of Intent to Participate by 2:00 p.m. on February 19, 2026. Interested firms were invited to submit any questions that they had regarding the Procurement by emailing them to NJSDA’s Procurement representative by February 19, 2026¹. One (1) Addendum was issued thereafter by the NJSDA, which included the questions submitted by interested firms and NJSDA’s written responses thereto. In order to participate in the Procurement, interested bidders were required to submit Qualifications and Technical Proposals

¹ RVE did not submit any questions for the Procurement.

and sealed Price Proposals, in accordance with the requirements of the RFQ/RFP, to the NJSDA by 2:00 p.m. on March 10, 2026.

The RFQ/RFP specified that responsive firms would be evaluated and scored by a Selection Committee on the basis of their Qualifications and Technical Proposals, and ranked on the basis of their Qualifications and Technical Proposal Scores. A shortlist of the six (6) most highly-ranked firms would be determined, and the shortlisted firms would participate in interviews that would be scored separately. After the interviews had been completed and scored, the Qualifications and Technical Proposal Score and the Interview score for each participating firm would be added together for a “Total Non-Price Score.”

The RFQ/RFP specified that once the Non-Price Scores for all Responsive Firms were determined, the sealed Price Proposals were to be opened and scored, with the lowest Price Proposal awarded the maximum Price Score, and all other Price Proposals scored accordingly. Thereafter, each participating firm’s Non-Price Score and Price Score would be weighted (60% weighting factor for Non-Price Scores, 40% weighting for Price Scores) and the two scores would be combined in a “Final Combined Score”. The Authority would then advance a recommendation to award the contract to the Responsive Firm with the highest Final Combined Score.

Five proposals were timely received by NJSDA in response to the RFQ/RFP for the Procurement. After a brief orientation meeting on March 12, 2026, the Qualifications and Technical Proposals of the five responding bidders were distributed to the members of the Selection Committee for their review, evaluation and scoring. Because there were only five firms that responded to the RFQ/RFP, there was no need for the creation of a six-firm shortlist, and on March 18, 2026, the NJSDA issued correspondence to all responding firms inviting them to participate in interviews scheduled for March 30, 2026. Thereafter, the Selection Committee members completed their scoring of the Qualifications and Technical Proposals on March 23, 2026.

The Rejection of RVE’s Submission

During the pendency of the Selection Committee’s evaluation of the Qualifications and Technical Proposals, it was noted that RVE’s Staffing Proposal proposed one individual to serve as both the Project Manager and Office Engineer, and similarly proposed another individual to serve as both the Field Manager and MEP Manager. RVE’s Staffing Proposal was flagged for further review for conformity with the requirements of the RFQ/RFP, and review was undertaken by NJSDA staff separately from the Selection Committee’s deliberations.

On March 26, 2026, NJSDA sent correspondence to RVE advising that its submission was being rejected as non-responsive because RVE’s Staffing Proposal failed to meet the staffing requirements of the RFP. On March 27, 2026, RVE issued a letter to NJSDA asserting a formal protest of the determination to reject RVE’s submission as non-responsive, and requesting continued consideration of its proposal and participation in the interviews scheduled for March 30, 2026. RVE did not request an informal hearing and did not submit any additional documentation in support of its protest. On March 27, 2026, NJSDA sent correspondence to RVE acknowledging receipt of the protest, denying RVE’s request to participate in interviews for the Procurement, and indicating a Final Agency Decision would follow in due course.

Staffing Requirements of the RFQ/RFP

The RFQ/RFP for this Construction Management engagement specifies:

In this procurement, the Authority has determined to require a **minimum threshold for CM staffing** for the Project, defining a **roster of required CM Staff members identified by title and responsibilities**, and defining a **required time commitment for such staff member** that varies over the duration of the Project. This is a minimum requirement, and Responding Firms may propose staffing that exceeds this minimum standard. [RFQ/RFP at Section 3.2.A, emphasis added.]

Section 3.2.A of the RFQ/RFP specifies:

The staffing required to be identified in the Qualifications and Technical Proposal, and the required durations for their participation, is as follows:

Project Executive (“PX”): Supporting commitment for 28 months (not required as a full-time requirement, but shall be on an as-needed basis and as per the CM proposal)

The PX is the point of contact for the NJSDA and the CM on all contractual matters, is the primary overall manager of the CM staff and shall be available on site when required. The PX shall assure that the CM field staff provides all deliverables and meets all project requirements. The PX shall manage the CM field and CM office staff to provide deliverables required by the contract. The PX shall be responsible for the overall performance of the CM staff and shall be the “CM Contact” as defined in the Agreement. The individual proposed for this role shall have a minimum of ten (10) years of project management experience in a Project Executive role in projects of similar size, scope and complexity.

Project Manager (“PM”): Full-time commitment for 28 months

The PM shall be the CM’s “in the field” staff manager, and lead for the Project. The PM is responsible for the review of all general construction activities as well as site work. The PM is responsible for coordinating all communications between the CM, NJSDA and the Design-Builder. The PM is the CM’s liaison with NJDCA². The PM is responsible for the review of all invoices, change orders, change proposals, and allowance allocations. The PM is responsible for the review, oversight, and recommendation of the project schedule and updates. The PM provides oversight and management of the Design-Builder’s safety and QA/QC programs. The PM shall chair all progress job meetings. ***The PM shall manage and coordinate the activities of the Office Engineer***, Field Manager, MEP Manager and other CM staff and resources to achieve the successful performance of all of the PM’s job functions and responsibilities listed above. The individual proposed for this role shall have a minimum of ten (10) years of project management experience in a Project Manager role in projects of similar size, scope and complexity.

² “NJDCA” refers to the New Jersey Department of Community Affairs, Code Division, which is responsible for review of plans and inspection of construction for NJSDA projects.

Office Engineer (“OE”): Full-time commitment for 28 months

The OE shall have the primary role of the review, processing and filing of all documentation on the project. The OE shall receive, log, and upload into the NJSDA Database/system all submissions, submittals, correspondence or other documentation received on the project. The OE shall also be responsible to track and ensure that all submissions/submittals are reviewed and processed by the CM and NJSDA and returned to the Design-Builder. The OE shall maintain the various documentation logs (Submittals, RFI’s, Inspections, etc.) and report on this function at job meetings and in monthly reports. The OE is responsible for the review of all non-MEP submittals and for recommending action on such submittals to NJSDA. The OE shall generate all job progress meeting minutes and distribute to all parties. The individual proposed for this role shall have a minimum of five (5) years of project management experience in an Office Engineer role in projects of similar size, scope and complexity.

Field Manager (“FM”): Full-time commitment for 13 months

The FM is responsible to manage the performance of all the site construction activities with the exception of the work noted under the MEP Manager for the project and report back to the PM. Along with the PM, the FM is responsible for the coordination of all non-MEP inspections by Code officials or Special Inspectors. The FM provides oversight and management of the Design-Builder’s safety and QA/QC programs. The FM is responsible for daily reports, manpower reports, pencil copy reviews, attending pre-installation meetings and walking the site with the SDA QA/QC and safety personnel. The FM is responsible for maintaining up-to-date plans and specifications. The individual proposed for this role shall have a minimum of ten (10) years of project management experience in a Field Manager role in projects of similar size, scope and complexity.

MEP Manager (“MEP”): Full-time commitment for 16 months

The MEP Manager shall be responsible to manage the performance of mechanical, electrical, plumbing, fire protection and HVAC systems work (“MEP Work”) in coordination with the overall construction of the Project. The MEP Manager shall have experience managing systems coordination and installation on projects of similar size and/or scope, in the areas of HVAC, Electrical (including but not limited to Fire Alarm, Security, Public Address and Information Technology), and Plumbing (including but not limited to sprinkler, fire suppression and domestic water) systems. The MEP Manager will participate in BIM coordination meetings, on-site pre-installation coordination and installation of MEP work for the project. The MEP Manager shall be responsible to ensure that the specified and approved systems are fully provided and installed to function in accordance with the approved Design-Build plans and specifications. The MEP Manager shall review for completeness and pencil copy reviews, supervise inspections of MEP systems & equipment, manage and coordinate the commissioning and startup of building systems by the Commissioning Agent engaged by the Design-Builder for the Project, maintain up to date MEP plans and specifications. The MEP Manager shall walk all MEP code inspections with the DCA inspectors and do daily reports for the MEP scope of work including photos. The MEP Manager provides oversight and management of the Design-Builder’s QA/QC programs. The individual proposed for this

role shall have a minimum of ten (10) years of project management experience in a MEP Manager role in projects of similar size, scope and complexity.

(italicized/bolded emphasis added).

Analysis of RVE's Protest

RVE's March 27, 2026 protest acknowledges that the RFQ/RFP sets a "minimum threshold for CM staffing for the project by a defined roster of CM staff positions" and claims that its proposal meets the requirements of the RFP because it "identifies staff member names for each of the positions listed in the RFQ/RFP". RVE states "Mr. Leonard Cinaglia will serve as the Project Executive, Mr. William Banks will serve in both capacities as the Project Manager and the Office [sic] Manager³, and Mr. Brian McGrath will serve in both capacities as the Field Manager and the MEP Manager." The basis of RVE's protest is its assertion that the RFQ/RFP "does not state that each of these "minimum" staffing positions is required to be **filled by an individual person**" (emphasis in original). RVE further asserts that: "Both Mr. Banks and Mr. McGrath will serve full-time for the duration of the project, fulfilling the requirements of each of their positions."

The RFQ/RFP for the Procurement specified that "the Authority has determined to require a minimum threshold for CM staffing for the Project, defining a roster of **required CM Staff members** identified by title and responsibilities and defining a **required time commitment for such staff member**" (RFQ/RFP at Section 3.2.A, emphasis added). The RFQ/RFP lists five required staff members by title, and specifies the required time commitment for each, with the result that four of the five required staff members are defined as representing a "full-time commitment."

The RFQ/RFP's minimum staffing requirement determined by NJSDA serves as both a method of securing a desired level of proficiency and quality of services from the eventual contractual awardee, and a method of facilitating fairness in the bidding process by setting an expectation of a minimum team composition, thereby providing a level playing field for all competitors for the engagement.

RVE's Staffing Proposal fails to meet the requirements of the RFQ/RFP for the Procurement because it provides for a total of three staff members to staff the Project, rather than the five "required CM Staff members" as defined by the RFQ/RFP. The RFQ/RFP indicates that prior to advertising the Procurement, NJSDA had determined "a minimum threshold for CM staffing for the Project" in terms of the titles and functions of specific CM staff members, and the daily time commitment and required qualifications of each such staff member. RVE has offered a Staffing Proposal that proposes three individuals to perform what NJSDA adjudged to necessitate a five-member team, at minimum. Further, it is significant that the RFQ/RFP defines a "roster of required **CM Staff members** identified by title and responsibilities" (as stated in Section 3.2.A of the RFQ/RFP). The NJSDA's use of the term "Staff members" is deliberate and indicative of an intent to refer to a roster of **individuals**, each bearing a unique title, and performing unique identified responsibilities associated with that title.

Further, RVE's Staffing Proposal fails to meet the requirements of the RFQ/RFP because the individuals it has named to serve in multiple staff member roles for the Project cannot satisfy the time commitment required for each required staff member as specified by the RFQ/RFP, if they are

³ The title as specified in the RFQ/RFP is "Office Engineer."

simultaneously performing the functions of another staff member. Four of the required staff members specified in the RFQ/RFP are specified as constituting a “full-time commitment” (Project Manager, Office Engineer, Field Manager and MEP Manager). The RFQ/RFP requirement of a “full-time commitment” for a given staff member title necessarily means that the individual proposed to serve as a given staff member is expected to devote their full time on the Project exclusively to the performance of the functions and responsibilities associated with that specific staff member role.

RVE’s Staffing Proposal, by contrast, proposes that two individuals (Messrs. Banks and McGrath) will each simultaneously perform two “full time commitment” staff member roles (respectively, Project Manager and Office Engineer, and Field Manager and MEP Manager). The effective result of this staffing approach is that RVE has proposed at best, a part time commitment for each of these shared titles. In practical terms, this means that for every hour that Mr. Banks performs an Office Engineer function on the Project, Mr. Banks would be taking time away from performing the functions of the Project Manager, and vice-versa.⁴ This approach fundamentally undermines the NJSDA’s emphasis on a “full time commitment” required for each of the Project Manager, Office Engineer, Field Manager and MEP Manager staff members.

Conclusion

RVE’s failure to provide a Staffing Proposal that meets the staffing requirements of the RFQ/RFP, both in number of identified staff members and in fulfillment of the full-time commitment requirement for certain staff members, constitutes a material and non-waivable bid defect. Accordingly, RVE’s protest from the rejection of its submission is denied.

This is a Final Agency Decision.

Sincerely,



Laurette J. Pitts
Vice President and Chief Financial Officer

- cc: Manuel M. Da Silva, NJSDA Chief Executive Officer
- Ramy Kamel, NJSDA Vice President – Program and Construction Operations
- Janice Venables, NJSDA Vice President, Corporate Governance
- Sean Murphy, NJSDA Managing Director of Procurement
- Steve Wendling, NJSDA Program Director
- David Kutch, NJSDA Senior Procurement Specialist
- Albert D. Barnes, NJSDA Chief Counsel

⁴ Moreover, adoption of RVE’s multiple hat interpretation of the RFQ/RFP would necessarily yield untenable and nonsensical results. For example, the RFQ/RFP requires that the “PM shall manage and coordinate the activities of the Office Engineer, Field Manager, MEP Manager and other CM staff.” There is no plausible explanation for how a single individual could be both a manager and managed staff member and both staff coordinator and coordinated staff.

Project No. ET-0102-M01

Pleasantville - New Elementary PK-5 School - Construction Management Services

April 6, 2026

Page 7 of 7

Cecelia E. Haney, NJSDA Deputy Chief Counsel

Desmond H. O'Neill, NJSDA Senior Counsel