

**FINAL AGENCY DECISION**

May 5, 2017

Via Email and Regular First Class Mail

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

**Re: Paterson – New Union Ave Middle School
NJSDA Contract No. PA-0011-N01
Protest By Site Enterprises, Inc.**

Dear Mr. DiNatale:

The New Jersey Schools Development Authority (“NJSDA”) is in receipt of your April 20, 2017 protest letter on behalf of Site Enterprises, Inc. (“Site”) relating to the above-referenced procurement for abatement and demolition services for the New Union Avenue Middle School project in Paterson, New Jersey (the “Procurement”). Site’s protest letter challenges an award to Tricon Enterprises, Inc. (“Tricon”), the apparent successful bidder in the Procurement. 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 that bid submitted by the lowest bidder “to ensure that the proper paperwork was included in the Bid Proposal.” Thus, it is plainly evident that the contentions set forth in Site’s bid protest are purely speculative and were made without any factual basis at the time of Site’s bid protest submission.

In response to Site’s request to review Tricon’s bid, on April 20, 2017 (i.e. the same day the NJSDA received Site’s bid protest), NJSDA’s Procurement Division wrote to Site to advise that it should file a request under the New Jersey Open Public Records Act (“OPRA”) in order to obtain a copy of Tricon’s bid. The NJSDA’s email in this regard also provided a link to the NJSDA’s OPRA webpage, which provides instructions as to how a party may file an OPRA request.

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Since that time, the NJSDA has not received any OPRA request from Site requesting a copy of Tricon's bid, nor any further bid protest submissions from Site setting forth additional arguments or reasoning as to why Tricon's bid should be rejected. As such, Site has presented no competent factual or legal basis for rejecting Site's bid. Furthermore, the NJSDA has not identified any material deficiencies in reviewing Tricon's bid. Accordingly, Site's bid protest as to Tricon is rejected.

This is a Final Agency Decision.

Sincerely,



Donald R. Guarriello
Vice President and Chief Financial Officer

cc: Charles B. McKenna, NJSDA Chief Executive Officer
Andrew Yosha, NJSDA Executive Vice President, Program Operations & Strategic Planning
Raymond Arcario, NJSDA Vice President, Construction Operations
Jane F. Kelly, NJSDA Vice President, Corporate Governance and Operations
Terry Pollin, NJSDA Associate Vice President- Program Operations,
Thomas Schrum, NJSDA Program Director
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Tricon Enterprises, Inc.