



# State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
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December 9, 2014

Via Fax [908-687-6300] and USPS Regular Mail

Jay Sapolnick, President  
Fit-Rite Uniform Company, Inc.  
657 Chestnut Street  
Union, NJ 07083

RE: Protest of Notice of Intent to Award State Contract #T0474  
RFP # 15-X-23618 – Uniforms – Correction Officer

Dear Mr. Sapolnick:

This letter is in response to your faxed letter dated October 23, 2014, referencing the subject Request for Proposal (“RFP”) and regarding the slated award of the subject T0474 contract by the Procurement Bureau (“Bureau”), the unit of the Division of Purchase and Property (“the Division”) responsible for conducting open competitive procurements of State contracts. In your letter, you protest, on behalf of Fit-Rite Uniform Company, Inc. (“Fit-Rite”), the Bureau’s announced intent to award the T0474 contract to Atlantic Uniform (“Atlantic”), contending that the Anchor 2212 style jacket offered by Atlantic is not equivalent to the RFP-specified Spiewak 1775 model jacket or to the approved equivalent Gerber 30G1 jacket that Fit-Rite, as the incumbent T0474 contractor, has supplied to the New Jersey Department of Corrections (“NJDOC”) since January 1, 2013. Based on these circumstances, you ask that the intended award of contract to Atlantic be rescinded.

I have reviewed the record of this procurement, including the RFP, the Bureau’s Recommendation Report, Atlantic’s proposal and pertinent information about the model jacket offered by Atlantic. This review of the procurement record has provided me with the information necessary to determine the facts of this matter and to render an informed determination on the merits of Fit-Rite’s protest.<sup>1</sup>

With regard to the issues you have raised, the RFP Subsections 3.5 and 3.9, as segments of RFP Section 3.0, *Commodity Description/Scope of Work*, established the standards for the jacket product to be offered by bidders, as follows:

### **3.5 COAT WINTER – CLASS A & B**

Brand: Spiewak Weathertek Outwear model 1775 Class A & B, or approved equal. Color: Dark

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<sup>1</sup> NOTE: By letter dated September 30, 2014, the Division issued a final agency decision denying Fit-Rite’s written request for reconsideration of the Division’s Proposal Review Unit’s determination that Fit-Rite’s proposal, submitted in response to RFP 15-X-23618, was materially deficient due to the absence of signature on Fit-Rite’s Ownership Disclosure Form and Disclosure of Investment Activities in Iran form as stipulated in the RFP.

Navy. Waist length (26") jacket with outer shell of 160 denier Cordura nylon and 12 waterproof/breathable lining. Removable liner with fleece body, insulated with 100 gram Thinsulate. Two-way front zipper. Zippered, adjustable side vents. Elastic, snap adjustable cuffs.

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### 3.9 SPECIFICATION VARIANCES

A variance in the technical specification may be allowed by the State only if the allowance does not in any way affect the expected performance, fit and appearance of the uniform ensemble specified herein.

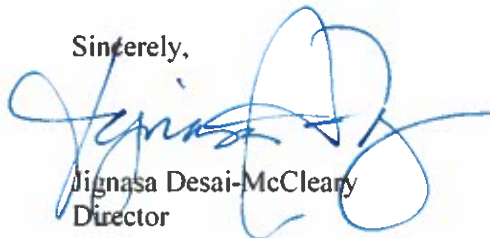
In regard to the subject procurement, the 2212 model jacket provided by Atlantic in response to the Bureau's request for a sample of the 2212 model Atlantic had offered in its proposal, was assessed and deemed to be equivalent in performance, fit and appearance to the RFP-cited Spiewak Weathertek Outwear model 1775 Class A & B jacket. Based upon that determination relative to the acceptability of the offered 2212 model jacket, NJDOC and the Procurement Bureau properly deemed Atlantic's offer of that product to be a compliant part of a fully responsive proposal, thus meriting the award of contract.

For the record and concerning what appears to be a misunderstanding of the outcome of the 2012 procurement of this subject T0474 contract, i.e., that the 2233 model jacket offered by Fit-Rite had been rejected at that time by NJDOC, the record indicates that the alleged rejection of that model did not occur. Instead, in consideration of the proposals submitted in response to 2012-issued RFP 13-X-22704, NJDOC and Bureau evaluators preferred the Gerber 30G1 jacket offered by Fit-Rite as the jacket to be provided to trainees under the T0474 contract and opted to award that brand/model jacket as offered in Fit-Rite's 2012 proposal. Regardless, I must advise that each re-procurement of a term contract is an independent and distinct event, and therefore caution Fit-Rite and other vendors from relying upon the outcomes of prior procurements.

Based on the findings and conclusions set forth above, which establish that Atlantic's proposal complied with all essential requirements of the RFP and that, in accord with RFP provisions, the NJDOC has accepted the Anchor 2212 model jacket as meeting the product standards set forth in the RFP, I must deny your protest and uphold the slated award to Atlantic as previously announced by the Procurement Bureau. This is my final decision on this matter.

Thank you for your interest in doing business with the State of New Jersey and for registering your entity with **NJ START** at [www.njstart.gov](http://www.njstart.gov), the State of New Jersey's new eProcurement system.

Sincerely,



Jignasa Desai-McCleary  
Director

JD-M:RW

c: L. DuBois  
R. Sharbaugh  
J. Signoretta  
V. Ewen