



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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3/1/2024

To: All Interested Bidders

**Re: Bid Solicitation # 24DPP00961
T2188 – OEM and Non-OEM Parts and Repairs for Road Maintenance Equipment**

Quote Submission Due Date: ~~February 29, 2024 (2:00 p.m. Eastern Time)~~

April 2, 2024 (2:00 p.m. Eastern Time)

Bid Amendment #2

The following constitutes Bid Amendment #2 to the above referenced Bid Solicitation:

This Bid Amendment includes:

- Answers to questions from the Electronic Question and Answer Period that concluded on February 16, 2024;
- Revisions to the Bid Solicitation (from Part 2 of the Bid Amendment); and
 - Please note that for all additions, deletions, clarifications and modifications to the Bid Solicitation, please refer to the Revised Bid Solicitation titled “*T2188 Revised Bid Solicitation 3.1.2024*”.

It is the sole responsibility of the Bidder to be knowledgeable of all of the additions, deletions, clarifications, and modifications to the Bid Solicitation and/or the New Jersey Standard Terms and Conditions relative to this Bid Solicitation as set forth in all Bid Amendments.

All other instructions, terms, and conditions of the Bid Solicitation shall remain the same.

Bid Solicitation # 24DPP00961
T2188 – OEM and Non-OEM Parts and Repairs for Road Maintenance Equipment

Part 1 - Answers to Questions

Where applicable, each question references the appropriate Bid Solicitation section.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
1	PDF Documents	Question: When trying to open a Portable Document Format (PDF), I am receiving an error message and am unable to access the PDF. How should I proceed? Answer: It is recommended that users utilize Microsoft Edge to view PDFs. Certain PDF forms cannot be opened in the Chrome or Firefox built in PDF viewers that are enabled by default. If using Chrome or Firefox it is recommended that the file is downloaded instead by clicking the download button in the upper right-hand corner of the browser after an error message is received. An alternative option is to disable the built in PDF viewers in Chrome or Firefox.
2	Quote Submission	Question: Should I check that I have properly completed and attached all of the required documents with my submitted Quote? Answer: Yes. Prior to the Quote Opening Deadline, a Bidder should review the documents comprising the submitted Quote to ensure that all of the required documents have been completed and attached. Oftentimes a Quote is deemed non-responsive because a Bidder fails to attach a required form or attaches a blank form. To review a submitted a Quote, a Bidder should log into NJSTART and review each document attached to the Quote submission. Instructions on how to review a submitted Quote can be found in the Quick Reference Guide entitled How to Review a Submitted Quote, which is available on the NJSTART Vendor Support Page under Vendor Reference Guides.
3	Quote Submission	Question: Please confirm a Bidder may deliver a hardcopy quote instead of submitting a response electronically. Answer: Please be advised that all Quotes shall be submitted electronically through NJSTART.
4	Bid Solicitation Section 2.2 (Exceptions to the State of NJ Standard Terms and Conditions SSTC))	Question: Will the State allow Bidders to take exception to any of the Standard Terms and Conditions? Answer: As stated in Bid Solicitation Section 2.2, Exceptions to the State of NJ Standard Terms and Conditions (SSTC): "<i>Questions regarding the State of New Jersey Standard Terms and Conditions and exceptions to mandatory requirements MUST be posed during the Electronic Question and Answer period and shall contain the Bidder's suggested changes and the reason(s) for the suggested change(s).</i>" Moreover, as stated in Bid Solicitation Section 3.11, Bidder proposed terms or conditions that conflict with those contained in the State of New Jersey Standard Terms and Conditions may render a Quote non-responsive.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
5	Small Business Enterprise (SBE) and/or a Disabled Veteran-Owned Business (DVOB) Registration	Question: For the SBE or DVOB preference, what happens if I submit a Quote, but my firms SBE or DVOB status is listed as Expired or Revoked with the Division of Revenue and Enterprise Services, Small Business Registration and MWBE Certification Services Unit on the date the Quote is received and opened? Will my Quote be considered for the SBE or DVOB preference? Answer: If your firms SBE or DVOB status is listed as Expired or Revoked by the DORES Small Business Registration and MWBE Certification Services Unit at the date the Quote is received and opened, the Quote submitted by your firm will not be evaluated as coming from a responsive qualifying SBE or DVOB. As stated in Bid Solicitation Section 3.8 Small Business Set-Aside Contract: The Bidder must be registered as a qualified small business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit, by the date the Quote is received and opened.
6	SBE and DVOB Registration	Question: For the SBE and DVOB preference, how can I check if my business is registered and approved as an SBE or DVOB with the Division of Revenue and Enterprise Services? Can I apply online? Answer: By clicking on the below link, you will be directed to the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit. To verify the current SBE or DVOB status of your firms account or for instructions to apply online for SBE and/or DVOB certification, please visit: https://www.nj.gov/treasury/revenue/business-cert-program.shtml
7	Bid Solicitation 3.21 (Specification Conformance Form)	Question: Is a Bidder required to provide the signed Specification Conformance Certification with the Quote? Answer: Yes; Bidders are required to provide, with its Quote, the signed Specification Conformance Certification as indicated in Bid Solicitation Section 3.21. Bid Solicitation Section 3.21 states: <i>"The Bidder shall submit with its Quote the Specification Conformance Form. By submitting this form, the Bidders certifies that all items offered in response to this Bid Solicitation conform to the requirements set forth in the Bid Solicitation."</i>
8	Bid Solicitation Section 3.36.4 (Use of "NO BID" on the State-Supplied Price Sheet)	Question: We are only bidding a few of the Price Lines on the bid; do we need to put "NO BID" under every other Price Line or can we just leave them blank? Note: This question came in twice under the Q&A tab in NJSTART. The first question is above and the second question came in as: <i>"Please answer Question #8"</i>. Question #8 is the question raised above. As such, these questions have been consolidated into one question and answer. Answer: As stated in Bid Solicitation Section 3.36.4, Bidders must indicate 'NO BID' on the State-Supplied Price Sheet for Price Lines that are not being bid on. Bid Solicitation Section 3.36.4 states (emphasis added in bold): <i>"All price lines must be filled out in accordance with the instructions above. If the Bidder is not submitting a price for an item on a price line, the Bidder must indicate "No Bid" on the State-Supplied Price Sheet accompanying this Bid Solicitation. The use of any other</i>

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		<i>identifier may result in the Bidder's Quote being deemed non-responsive."</i>
9	Bid Solicitation Section 1 (Introduction and Summary of the Bid Solicitation)	Question: Where on the screen can I acknowledge the bid? I do not see a "Follow" tab as is in the video. Answer: In this instance, and for any other questions relating strictly to the submission of a Quote in NJSTART, please reach out to the NJSTART Vendor Support Team at the following: NJSTART Vendor email support: njstart@treas.nj.gov NJSTART Vendor phone support: 609-341-3500 If no one is available to take your call and you would like to receive a callback, please email us at njstart@treas.nj.gov and provide a contact name and phone number in your email. A representative from the NJSTART Vendor Administration Team will contact you as soon as possible. Important Note: Please be sure to advise the NJSTART Team that the inquiry is time-sensitive because it is based on the submission of a Quote that is scheduled to open on March 29, 2024. Section 1 of the Bid Solicitation also states, in pertinent part: <i>"Inquiries concerning the use of NJSTART may be directed to njstart@treas.nj.gov. The Division will not respond to substantive questions related to the Bid Solicitation or any other Contract via this email address."</i> Bidders may also refer to the instructions in the Quick Reference Guides on the NJSTART Vendor Support Page, specifically: • Submit a Quote • Submit a Quote Video • How to Review a Submitted Quote
10	Bid Solicitation Sections 3.36 and 3.36.1	Question: I have three questions regarding the first page of the bid titled "General"1. There is a blank for delivery days--what does this mean? 2. There is a promise date that requires a month, day and year--what is the promise date for? and 3. There is a discount tab-what am I discounting if the discounts per category are on the pricing page? Answer: In this instance, and for any other questions relating strictly to the submission of a Quote in NJSTART, please reach out to the NJSTART Vendor Support Team at the following: NJSTART Vendor email support: njstart@treas.nj.gov NJSTART Vendor phone support: 609-341-3500 If no one is available to take your call and you would like to receive a callback, please email us at njstart@treas.nj.gov and provide a contact name and phone number in

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		your email. A representative from the NJSTART Vendor Administration Team will contact you as soon as possible. Important Note: Please be sure to advise the NJSTART Team that the inquiry is time-sensitive because it is based on the submission of a Quote that is scheduled to open on March 29, 2024. Section 1 of the Bid Solicitation also states, in pertinent part: <i>"Inquiries concerning the use of NJSTART may be directed to njstart@treas.nj.gov. The Division will not respond to substantive questions related to the Bid Solicitation or any other Contract via this email address."</i> Bidders may also refer to the instructions in the Quick Reference Guides on the NJSTART Vendor Support Page, specifically: • Submit a Quote • Submit a Quote Video • How to Review a Submitted Quote
11	SSTC Section 6.3 (Payment to Vendors)	Question: When awarded the contract, will we be paid when it is awarded or after we deliver the goods? My business is an approved SBE, so as a small business we don't have enough to purchase the order ourselves, so what procedures are set in place for a situation like this? Answer: Section 6.3 of the State Standard Terms and Conditions states, in pertinent part: <i>"The contractor must submit invoices to the using agency with supporting documentation evidencing that work or goods for which payment is sought has been satisfactorily completed or delivered. For commodity contracts, the invoice, together with the Bill of Lading, and/or other documentation to confirm shipment and receipt of contracted goods must be received by the using agency prior to payment. For contracts featuring services, invoices must reference the task or subtask. When applicable, invoices should reference the appropriate task or subtask or price line number for the contractor's proposal. All invoices must be approved by the State Contract Manager or using agency before payment will be authorized."</i>
12	SSTC Section 4.1 (Indemnification)	Question: Exception to 4.1 Indemnification. Reason - Current indemnification is overly broad and should be limited to the extent of contractors negligence or willful misconduct. And how do I provide suggested changes? Some would require the ability to redline. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in the State Standard Terms and Conditions Section 4.1 INDEMNIFICATION. The State declines to limit the scope of protections afforded by this section.
13	SSTC Section 5.4 (State's Option to Reduce Scope of Work)	Question: Exception to 5.4 State's Option to Reduce Scope of Work. Reason - Non-stock equipment is not always returnable and any costs associated with termination are customers responsibility. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in the State Standard Terms and Conditions Section 5.4 STATES

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		OPTION TO REDUCE SCOPE OF WORK. A reduction in the Scope of Work would take effect prospectively and would limit future orders and/or services not already ordered or in place.
14	SSTC Section 5.11 (Performance of Guarantee of Contractor)	Question: 5.11 Performance Guarantee of Contractor. Reason - Manufacturer's Warranty applies. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in the State Standard Terms and Conditions Section 5.11 PERFORMANCE GUARANTEE OF CONTRACTOR. The Performance Guarantee is in addition to and separate and apart from any manufacturer's warranty.
15	SSTC Section 5.12 (Delivery Requirements)	Question: 5.12 Delivery Requirements. Reason - Contractor does not guarantee delivery times. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in the State Standard Terms and Conditions Section 5.12 DELIVERY REQUIREMENTS. The Bidders are directed to review Bid Solicitation Section 5.6 DELIVERY TIME AND COSTS, which states in pertinent part: <i>"The Contractor shall assume all costs, liability and responsibility for the delivery of merchandise in good condition to the State's Using Agency or designated purchaser."</i>
16	SSTC Section 5.21 (Claims and Remedies)	Question: 5.21 Claims and Remedies. Reason - Manufacturer's Warranty Applies. Contractor does not guarantee delivery. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in the State Standard Terms and Conditions Section 5.21 CLAIMS AND REMEDIES. Certain provisions of this section are statutory in nature and not subject to waiver or negotiation.
17	SSTC Section 6.6 (Availability of Funds)	Question: 6.6 Availability of Funds. Reason - Funds should be confirmed prior to order. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in the State Standard Terms and Conditions Section 6.6 AVAILABILITY OF FUNDS.
18	SSTC Section 5.7 (Termination of Contract)	Question: 5.7 Termination of Contract. Reason - Contractor does not guarantee delivery times. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in the State Standard Terms and Conditions Section 5.7 TERMINATION OF CONTRACT. The state reserves the right to Terminate the Contract for Cause or for Convenience as set forth in this section 5.7.
19	Manufacturer's Price Lists	Question: Are manufacturer's price lists required to be included in bid? Answer: No. Bid Solicitation Section 3.24 states, in pertinent part: <i>"Due to the dynamic nature of parts pricing, Bidders are not required to provide a parts price list for the brand(s) bid with their Quote."</i>
20	Bid Solicitation Section 3.36 (State-Supplied	Question: Can we choose which counties per brand we can supply parts, or is it all counties?

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
	Price Sheet Instructions)	Answer: A Bidder can choose which specific counties within the region served that it can service for the brand(s) bid. Please refer to the instructions in Bid Solicitation Section 3.36, Step 5. If a Bidder is not bidding on all counties within the region, they must check the box for the region(s) the specific counties are located in and insert an asterisk* next to the 'X' mark (example: X*). The asterisk will indicate to the State that there is a separate attachment that contains the specific counties being serviced within the region for the brand(s) bid. The Bid Solicitation has been updated to reflect this information. Please refer to the revised Bid Solicitation titled 'T2188 Revised Bid Solicitation 3.1.24'. Bid Solicitation Section 3.36, Step 5, states (emphasis added in bold): <i>"The Bidder shall enter an "X" in the "Region Served" field under the subheadings 'North', 'Central' or 'South', to indicate which region(s) will be serviced. If a Bidder is bidding for all three regions, North, Central and South, the Bidder shall insert an "X" in the North, Central and South fields on the State-Supplied Price Sheet. If the Bidder does not insert an "X" in any of the North, Central or South fields, the Quote may be deemed non-responsive for that price line item, and, if applicable, any group that price line item is part of.</i> <i>If a brand manufacturer's list of areas covered under each region does not agree with the list in Section 4.4 of the Bid Solicitation, the Bidder shall provide the manufacturer's list of areas covered under each region on a separate sheet. If requested, the Bidder shall provide manufacturer's certification listing all areas covered under each region. If deemed in the best interest of the State, the manufacturer's list of areas covered under each region may be adopted, for the brand bid, superseding the list of areas specified in Bid Solicitation Section 4.4."</i>
Part 2 - Additional Revisions to the Bid Solicitation		
#	Bid Solicitation Section Reference	Revision
1	Bid Solicitation Cover Page, Quote Submission Due Date	The Cover Page of the Bid Solicitation has been revised. The Quote Submission Due Date has been changed to April 2, 2024.
2	Bid Solicitation Section 3.36, Step 5	The following paragraph has been added to Bid Solicitation Section 3.36, Step 5: <i>"If a Bidder is not bidding on all counties within the region, they must check the box for the region(s) the specific counties are located in and insert an asterisk* next to the 'X' mark. The asterisk will indicate to the State that there is a separate attachment that contains the specific counties being serviced for the brand(s) bid."</i>