

# Resolution of the City of Newark, N.J.

NO. 7R1-BDate of Adoption SEP 20 2017

## Title Page

**Dept/ Agency:** Administration/Division of Central Purchasing

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Use of State Contract(s) T-2809 Dump Truck, 68,000 LB. GVWR Cab/Chassis W/ 12 CU. YD Conveyor Body & Accessories

**Purpose:** Purchase of thirteen (13) 2017 or newer Dump Trucks with Snow Plow and Material Spreaders

**Entity Name(s)/Address(s):** Beyer Bros. Corp., 109 Broad Avenue, Fairview, New Jersey 07022

**Contract Amount:** Amount not to exceed \$2,717,637.00

**Funding Source:**

Department of Public Works: Capital Improvement Fund NW045; 17G; 17A15; 94710; B2017

**Contract Period:** Upon approval by Municipal Council through January 29, 2018

**Contract Basis:** ( ) Bid (X) State Vendor ( ) Prof. Ser. ( ) EUS

(X) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Additional Information:**

One (1) Purchase Order has already been issued for the full cost of the contract (copy attached), and therefore, pursuant to N.J.A.C. 5:30-5.4(a)(6), the certification of availability of funds was executed through the budgetary accounting encumbrance process.

CITY CLERK'S OFFICE  
NEWARK, N.J.  
ROOM 415

2017 OCT -6 P 12:15

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified by

\_\_\_\_\_  
Corporation Counsel

\_\_\_\_\_  
Title

Council Member \_\_\_\_\_ presents the following Resolution:

# Resolution of the City of Newark, N.J.

NO. 7R1-BDate of Adoption SEP 20 2017

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified by

*[Signature]*  
*Noting*  
 Corporation Counsel

*[Signature]*  
*Jerome Wakefield, SPS QPA*  
 Title

Council Member *council of the whole* presents the following Resolution:

**WHEREAS**, the City of Newark's Department of Public Works is in need of thirteen (13) 2017 or newer Dump Trucks with Snow Plow and Material Spreaders (see "Award Letter" and "Recommendation Letter" attached hereto); and

**WHEREAS**, the City of Newark, through its Supervising Procurement Specialist, QPA, wishes to utilize a certain State Cooperative Purchasing Contract, more specifically, Term Contract T-2809, Dump Truck, 68,000 LB. GVWR Cab/Chassis W/ 12 CU.YD. Conveyor Body & Accessories (hereinafter referred to as the "State Contract" (Copy attached)), to purchase thirteen (13) "2017 or newer Dump Trucks with Snow Plow and Material Spreaders", from authorized vendors under the New Jersey Cooperative Purchasing Program 1-NJCP, pursuant to N.J.A.C. 5:34-7.29; and

**WHEREAS**, the purchase of goods/services by Local contracting units is authorized by Local Public Contracts Law, N.J.S.A. 40A: 11-12; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-11(5), N.J.S.A. 52:25-16.1 et seq. and N.J.A.C. 5:34-1.7, all Cooperative Purchasing Program participants are responsible for ensuring that the Purchase Order issued reflects the correct contract item pricing and that payment is processed accordingly, only the items/services specified in the applicable State contract(s) may be purchased from the contract vendor(s) of record, and Cooperative Purchasing participants assume full responsibility for all purchase transactions issued through State contracts, including Purchase Orders, delivery compliance, and payments; and

**WHEREAS**, the Supervising Procurement Specialist, QPA, recommends the utilization of the State Contract T-2809, Dump Truck, 68,000 LB. GVWR Cab/Chassis W/ 12 CU.YD. Conveyor Body & Accessories with vendor Beyer Bros. Corp., 109 Broad Avenue, Fairview, New Jersey 07022, to purchase thirteen (13) "2017 or newer Dump Trucks with Snow Plow and Material Spreaders", commencing upon adoption of this resolution through completion of deliveries, which shall be no later than January 29, 2018; and

**WHEREAS**, the vehicles being purchased meet the specifications required by the City's Department of Public Works; and

**WHEREAS**, usage of this contract provides the required thirteen (13) 2017 or newer Dump Trucks with Snow Plow and Material Spreaders at a total cost not to exceed \$2,717,637.00; and

**WHEREAS**, the Director of Finance will certify the availability of funds before orders are placed.

SEP 20 2017

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. Pursuant to N.J.S.A. 40A:11-1 et seq., and N.J.A.C. 5:34-7.29, the Mayor and/or his designee, the Supervising Procurement Specialist, QPA, is authorized to utilize State Contract T-2809, Dump Truck, 68,000 LB. GVWR Cab/Chassis W/ 12 CU.YD. Conveyor Body & Accessories with vendor Beyer Bros. Corp. 109 Broad Avenue, Fairview, New Jersey 07022, to purchase thirteen (13) "2017 or newer Dump Trucks with Snow Plow and Material Spreaders," at a total cost not to exceed \$2,717,637.00, commencing upon adoption of this resolution through completion of deliveries, which shall be no later than January 29, 2018.
2. All purchases, purchase orders and other related documentation shall be in accordance with State Contract T-2809 and the State of New Jersey Standard Terms and Conditions (copy attached), Method of Operation and Third Party Agreement/Three Party Agreement (if applicable) as contained in the State Contract Documentations and Agreements.
3. There shall be no amendment to the contract without the approval of the Municipal Council.
4. There shall be no advance payment on this State Contract in accordance with N.J.S.A. 40A: 5-16.
5. Funds for the purchase of these vehicles are encumbered on Purchase Order NW045 #0000002461 Capital Improvement Fund NW045; 17G; 17A15; 94710; B2017 for \$2,717,637.00 (copy of said Purchase Order is attached). This contract shall not exceed a total of \$2,717,637.00
6. This contract complies with Local Pay to Play Law, N.J.S.A. 19:44A-20.5 as a State contract award and constitutes a fair and open procedure.
7. A copy of the fully executed State contract shall be provided to the Office of the City Clerk by the City's Supervising Procurement Specialist.
8. If required by State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than 20 business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the Office of the State Comptroller dated May 7, 2008.

**STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Supervising Procurement Specialist, QPA, to utilize State Cooperative Purchasing Contract T-2809, pursuant to which the City will purchase from Beyer Bros. Corp. 109 Broad Avenue, Fairview, New Jersey 07022, thirteen (13) 2017 or newer Dump Trucks with Snow Plow and Material Spreaders, for a total cost not to exceed \$2,717,637.00, commencing upon adoption of this resolution through completion of deliveries, which shall be no later than January 29, 2018.

CERTIFIED TO BY ME THIS

OCT 06 2017

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE														
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador	✓				Chaneyfield Jenkins		✓			Quintana	✓	✓		
Gonzalez	✓				McCallum, Jr.	✓	✓			Ramos, Jr.	✓	✓		
James	✓				Osborne	✓	✓			Crump, President				✓
✓ Indicates Vote					AB - Absent					NV - Not Voting				

Adopted at a meeting of the Municipal Council of the City of Newark, N.J.,

SEP 20 2017

*Augusto Amador*  
President of the Council

*Kenneth*  
016 City Clerk