



Legislation Details (With Text)

**File #:** 23-1574      **Version:** 1      **Name:** RFP: Senior Food Nutrition  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/3/2023      **In control:** Administration  
**On agenda:** 11/1/2023      **Final action:** 11/1/2023  
**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract(s)  
Purpose: To provide Senior Food and Nutrition.  
Entity Name(s)/Address(s): Tossed NJ Corp., 89 Mulberry Street, Newark, New Jersey 07102  
Contract Amount: Not to exceed \$630,000.00  
Funding Source: 2023 Budget/Department of Recreation, Cultural Affairs and Senior Services/NW011-160-1609-83210  
Contract Period: Upon Municipal Council approval to be established for twelve (12) consecutive months with two (2) one-year options to renew  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions (X) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
This bid contract will provide senior food and nutrition for the City's Department of Recreation, Cultural Affairs and Senior Services.  
  
Advertised Date: August 18, 2023  
Bids Downloaded: Thirty-five (35)  
Bids Received: Five (5)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/1/2023	1	Municipal Council		

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**WHEREAS**, on August 18, 2023, pursuant to N.J.S.A. 40A:11-4.1 et seq., the City of Newark (the “City”) through its Qualified Purchasing Agent (the “QPA”), advertised to solicit a Request for Proposals (“RFP”) for contractors to provide Senior Food and Nutrition, for the Department of Recreation, Cultural Affairs and Senior Services, as described in the attached RFP proposal; and

**WHEREAS**, N.J.S.A. 40A:11-4.1(1)(g) provides for the use of competitive contracting for contracted food services; and

**WHEREAS**, the Division of Central Purchasing published the RFP on the City’s procurement portal to provide broader access and download capability to potential bidders; and

**WHEREAS**, on September 7, 2023, the Division of Central Purchasing received five (5) proposals in response to this advertisement; and

**WHEREAS**, one (1) bid was deemed non-responsive due to the failure to submit the Statement of Ownership Disclosure form; and

**WHEREAS**, as required by N.J.A.C. 5:34-4.3(g), the three (3) members of the evaluation committee established to evaluate the proposals signed no-conflict letters; and

**WHEREAS**, the QPA, obtained signed no-conflict letters from the members of the evaluation committee, copies of which are attached hereto and made apart hereof, before releasing the RFP responses to the evaluators via the electronic procurement portal; and

**WHEREAS**, the evaluation committee, pursuant to N.J.S.A. 40A:11-4.5, evaluated the four (4) responses and, made its recommendation to the QPA for a single award finding that from the proposals received, the proposal from Tossed NJ Corp., located at 89 Mulberry Street, Newark, New Jersey 07102 (“Tossed”) is the most advantageous and in the best interest of the City, based on cost and other factors considered, pursuant to the criteria listed in the RFP; and

**WHEREAS**, the QPA, concurs with the evaluation committee’s recommendation that the award be made to: Tossed; and

**WHEREAS**, this contract being awarded is for an amount over Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00) and is in compliance with the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and the City’s Pay-to-Play Ordinance; and

**WHEREAS**, the awardee has not made and agrees not to make any political contribution that would violate the State Pay-to-Play Law and the City’s Pay-to-Play Ordinance.

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

1. The Mayor and/or his designees, the Business Administrator, and/or the Qualified Purchasing

Agent (the "QPA"), are hereby authorized to enter into and execute a contract with Tossed NJ Corp., 89 Mulberry Street, Newark, New Jersey 07102, to provide Senior Food and Nutrition, whose proposal was received on the advertised due date and determined to be the overall responsive and responsible respondent in accordance with the proposal specifications.

2. The term of the contract will be established upon approval of Municipal Council for twelve (12) consecutive months with two (2) one-year options to renew, pursuant to N.J.S.A. 40A:11-15, with a start date to commence upon Municipal Council approval.
3. There shall be no amendment or change of this contract without the approval of the Municipal Council.
4. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16. Funds for 2023 and subsequent years are contingent upon appropriations, pursuant to N.J.A.C. 5:30-5.5(d)(2).
5. The Municipal Council ratifies the use of competitive contracting for Senior Food and Nutrition from August 18, 2023 to the date of adoption of this Resolution and authorizes its use in the future.
6. This is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed from Account Code Line: Department of Recreation, Cultural Affairs and Senior Services NW011-160-1609-83210, covering the amount of an order. This contract shall not exceed Six Hundred Thirty Thousand Dollars and Zero Cents (\$630,000.00) for a period to be established and not to exceed twelve (12) consecutive months with two (2) one-year options to renew.
7. The QPA shall file a copy of this resolution and the duly executed copy of the contract in the Office of the City Clerk.
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 twenty (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 designees, the Business Administrator and/or the Qualified Purchasing Agent, to enter into and execute a contract with: Tossed NJ Corp., located at 89 Mulberry Street, Newark, New Jersey 07102, to provide Senior Food and Nutrition to the City's Department of Recreation, Cultural Affairs and Senior Services, at a contract amount not to exceed Six Hundred Thirty Thousand Dollars and Zero Cents (\$630,000.00) for a period to be established upon Municipal Council approval and not exceed twelve (12) consecutive months with two (2) one-year options to renew with the start date commencing upon Municipal Council approval.