



Legislation Details (With Text)

**File #:** 17-1149      **Version:** 1      **Name:** Home Depot  
**Type:** Resolution      **Status:** Adopted  
**File created:** 6/5/2017      **In control:** Administration  
**On agenda:** 7/12/2017      **Final action:** 7/12/2017

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Use of State Contract(s) M-8001 Walk-In Building Supplies, with the following vendor: #A83930 Home Depot Inc. 2455 Paces Ferry Road, Two Paces West, Atlanta, GA 30339  
Purpose: To provide a broad range of locally purchased building supplies required by the City of Newark, Department(s) of Water and Sewer Utilities, Public Works, and Administration  
Entity Name(s)/Address(s): Home Depot, Inc., 2455 Paces Ferry Rd., Two Paces West, Atlanta, GA 30339  
Contract Amount: Not to Exceed \$500,000.00  
Funding Source: See Below  
Contract Period: Upon approval by Municipal Council through July 31, 2017 inclusive of extensions by the State  
Contract Basis: ( ) Bid (X) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Fund/Dept./Division/Proj./Account/Budget Ref/Line Amount/Running Total  
011/030/0306/71420/B2017/\$100,000.00/\$100,000.00  
011/110/1110/83380/B2017/\$50,000.00/\$150,000.00  
011/110/1110/83370/B2017/\$50,000.00/\$200,000.00  
011/110/1110/83320/B2017/\$50,000.00/\$250,000.00  
011/110/1107/83750/B2017/\$50,000.00/\$300,000.00  
011/110/1107/71930/B2017/\$50,000.00/\$350,000.00  
037/750/7502/83370/B2017/\$50,000.00/\$400,000.00  
037/750/7502/83410/B2017/\$50,000.00/\$450,000.00  
037/750/7502/83730/B2017/\$50,000.00/\$500,000.00

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/12/2017	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Administration/Division of Central Purchasing  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Type of Service:** Use of State Contract(s) M-8001 Walk-In Building Supplies, with the following vendor: #A83930 Home Depot Inc. 2455 Paces Ferry Road, Two Paces West, Atlanta, GA 30339  
**Purpose:** To provide a broad range of locally purchased building supplies required by the City of Newark, Department(s) of Water and Sewer Utilities, Public Works, and Administration  
**Entity Name(s)/Address(s):** Home Depot, Inc., 2455 Paces Ferry Rd., Two Paces West, Atlanta, GA 30339  
**Contract Amount:** Not to Exceed \$500,000.00  
**Funding Source:** See Below

**Contract Period:** Upon approval by Municipal Council through July 31, 2017 inclusive of extensions by the State

**Contract Basis:** ( ) Bid (X) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Additional Information:**

**Fund/Dept./Division/Proj./Account/Budget Ref/Line Amount/Running Total**

011/030/0306/71420/B2017/\$100,000.00/\$100,000.00  
011/110/1110/83380/B2017/\$50,000.00/\$150,000.00  
011/110/1110/83370/B2017/\$50,000.00/\$200,000.00  
011/110/1110/83320/B2017/\$50,000.00/\$250,000.00  
011/110/1107/83750/B2017/\$50,000.00/\$300,000.00  
011/110/1107/71930/B2017/\$50,000.00/\$350,000.00  
037/750/7502/83370/B2017/\$50,000.00/\$400,000.00  
037/750/7502/83410/B2017/\$50,000.00/\$450,000.00  
037/750/7502/83730/B2017/\$50,000.00/\$500,000.00

**WHEREAS**, the City of Newark through its Supervising Procurement Specialist, QPA, wishes to utilize State Contract M-8001 Walk-In Building Supplies to purchase a broad range of locally purchased building supplies from authorized vendors or distributors 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, et seq., 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 City wishes to utilize the State Term Contract, M-8001 Walk-In Building Supplies, with the following listed vendor, to commence upon adoption of this resolution through July 31, 2017, inclusive of any extensions by the State:

#83930 Home Depot Inc., 2455 Paces Ferry Road, Two Paces, West Atlanta, Georgia, 30339

**WHEREAS**, the Supervising Procurement Specialist, QPA, recommends the utilization of this State contract award on the grounds that it provides a broad range of locally purchased building supplies, not otherwise available under an existing State Contract(s) according to specifications required by the City of Newark's, Department (s) of Water and Sewer Utilities, Public Works, and Administration; and

**WHEREAS**, usage of this State contract provides for a broad range of building supplies, at a cost not to exceed \$500,000.00; and

**WHEREAS**, the Chief Financial Officer will certify the availability of funds before orders are placed.

**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 Supervising Procurement Specialist, QPA, is authorized to utilize the State Contract, M-8001 Walk-In Building Supplies with the following vendor: #A83930 Home Depot Inc. 2455 Paces Ferry Road, Two Paces West, Atlanta, GA 30339, to provide a broad range of locally purchased building supplies required by the City of Newark, Department(s) of Water and Sewer Utilities, Public Works, and Administration, for the period commencing from the adoption of this resolution through July 31, 2017, inclusive of any extensions by the State, at a cost not to exceed \$500,000.00.
2. All purchases shall be in accordance with N.J.S.A. 52:25-16.1 *et. seq.*, only those items/services specified in the applicable State contract(s) may be purchased from the contract vendor(s) of record.
3. All purchases, purchase orders and other related documentation shall be in accordance with the relevant State Contract, State of New Jersey Standard Terms and Conditions, Method of Operation and Third Party Agreement/Three Party Agreement (if applicable) as contained in the State Contract Documentations and Agreements.
4. Any increases to the amount of this contract shall require an amending resolution.
5. There shall be no amendment of this resolution without the approval of the Municipal Council.
6. There shall be no advance payment on this State contract in accordance with N.J.S.A. 40A: 5-16. Funding is contingent upon appropriation; pursuant to N.J.A.C. 5:30-5.5(c).
7. 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 available funds, as required by N.J.A.C. 5:30-5.5(d) (2) shall be executed before a contractual liability is incurred each time an order is placed from the following account line(s):

FUND	DIVISION	PROJECT	ACCOUNT	BUDGET REF	RENE AMOUNT	RUNNING T
011	030	0306	71420	B2017	\$ 100,000.00	100,000
011	110	1110	83380	B2017	\$ 50,000.00	150,000
011	110	1110	83370	B2017	\$ 50,000.00	200,000
011	110	1110	83320	B2017	\$ 50,000.00	250,000
011	110	1107	83750	B2017	\$ 50,000.00	300,000
011	110	1107	71930	B2017	\$ 50,000.00	350,000
037	750	7502	83370	B2017	\$ 50,000.00	400,000
037	750	7502	83410	B2017	\$ 50,000.00	450,000
037	750	7502	83730	B2017	\$ 50,000.00	<b>500,000</b>

This contract shall not exceed \$500,000.00 for the period commencing from the adoption of this resolution through July 31, 2017, inclusive of any extensions by the State.

8. 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.

9. The Purchasing Division shall forthwith file a duly executed copy of the state contract(s) in the Office of the City Clerk, if applicable.

10. 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 usage of the State Contract, M-8001 Walk-In Building Supplies with the following vendor: #A83930 Home Depot Inc. 2455 Paces Ferry Road, Two Paces West, Atlanta, GA 30339, to provide a broad range of locally purchased building supplies required by the City of Newark, Department(s) of Water and Sewer Utilities, Public Works, and Administration, for the period commencing from the adoption of this resolution through July 31, 2017, inclusive of extensions by the State, at a cost not to exceed \$500,000.00.