



Legislation Details (With Text)

**File #:** 21-0355      **Version:** 1      **Name:** Resolution: Extension of Emergency Contract #E2020-25 - Snow Removal and Clean-Up Services (8 Vendors)

**Type:** Resolution      **Status:** Adopted

**File created:** 3/8/2021      **In control:** Administration

**On agenda:** 3/23/2021      **Final action:** 3/23/2021

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
 Action:  Ratifying    Authorizing    Amending  
 Type of Service: Extension of Emergency Contract #E2020-25  
 Purpose: To increase both the contract amount and the number of vendors for Snow Removal and Clean-up Services.  
 Entity Name:  
 1) Amber Transport, LLC, of Newark, New Jersey 07108  
 2) Underground Utilities, of Linden, New Jersey 07036  
 3) Elohim Truck Services and Collision Center, of Sparta, New Jersey 07871  
 4) Cesario Construction Company Inc., of East Hanover, New Jersey 07936  
 5) Carteret Disposal Inc., of Avenel, New Jersey 07001  
 6) TJB Legacy Group, of East Hanover, New Jersey 07936  
 7) Phil Neto Construction Co. Inc., of Fairfield, New Jersey 07004  
 8) DI Trucking LLC, of Newark, New Jersey 07105  
 Entity Address: locations referenced above  
 Contract Amount: Not to exceed \$1,559,504.91  
 Funding Source: 2021 Budget/Department of Public Works/NW011-060-0605-71910-B2021  
 Contract Period: Extended an additional ninety (90) days from March 18, 2021 through June 17, 2021  
 Contract Basis:  Bid    State Vendor    Prof. Ser.    EUS  
 Fair & Open    No Reportable Contributions    RFP    RFQ  
 Private Sale    Grant    Sub-recipient    n/a  
 Additional Information:  
 Extension of Emergency Contract #E2020-25 to significantly increase both the contract amount and the number of vendors to abate the emergency relative to snow removal, and for services rendered in light of the severity and frequency of the back-to-back winter storms.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/23/2021	1	Municipal Council	Adopt	Pass

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

**Additional Information:**

Extension of Emergency Contract #E2020-25 to significantly increase both the contract amount and the number of vendors to abate the emergency relative to snow removal, and for services rendered in light of the severity and frequency of the back-to-back winter storms.

**WHEREAS**, on December 17, 2020 the Department of Public Works requested a declaration of emergency for snow removal and cleanup services due to severe weather and continuous snowfall affecting the health, safety and welfare of the residents of the City of Newark and to supplement the available vendors; and

**WHEREAS**, on December 17, 2020 the City's Purchasing Agent, QPA, declared an emergency and awarded an Emergency Contract for the period of December 17, 2020 through March 17, 2021 in the amount of Twenty-Six Thousand One Hundred Fifty Dollars and Zero Cents (\$26,150.00) to: TJB Legacy Group, LLC, of East Hanover, New Jersey 07936. (a copy of Emergency Contract # E-2020-25 is attached hereto and made a part of this resolution); and

**WHEREAS**, the Department of Public Works became aware of an immediate and emergent need for snow removal and cleanup services and used the following additional vendors: 1) Amber Transport, LLC, of Newark, New Jersey 07108; 2) Underground Utilities, of Linden, New Jersey 07036; 3) Elohim Truck Services & Collision Center, of Sparta, New Jersey 07871; 4) Cesario Construction Company Inc., of East Hanover, New Jersey 07936; 5) Carteret Disposal Inc., of Avenel, New Jersey 07001; 6) TJB Legacy Group, of East Hanover, New Jersey 07936; 7) Phil Neto Construction Co. Inc., of Fairfield, New Jersey 07004; and 8) DI Trucking LLC, of Newark, New Jersey 07105 (hereinafter "The Vendors") to provide snow removal and cleanup services to the City of Newark; and

**WHEREAS**, the Department of Public Works engaged the Vendors for the performance of services to respond to the emergent needs and to abate the emergency pursuant to N.J.S.A. 40A:11-6; and

**WHEREAS**, the Department of Public Works reduced notification to writing and filed the notification with the Purchasing Agent as soon as practicable on March 3, 2021 pursuant to N.J.S.A. 40A:11-6(a); and

**WHEREAS**, N.J.S.A. 40A:11-6 provides that emergency contracts may be entered into when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Department of Public Works desires to extend Emergency Contract # E2020-25 for the period from the time the Department of Public Works engaged the vendors to perform snow removal until the completion of cleanup services; and

**WHEREAS**, N.J.S.A. 40A:11-6(b) provides that upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services shall be entitled to be paid and the contracting unit shall be obligated for said payment; and

**WHEREAS**, the Department of Public Works seeks to pay the Vendors for services rendered and for cleanup services to be performed which requires an increase in the monetary amount for a total amount not to exceed One Million Five Hundred and Fifty-Nine Thousand Five Hundred and Four Dollars and Ninety-One Cents (\$1,559,504.91); and

**WHEREAS**, N.J.S.A. 40:11-6(b) also provides that. the governing body of the contracting unit shall take such action as shall be required to provide for the payment of the contract price; and

**WHEREAS**, N.J.A.C. 5:34-6.1(a)(3) provides that the emergency purchasing procedure may be used when the need for such goods or services has arisen notwithstanding a good faith effort on the part of a municipality to plan for the purchase of any goods or services required by the municipality; and

**WHEREAS**, the services of the Vendors to the City of Newark (the "City"), was and is essential to the protection of the health, safety and welfare of the residents of the City and public during the COVID-19 pandemic; and

**WHEREAS**, the City has a duty to ensure the health and safety of its residents and it is a matter of public health and welfare that the above-described emergency contract be extended; and

**WHEREAS**, City Ordinance 6PSF-e adopted on April 6, 2011, Newark R.O. 2:5-13.2(E)(1)(b) and (c) limits the period of Emergency Contracts to ninety (90) days and no extensions of emergency contracts shall be permitted without authorization by the Municipal Council by resolution.

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

1. The Mayor and/or his designee, the Business Administrator are authorized to extend Emergency Contract #E2020-25 with ) Amber Transport, LLC, of Newark, New Jersey 07108; 2) Underground Utilities, of Linden, New Jersey 07036; 3) Elohim Truck Services & Collision Center, of Sparta, New Jersey 07871; 4) Cesario Construction Company Inc., of East Hanover, New Jersey 07936; 5) Carteret Disposal Inc., of Avenel, New Jersey 07001; 6) TJB Legacy Group, of East Hanover, New Jersey 07936; 7) Phil Neto Construction Co. Inc., of Fairfield, New Jersey 07004; and 8) DI Trucking LLC, of Newark, New Jersey 07105, for the term of March 18, 2021 through June 17, 2021 or until such time as the City executes a contract for a total amount not to exceed One Million Five Hundred and Fifty-Nine Thousand Five Hundred and Four Dollars and Ninety-One Cents (\$1,559,504.91);
2. This extension will allow for the increase in the contract amount and an increase in the number of vendors to abate the emergency for snow removal and cleanup services in the City of

Newark.

3. The extension of Emergency Contract #E2020-25 is ratified from time the department of Public Works engaged the eight vendors to perform snow removal and cleanup to the date of adoption of this authorizing resolution.
4. 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 Public Works NW011-060-0605-71910-B2021. This contract shall not exceed One Million Five Hundred and Fifty-Nine Thousand Five Hundred and Four Dollars and Ninety-One Cents (\$1,559,504.91).
5. The Qualified Purchasing Agent, for the City of Newark, has filed a copy of Emergency Contract #E2020-25, attached hereto, with the Office of the City Clerk.
6. 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 ratifies and authorizes the Mayor and/or his designee, the Business Administrator, to extend Emergency Contract # E2020-25 with the following vendors: ) Amber Transport, LLC, of Newark, New Jersey 07108; 2) Underground Utilities, of Linden, New Jersey 07036; 3) Elohim Truck Services & Collision Center, of Sparta, New Jersey 07871; 4) Cesario Construction Company Inc., of East Hanover, New Jersey 07936; 5) Carteret Disposal Inc., of Avenel, New Jersey 07001; 6) TJB Legacy Group, of East Hanover, New Jersey 07936; 7) Phil Neto Construction Co. Inc., of Fairfield, New Jersey 07004; and 8) DI Trucking LLC, of Newark, New Jersey 07105, to continue to provide snow removal and cleanup services until completion or for the term of March 18, 2021 through June 17, 2021, whichever occurs first, or until such time as the City executes a contract for a total amount not to exceed \$1,559,504.91.