



Legislation Details (With Text)

**File #:** 17-0109      **Version:** 1      **Name:** WALK-IN BUILDING SUPPLIES  
**Type:** Resolution      **Status:** Returned to Administration  
**File created:** 1/24/2017      **In control:** Administration  
**On agenda:** 3/15/2017      **Final action:** 3/15/2017  
**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Use of State Contract(s) M-8001 and all applicable vendors and dealers  
Purpose: Walk-In Building Supplies  
Entity Name(s)/Address(s): Home Depot, Inc. 2455 Paces Ferry Road, Two Paces, West Atlanta, Georgia 30339  
Contract Amount: \$1,000,000.00  
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:

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/15/2017	1	Municipal Council	Returned to Administration	Pass

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**Additional Information:**

FUND	DEPT.	DIVISION/PROJECT	ACCOUNT	BUDGET REF	LINE AMOUNT	RUNNING TOTAL
011	030	0306	71420	B2017	\$ 100,000.00	\$ 100,000.00
011	110	1110	71770	B2017	\$ 100,000.00	\$ 200,000.00
011	110	1107	83750	B2017	\$ 200,000.00	\$ 400,000.00
011	110	1110	83380	B2017	\$ 50,000.00	\$ 450,000.00
011	110	1110	83370	B2017	\$ 50,000.00	\$ 500,000.00
011	110	1110	83320	B2017	\$ 50,000.00	\$ 550,000.00
011	110	1110	83350	B2017	\$ 50,000.00	\$ 600,000.00
011	110	1107	71930	B2017	\$ 100,000.00	\$ 700,000.00
011	110	1107	83120	B2017	\$ 50,000.00	\$ 750,000.00
037	750	7502	83370	B2017	\$ 10,000.00	\$ 760,000.00
037	750	7502	83380	B2017	\$ 10,000.00	\$ 770,000.00
037	750	7502	83410	B2017	\$ 20,000.00	\$ 790,000.00
037	750	7502	83710	B2017	\$ 10,000.00	\$ 800,000.00
037	750	7502	83730	B2017	\$ 200,000.00	\$ 1,000,000.00

**WHEREAS**, the City of Newark, through its Supervising Procurement Specialist, wishes to utilize the State Term Contract, #M-8001 Walk-In Building Supplies to purchase a broad range of 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:

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

**WHEREAS**, the Supervising Procurement Specialist, recommends the utilization of State Term Contract, #M-8001 Walk-In Bldg. Supplies on the grounds that it provides a broad range of building supplies required by the City of Newark, Department (s) of Water and Sewer Utilities, Public Works, and Administration; and

**WHEREAS**, usage of this State contract provides a broad range of building supplies, at a cost not to exceed \$1,000,000.00; 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 is authorized to utilize the State Term Contract, #M-8001 Walk-In Buildings, Supplies which includes the following vendor: Contract #83930, Home Depot Inc. 2455 Paces Ferry Road, Two Paces, West, Atlanta, GA 30339, to provide a broad range of 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.
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. There shall be no amendment of this resolution without the approval of the Municipal Council.
5. 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).
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 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 account line(s):

FUND	DEPT.	DIVISION/PROJECT	ACCOUNT	BUDGET REF	LINE AMOUNT	RUNNING TOTAL
011	030	0306	71420	B2017	\$ 100,000.00	\$ 100,000.00
011	110	1110	71770	B2017	\$ 100,000.00	\$ 200,000.00
011	110	1107	83750	B2017	\$ 200,000.00	\$ 400,000.00
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037	750	7502	83730	B2017	\$ 200,000.00	\$ 1,000,000.00

This contract shall not exceed \$1,000,000.00 for the period commencing from the adoption of this resolution through July 31, 2017.

7. 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.
8. The Purchasing Division shall forthwith file a duly executed copy of the state contract(s) in the Office of the City Clerk, if applicable.
9. If required by State Law, the City Clerk shall provide the appropriate notice of the authorization to use State Term Contract, #M-8001 Walk-In Bldg. Supplies 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 Supervising Procurement Specialist to utilize the State Term Contract, #M-8001 Walk-In Building Supplies which includes an award to the following vendor, Home Depot Inc., to provide a broad range of building supplies required by the City of Newark, Departments of Water and Sewer Utilities, Public Works, and Administration, for the period commencing from the adoption of this resolution through July 31, 2017, at a cost not to exceed \$1,000,000.00.