



Legislation Details (With Text)

**File #:** 22-1031      **Version:** 1      **Name:** T1851 Ultra Low Sulfur Diesel and Biodiesel fuel  
**Type:** Resolution      **Status:** Adopted  
**File created:** 7/20/2022      **In control:** Administration  
**On agenda:** 11/2/2022      **Final action:** 11/2/2022

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Use of State Contract(s) #T1845 Ultra-Low Sulfur Diesel and Biodiesel Fuel  
Purpose: To purchase Diesel and Biodiesel fuel for the use of City of Newark Fleet.  
Entity Name(s)/Address(s): National Fuel Oil, Inc. 175 Orange Street, Newark New Jersey 07103  
Contract Amount: Not to exceed \$800,000.00  
Funding Source: 2022 Budget/Department of Public Works, Division of Motors/011-060-0602-83520-B2022  
Contract Period: April 1, 2020 through March 31, 2025, inclusive of any extensions by the State  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/2/2022	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the City of Newark through its Purchasing Agent wishes to utilize State Contract #T1845 Ultra Low Sulfur Diesel (ULSD) and Biodiesel to purchase Diesel and Biodiesel fuel for the use of City Fleet from an authorized vendor 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. 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 this contract with the State awarded vendor, National Fuel Oil, Inc., 175 Orange Street, Newark, New Jersey 07103 to purchase Ultra Low Sulfur Diesel and Biodiesel fuel for the City of Newark fleet commencing on April 1, 2020 through March 31, 2025, inclusive of any subsequent extensions to the term of the contract; and

**WHEREAS**, the Purchasing Agent recommends the utilization of this state contract award on the grounds that it provides Ultra Low Sulfur Diesel and Biodiesel fuel, according to specifications required by the City of Newark; and

**WHEREAS**, the total cost for the purchase of Ultra Low Sulfur Diesel and Biodiesel fuel, is expected not to exceed \$800,000.00 (Eight Hundred Thousand Dollars and Zero Cents); and

**WHEREAS**, usage of this contract provides Ultra Low Sulfur Diesel and Biodiesel fuel as required by the City of Newark's diesel and/or biodiesel vehicles; 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 Purchasing Agent is authorized to utilize State contract # T1845 Ultra Low Sulfur Diesel and Biodiesel Fuel and awarded vendor National Fuel Oil Inc., 175 Orange Street, Newark, New Jersey 07103, to provide Diesel and Biodiesel fuel for the City of Newark fleet for the period commencing on April 1, 2020 through March 31, 2025, inclusive of any subsequent extensions to the term of the contract done by the State.
2. There shall be no amendment of this resolution without the approval of the Municipal Council.
3. There shall be no advance payment on this state contract in accordance with N.J.S.A. 40A: 5-16. Funds for expenditures under this contract are contingent upon appropriation; pursuant to N.J.A.C. 5:30-5.5(c).
4. This contract is awarded as an open-ended contract under N.J.A.C. 5:30 (c) and pursuant to N.J.A.C. 5:30-5.5(d) (2). Attached hereto is a partial Certification of Funds from the Director of Finance which states that funds in the amount of Twenty Five Thousand Dollars and Zero Cents are available in the 2022 budget. Certification of the availability of funds shall be executed by purchase order; each time an order is placed and charged against this contract. This contract shall not exceed

\$800,000.00 (Eight Hundred Thousand Dollars and Zero Cents).

5. This contract complies with Local Pay-to-Play, N.J.S.A. 19:44A-20.5 as a State Contract award and constitutes a fair and open procedure.

6. The Purchasing Agent shall forthwith file a duly executed copy of the contract in the Office of the City Clerk.

7. If required by the 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 a state contract awarded to National Fuel Oil Inc., to provide for the purchase of Ultra Low Sulfur Diesel and Biodiesel fuel for the City of Newark fleet, for the period commencing on April 1, 2020 through March 31, 2025, inclusive of any subsequent extensions by the State, at a cost not to exceed \$800,000.00 (Eight Hundred Thousand Dollars and Zero Cents).