



Legislation Details (With Text)

**File #:** 24-0100      **Version:** 1      **Name:** Second Extension Of Emergency Contract 2023-01  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/19/2024      **In control:** Administration  
**On agenda:** 2/7/2024      **Final action:** 2/7/2024

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Extension of Emergency Contract #E2023-01  
Purpose: To extend the Emergency Contract for the Maintenance and Repair of Elevators and Chair Lifts.  
Entity Name: Big Apple Elevator Service and Consulting, LLC  
Entity Address: 125 Half Mile Road, Suite 200, Red Bank, New Jersey 07701  
Contract Amount: Not to exceed \$307,421.08  
Funding Source: 2024 Budget/Department of Public Works/NW011-060-0604-71660-B2024  
Contract Period: Extended from January 1, 2024 through March 31, 2024  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) N/A  
Additional Information:  
Emergency Contract #E2023-01 was awarded to one (1) vendor in an amount not to exceed \$250,000.00 for the period of January 4, 2023 through April 3, 2023, for the Department of Public Works.

Pursuant to Resolution 7R1-I, adopted on May 3, 2023, the Municipal Council extended #E2023-01 through December 31, 2023.

On January 9, 2024, the Department of Public Works expressed the continued immediate and emergent need for the maintenance and repair of the elevators and chair lifts in the City of Newark for the period of January 1, 2024 through March 31, 2024, for an increased contract amount of \$57,421.08, for a new total contract amount not to exceed \$307,421.08.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/7/2024	1	Municipal Council		

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**Additional Information:**

Emergency Contract #E2023-01 was awarded to one (1) vendor in an amount not to exceed \$250,000.00 for the period of January 4, 2023 through April 3, 2023, for the Department of Public Works.

Pursuant to Resolution 7R1-I, adopted on May 3, 2023, the Municipal Council extended #E2023-01 through December 31, 2023.

On January 9, 2024, the Department of Public Works expressed the continued immediate and emergent need for the maintenance and repair of the elevators and chair lifts in the City of Newark for the period of January 1, 2024 through March 31, 2024, for an increased contract amount of \$57,421.08, for a new total contract amount not to exceed \$307,421.08.

**WHEREAS**, on January 3, 2023, the City of Newark's ("City") Department of Public Works requested a declaration of emergency for the maintenance and repair of the elevators and chair lifts throughout the City; and

**WHEREAS**, on January 4, 2023, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a), the Qualified Purchasing Agent of record at the time, approved the aforementioned request and the Department of Public Works entered into Emergency Contract #E2023-01 for a period of January 4, 2023 through April 3, 2023 with an amount not to exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) with Big Apple Elevator Service and Consulting, LLC, 125 Half Mile Road, Suite 200, Red Bank, New Jersey 07701. A copy of said Emergency Contract #E2023-01 is attached hereto and made a part hereof; and

**WHEREAS**, the Department of Public Works continues to be in immediate and emergent need of the maintenance and repair of the City's elevators and chair lifts as the City prepares the specifications to be solicited; 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 service; and

**WHEREAS**, on May 3, 2023, the Municipal Council, per Resolution 7R1-I, approved and extended Emergency Contract #E2023-01 for the period commencing from April 4, 2023 until December 31, 2023; and

**WHEREAS**, on January 9, 2024, the Department of Public Works requested to extend Emergency Contract #E2023-01 for the period of January 1, 2024 through March 31, 2024 and requested additional funds not to exceed Fifty Seven Thousand Four Hundred Twenty One Dollars and Eight Cents (\$57,421.08), for a new total amount of Three Hundred Seven Thousand Four Hundred Twenty-One Dollars and Eight Cents (\$307,421.08); 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**, it is a matter of public health, safety, and welfare that the above-described emergency contract be extended because the City needs to ensure the continued safety and uninterrupted services, and any interruption of the services as prescribed herein would pose imminent harm to the health, safety and welfare of the residents of the City; and

**WHEREAS**, City Ordinance 6PSF-e, adopted on April 6, 2011, Article 2:5-13.2 (E)(1)(b)(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; and

**WHEREAS**, the Municipal Council has the exclusive authority to extend an emergency; and

**WHEREAS**, the Department of Administration now seeks authorization by the Municipal Council to ratify and extend the emergency to prevent interruption of elevator use in City Buildings.

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

1. The Mayor of the City of Newark (“City”) and/or his designees, the Business Administrator, and/or the Interim Qualified Purchasing Agent, are hereby authorized to enter into and execute an extension of Emergency Contract #E2023-01 with Big Apple Elevator Service and Consulting, LLC, 125 Half Mile Road, Suite 200, Red Bank, New Jersey 07701 for the period commencing on January 1, 2024 through March 31, 2024, for an additional amount not to exceed Fifty-Seven Thousand Four Hundred Twenty one Dollars and Eight Cents (\$57,421.08) for a new total contract amount of Three Hundred and Seven Thousand Dollars and Four Hundred Twenty One Dollars (\$307,421.08).
2. This extension will allow for the continuation of the maintenance and repairs to the City’s elevators.
3. The extension of Emergency Contract #E2023-01 is ratified from January 1, 2024 to the date of adoption of this authorizing Resolution and until March 31, 2024.
4. Funds are available for Emergency Contract #E2023-01 in an amount not to exceed \$307,421.08 under line appropriation of the Official Budget, which shall be charged to: NW011-060-0604-71660-B2024.
5. The Interim Qualified Purchasing Agent, for the City of Newark, has filed a copy of Emergency Contract #E2023-01, 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 of the City of Newark, and/or his designees, the

Business Administrator and/or the Interim Qualified Purchasing Agent, to extend Emergency Contract #E2023-01 with Big Apple Elevator Service and Consulting, LLC, 125 Half Mile Road, Suite 200, Red Bank, New Jersey 07701 for the maintenance and repair of the City's elevators and chair lifts, for the period commencing on January 1, 2024 through March 31, 2024, for a total contract amount not to exceed Three Hundred Seven Thousand Four Hundred Twenty One Dollars and Eight Cents (\$307,421.08).