



Legislation Details (With Text)

File #: 23-1220 **Version:** 1 **Name:** Consent to Assignment of Contract - Airbrake/Capital One Funding LLC

Type: Resolution **Status:** Adopted

File created: 7/21/2023 **In control:** Administration

On agenda: 9/7/2023 **Final action:** 9/7/2023

Title: Dept/ Agency: Administration/Division of Central Purchasing
 Action: Ratifying Authorizing Amending
 Type of Service: Consent to Assignment of a Contract
 Purpose: To assign right of payment under the vendor contract to Capital One Public Funding, LLC.
 Entity Name: Capital One Public Funding, LLC
 Entity Address: 1680 Capital One Drive, McLean, Virginia 22102
 Contract Amount: Not to exceed \$2,684,613.15
 Funding Source: 2023 Budget/Department of Public Works, Division of Sanitation/Bus. Unit: 011, Dept.: 060, Div./Project 0605, Account #71940, Budget Year: 2023
 Contract Period: Not to exceed a seven (7) year term as specified in the Agreement
 Contract Basis: Bid State Vendor Prof. Ser. EUS
 Fair & Open No Reportable Contributions RFP RFQ
 Private Sale Grant Sub-recipient n/a
 Additional Information:
 Original Resolution/Contract 7R1-d(S/AS) adopted on May 16, 2023 authorizing the lease/purchase agreement with Appolonia Incorporated d/b/a Air Brake and Equipment, seeks to assign its right to payment under the contract to Capital One Public Funding, LLC.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/7/2023	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark, in the County of Essex, State of New Jersey (the “City”), is a political subdivision duly organized under the Constitution and laws of the State of New Jersey; and

WHEREAS, it is hereby determined that a true and real need exists for the acquisition of refuse and recycling trucks for use by the City’s Department of Public Works (the “Equipment”); and

WHEREAS, on May 16, 2023, the Municipal Council adopted Resolution 7R1-d(s/a) authorizing the utilization of Sourcewell Cooperative contract #060920-CRN with Appolonia, Incorporated d/b/a Air Brake and Equipment, an authorized dealer of Battle Motors Inc., to enter into a seven year lease for five 2024 Crane Carrier LET2-46 Crew Cab 32-yard refuse and recycling trucks with a \$1.00 buyout option for an amount not to exceed Three Million Two Hundred Forty-Seven Thousand Nine Hundred Ninety-Five Dollars and Twenty-Four Cents (\$3,247,995.24); and

WHEREAS, Appolonia Incorporated d/b/a Air Brake and Equipment, seeks to assign its right to payment under the Contract to Capital One Public Funding LLC, and in order to authorize and approve such assignment, it is necessary and desirable and in the best interest of the City, as lessee, to enter into an Equipment Lease Purchase Agreement (the "Agreement") with Appolonia Incorporated, as lessor (together with its assigns, the “Lessor”), for the purposes described therein, including the financing of the City’s acquisition of the Equipment; and

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

1. The Mayor and/or his designee, the Business Administrator, are authorized to enter into and execute the Agreement to provide for the lease/purchase of five (5) Refuse and Recycling Trucks for use by the City of Newark, Department of Public Works/Division of Sanitation for seven (7) years with a \$1.00 buyout at the end of the lease thereof. The maximum principal amount of the Agreement or other tax-exempt obligations expected to be delivered for the equipment is not expected to exceed Two Million Six Hundred Eighty-Four Thousand Six Hundred Thirteen Dollars and Fifteen Cents (\$2,684,613.15).
2. This Resolution is ratified to May 16, 2023, the adoption of the original resolution.
3. The City of Newark, has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current fiscal year to make the Payments scheduled to come due during the Original Term and to meet its other obligations for the Original Term, and such funds have not been expended for other purposes.
4. There shall be no amendment or change of the Agreement without the approval of Municipal Council.
5. The City shall, and the officers, agents and employees of the City are authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary to carry out and comply with the intent of this resolution, and to carry out, comply with and perform the duties of the City with respect to the Agreement.

STATEMENT

This Resolution ratifies and authorizes the Mayor and/or his designee, the Business

Administrator, to enter into and execute the Agreement to provide for the lease/purchase of five (5) Refuse and Recycling Trucks for the City of Newark, Department of Public Works/ Division of Sanitation for seven (7) years with a \$1.00 buyout at the end of the lease thereof. The maximum principal amount of the Agreement or other tax-exempt obligations expected to be delivered for the equipment is not expected to exceed \$2,684,613.15.