



Legislation Text

File #: 23-2030, Version: 1

**Dept/ Agency:** Administration/ Division of Central Purchasing

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Cooperative Purchasing Agreement

**Purpose:** To authorize the use of Sourcewell Cooperative Contract #060920-CRN to purchase eight (8) electric chassis refuse trucks for the Department of Public Works.

**Entity Name:** Appolonia, Inc., d/b/a Air Brake and Equipment

**Entity Address:** 225 US Route 22, Hillside, New Jersey 07205

**Contract Amount:** Not to exceed \$5,389,229.88

**Funding Source:** 2024 Budget/Department of Public Works, Special Appropriation Line Item/NW-051-G23-N23Z0-94350 and NW051-G24-N24A0-94350

**Contract Period:** Upon approval by the Municipal Council through the date of delivery

**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:**

This Resolution authorizes the City's Department of Public Works to utilize the Cooperative Purchasing Agreement to provide for the purchase of eight (8) electric chassis refuse trucks under the Sourcewell Cooperative Contract #060920-CRN for the Department of Public Works.

**No action taken 7R1-n (as) 012424**

**WHEREAS**, the Municipal Council authorized the membership in the Sourcewell Cooperative by Resolution 7R1-c (as) adopted on April 20, 2022; and

**WHEREAS**, the City of Newark ("City"), in furtherance of its goals to search for lower costs, greater efficiency and improved product quality, wishes to enter into a contract for cooperative purchasing; and

**WHEREAS**, cooperative purchasing is an inclusive term used to describe all purchasing systems where two or more local contracting units join together for the provision or performance of goods or services as provided for by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the purchase of goods or services by two (2) or more contracting units increases proportionate saving in costs gained by an increased level of production; and

**WHEREAS**, the City, a sub-political body of the State of New Jersey, is permitted to join Cooperative Purchasing Programs, pursuant to N.J.S.A. 52:34-6.2(b)(3); and

**WHEREAS**, Sourcewell Cooperative, a nationally recognized and accepted cooperative purchasing organization, maintains National Cooperative Agreement Contracts, which are competitively awarded through which members can make purchases; and

**WHEREAS**, Sourcewell Cooperative was developed for the purpose of utilizing a competitive bidding process to make the procurement process more efficient and provide cost savings to its members; and

**WHEREAS**, the City's membership in Sourcewell Cooperative has been confirmed active; and

**WHEREAS**, the Department of Public Works was awarded the 2022 NJDEP Volkswagen Mitigation Grant Project: Equipment Modernization Program in the amount of Four Million Eight Hundred Fifty One Thousand Three Hundred Seventy Five Dollars and Twenty Two Cents (\$4,851,375.22) towards the purchase of eight electric chassis refuse trucks; and

**WHEREAS**, the City of Newark will provide a cash match contribution in the amount of \$537,854.66; and

**WHEREAS**, the funds accepted by way of Resolution 7R10-a, adopted on August 3, 2022 was authorized for utilization, by Resolution (7R1-b 12/06/2023) on December 6, 2023; and

**WHEREAS**, the previously adopted 2024 Operating Budget under Special Appropriation Line Item 011 230 2301 was allocated to a grand fund code (051-G24-N24A0-94350); and-

**WHEREAS**, the Department of Public Works requests to utilize Sourcewell Cooperative Contract #060920-CRN to purchase eight (8) electric chassis refuse trucks at a cost not to exceed Five Million Three Hundred Eighty Nine Thousand Two Hundred Twenty-Nine Dollars and Eighty-Eight Cents (\$5,389,229.88) from authorized vendor Air Brake & Equipment, 225 US RT. 22, Hillside, New Jersey 07205; and

**WHEREAS**, Air Brake & Equipment is an authorized local dealer of Battle Motors Inc., formerly known as Crane Carrier Company LLC, as documented in Amendment #1 to Sourcewell Contract #060920-CRN; and

**WHEREAS**, on January 2, 2024, the Division of Central Purchasing advertised the City's intention to purchase eight (8) electric chassis refuse trucks under contract #060920-CRN for the Department of Public Works.

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

1. The Mayor and/or his designees, the Business Administrator, and/or the Interim Qualified Purchasing Agent, QPA, are hereby authorized to utilize Sourcewell Cooperative Contract #060920-CRN to purchase eight (8) electric chassis refuse trucks for the Department of Public Works at a cost not to exceed Five Million Three Hundred Eighty Nine Thousand Two Hundred Twenty-Nine Dollars and Eighty-Eight Cents (\$5,389,229.88) from authorized vendor Air Brake & Equipment, 225 US RT. 22, Hillside, New Jersey 07205.
2. All purchases, purchase orders and other related documentation shall be in accordance with the relevant Sourcewell Cooperative Contract, including Standard Terms and Conditions, Method of Operation and Third Party Agreement, if applicable, as contained in the New Jersey State Approved Cooperative Contract documentations and agreements.

3. There shall be no amendments of this Resolution without the approval of the Municipal Council.
4. Pursuant to N.J.A.C. 30:5-5(d)(2), this purchase is subject to annual availability and appropriations of funding for each corresponding budget year that the annual payment is due. Thus, 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(d)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order from the following account code line: Department of Public Works NW-051-G23-N23Z0-94350 and NW051-G24-N24A0-94350.
5. Sourcewell Cooperative Contract #060920-CRN complies with Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and constitutes a Fair and Open Procedure.
6. The Division of Central Purchasing shall file a duly executed copy of the contract in the Office of the City Clerk, if applicable.
7. If required by state law, the City Clerk shall provide the appropriate Notice of 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 authorizes the Mayor and/or his designees, the Business Administrator, and/or the Interim Qualified Purchasing Agent, QPA, to utilize Sourcewell Cooperative Contract #060920-CRN to purchase eight (8) electric chassis refuse trucks for the Department of Public Works at a cost not to exceed \$5,389,229.88 from authorized vendor Air Brake & Equipment, 225 US Route 22, Hillside, New Jersey 07205.