



## Legislation Text

File #: 20-1419, Version: 1

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

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

**Type of Service:** Bid Contract(s)

**Purpose:** To purchase Lumber, All Kinds.

**Entity Name(s)/Address(s):**

- 1) Empire Lumber and Millwork Co., 377 Frelinghuysen Avenue, Newark, New Jersey 07114; and
- 2) Feldman Lumber-USLBM, LLC, 1281 Metropolitan Avenue, Brooklyn, New York 11237

**Contract Amount:** Not to exceed \$175,000.00

**Funding Source:** 2020 Budgets/Department of Public Safety, Division of Fire/NW011-190-1903-83830/Department of Public Works, Division of Public Buildings/NW011-060-0604-83360-B2020/Department of Public Works, Division of Sanitation/NW011-060-0605-83870-B2020 and the Department of Water and Sewer Utilities/NW037-750-7502-83410-B2020

**Contract Period:** To be established for a period not to exceed twenty-four (24) consecutive months commencing upon the date of the fully executed contract

**Contract Basis:** (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Entity Name/Address:** (referenced above)

**Additional Information:**

Advertisement: August 26, 2020

Bids Solicited: Eight (8)

Bids Received: Two (2)

To purchase Lumber, All Kinds for the Departments of Public Safety, Division of Fire, the Department of Public Works, Division of Public Buildings and Division of Sanitation and the Department of Water and Sewer Utilities.

**WHEREAS**, on August 26, 2020, the City of Newark, through its Purchasing Agent, QPA, advertised to solicit bids for contractors to provide Lumber, All Kinds, for the Department of Public Safety, Division of Fire, the Department of Public Works, Division of Public Works, the Department of Public Works, Division of Sanitation and the Department of Water and Sewer Utilities, as described in the attached bid proposal; and

**WHEREAS**, the Division of Central Purchasing also distributed eight (8) bid proposal packages to prospective vendors following the date of advertisement; and

**WHEREAS**, the Division of Central Purchasing also published the bid package on the City of Newark's website to provide broader access and download capability to potential bidders; and

**WHEREAS**, on September 10, 2020, the Division of Central Purchasing received two (2) bids in response to this advertisement; and

**WHEREAS**, the Department of Public Safety, Division of Fire, Department of Public Works, Division of Public Buildings, the Department of Public Works, Division of Sanitation and the Department of Water and Sewer Utilities recommend that a dual award be made to: Empire Lumber and Millwork Co., 377 Frelinghuysen Avenue, Newark, New Jersey 07114, and Feldman Lumber-USLBM, LLC, 1281 Metropolitan Avenue, Brooklyn, New York 11237 for being the lowest, responsive and responsible bidders; and

**WHEREAS**, the Assistant Purchasing Agent on behalf of the Purchasing Agent, QPA, signed and concurred with the recommendations made by the Department of Public Safety, Division of Fire, the Department of Public Works, Division of Public Buildings, the Department of Public Works, Division of Public Buildings and the Department of Water and Sewer Utilities that a dual award be made to: Empire Lumber and Millwork Co., and Feldman Lumber-USLBM, LLC, the lowest bidders per line item commodities and being the responsive, and responsible bidders to provide Lumber, All Kinds to the City; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-24, the recommended bidder consented to holding their bid beyond sixty (60) days; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 et seq., solicitations through public bidding in accordance with N.J.S.A. 40A:11-1 et seq. meets the requirements of the Fair and Open Process.

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

1. The Mayor and/or his designee, the Business Administrator are hereby authorized to enter into and execute a dual contract with Empire Lumber and Millwork Co., 377 Frelinghuysen Avenue, Newark, New Jersey 07114 to receive line items # 22, 23, 24, 25, 26, 30, 31, 33, 35, 36, 37, 39, 40, 41, 42, 43, 45, 46, 48, 51, 52, 53, 69, 90, 93, 96, 99, 100, 102, 141, 142, 148, 157, 169, 170, 186, 247, 248 and 250 for year one (1) and year two (2) , and line item# 34, 91, 188 and 189 for year two (2) only; and Feldman Lumber-USLBM, LLC, 1281 Metropolitan Avenue, Brooklyn, New York 11237 to receive line items# 1, 2, 3, 4, 5, 6, 7, 8, 9,10, 11, 12, 13, 14, 15,16, 17, 18, 19, 20, 21, 28, 29, 30, 32, 38, 45, 47, 49, 50, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 92, 94, 95, 97, 98, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 164, 166, 167, 168, 171, 176, 178, 179, 180, 181, 182, 183, 184, 185, 187, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 203, 205, 206,207,208,209,210, 211, 212, 213, 226, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 249, 251, 252, 253, 254, 255, 260, 261, 263, 264, 265, 266, 267, 268 and 269 for year one and year two, and line item# 34, 91, 188, 189, 247, 248 and 250 for year one (1) only, to provide Lumber, All Kinds, to the City, whose bids were received on the advertised due date and determined to be the lowest bidders per line item commodity per year and being a responsive and responsible bidders. There were and no bids for line items# 118, 119, 120, 161, 162, 163, 165, 177, 204, 214, 225, 227, 246, 256, 257, 258, 259, 262 and 270. The term of the contract will be established for twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15, start date to commence upon fully executed contract.

2. There shall be no amendment or change of this contract without the approval of the Municipal Council.
3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16. Funds for 2020 and subsequent years are contingent upon appropriations, pursuant to N.J.A.C. 5:30-5.5(d)(2).
4. 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 the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed from Account Code Line: NW011-190-1903-83830-B2020- Department of Public Safety, Division of Fire, NW011-060-0604-83360-B2020, Department of Public Works, Division of Public Buildings, NW011-060-0605-83870-B2020, Department of Public Works, Division of Sanitation and NW037-750-7502-83410-B2020, Department of Water and Sewer Utilities, covering the amount of the order. This contract shall not exceed One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00) for twenty-four (24) consecutive months for two (2) vendors.
5. The Purchasing Agent, QPA, shall file a duly executed copy of this contract in 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 authorizes the Mayor and/or his designee, the Business Administrator to enter into and execute a dual contract with Empire Lumber and Millwork Co. and Feldman Lumber- USLBM, LLC, to provide, Lumber, All Kinds, to the City of Newark, at a cost not to exceed \$175,000.00 for twenty-four (24) consecutive months for two (2) vendors commencing upon date of fully executed contract.