



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-0076, Version: 1

Dept/ Agency: Administration/ Division of Central Purchasing

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

Type of Service: Cooperative Purchasing Agreement

Purpose: To purchase two (2) Tymco Model 600 Regenerative Air Sweepers for the Department of Public Works.

Entity Name: Tymco, Inc.

Entity Address: 225 East Industrial Boulevard, Waco, Texas 76705

Contract Amount: Not to exceed \$549,665.00

Contract Period: Commencing upon Municipal Council approval of this resolution until the date of complete 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:

Cooperative Purchasing Contract #SW04-20.

The purchase will result in a cost savings to the City.

WHEREAS, the Municipal Council of the City of Newark (the “City”) authorized the joining of the Houston-Galveston Area Council (“H-GAC” or “H-GACBuy”) by Resolution 7R1-c dated January 6, 2016; and

WHEREAS, the 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:11-1et 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, the H-GAC, 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, the H-GAC system 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 H-GAC has offered the City the opportunity to participate in the Cooperative Purchasing System for the procurement of two (2) Tymco Model 600 Regenerative Air Sweepers; and

WHEREAS, the City's membership in H-GAC has been confirmed active; and

WHEREAS, the Department of Public Works requests to utilize the membership in the H-GAC to purchase two (2) Tymco Model 600 Regenerative Air Sweepers from Tymco, Inc., 225 E. Industrial Boulevard, Waco, Texas 76705, holder of an authorized H-GAC contract; and

WHEREAS, the Division of Central Purchasing has conducted due diligence to determine if the contract will result in cost savings after all factors, including charges for service, material and delivery, have been considered, to ensure there is documentation to support this determination (attached hereto); and

WHEREAS, the Purchasing Agent, QPA, recommends the usage of this contract to facilitate the needs of the City to procure two (2) Tymco Model 600 Regenerative Air Sweepers for the Department of Public Works; and

WHEREAS, on May 16, 2020 the Division of Central Purchasing advertised the City's intention to enter into an agreement with Tymco, Inc., under contract SW04-20, for the purchase of street sweepers for the Department of Public Works (attached hereto).

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 Purchasing Agent, QPA, are hereby authorized to enter into and execute an agreement under contract SW04-20, to purchase from Tymco, Inc., 225 E. Industrial Boulevard, Waco, Texas 76705, under the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, two (2) Tymco Model 600 Regenerative Air Sweepers, inclusive of full service agreement for five (5) years or one hundred thousand (100,000) miles at a total cost not to exceed Five Hundred and Forty-Nine Thousand Six Hundred and Sixty-Five Dollars and Zero Cents (\$549,665.00), for the period commencing upon approval of this resolution by Municipal Council until the date of complete delivery.

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.

4. A Certification of funds for the purchase of two (2) Tymco Model 600 Regenerative Air Sweepers are encumbered on Requisition number 0000024728, Fund: NW051, Account: 94350, Project: 3N630 Budget Year: B2016 in the amount of Seventy-Five Thousand Four Hundred and Twenty-Eight Dollars and Seven Cents (\$75,428.07); Requisition number 0000024743, Fund: NW051, Account: 94350, Project: N19A0, Budget Year: B2019 in the amount of Two Hundred Thirty

Two Thousand One Hundred Fifty Three Dollars and Thirty One Cents (\$232,153.31); and Requisition number 0000024729, Fund NW051, Account 94350, Project 3N8A0, Budget Year: B2018 in the amount of Two Hundred Eighty Thousand Dollars and Zero Cents (\$280,000.00).

5. The Division of Central Purchasing, through the Purchasing Agent, QPA, shall ensure that the goods and/or services procured through the program comply with applicable laws of the State of New Jersey, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., N.J.S.A. 52:34-6.2(B)(3) and all other provisions of the revised statutes of the State of New Jersey.

6. A duly executed copy of the Cooperative Purchasing Contract agreement between H-GAC and Tymco, Inc. is provided herewith by the Purchasing Agent, QPA.

7. The Purchasing Agent, QPA, is filing a duly executed copy of the encumbering purchase order with this resolution, in the Office of the City Clerk.

8. This contract complies with Local Pay-to-Play, N.J.S.A. 19:44A-20.5 and constitutes a Fair and Open Procedure.

9. If required by State law, the City Clerk shall provide appropriate notice of award of this acquisition to the State Comptroller no later than twenty (20) business days following such authorization, 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 Purchasing Agent, QPA, to enter into and execute a contract with Tymco, Inc., 225 E. Industrial Boulevard, Waco, Texas 76705, for the purchase of two (2) Tymco Model 600 Regenerative Air Sweepers, under the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, at a cost not to exceed Five Hundred and Forty-Nine Thousand Six Hundred and Sixty-Five Dollars and Zero Cents (\$549,665.00), inclusive of full service agreement for five (5) years or one hundred thousand (100,000) miles, for the benefit of the Department of Public Works, for the period commencing upon approval of this resolution by Municipal Council until the date of complete delivery. The purchase will result in a cost savings to the City.