



## Legislation Text

File #: 23-1244, Version: 1

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

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

**Type of Service:** Extension of Emergency Contract #E2021-10

**Purpose:** To extend and amend emergency contract #E2021-10 for the continuation of construction of Hope Village II by increasing the contract and adding vendor(s), for a period of two (2) months, to include an expansion of a retaining wall, and discovery of leaking underground oil tanks that requires soil remediation.

**Entity Name:**

- 1) Custom Containers 915, 500 W. Paisano Drive, Suite B, El Paso, Texas 79901; and
- 2) Project for Empty Space, 800 Broad Street, Newark, New Jersey 07102; and
- 3) Hamlett Development Partners, Inc., 1929 Springfield Avenue, Maplewood, New Jersey 07040; and
- 4) Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105

**Contract Amount:** Not to exceed \$4,786,948.78

**Funding Source:** 2021 Budget/NW011-200-97550- B2021

**Contract Period:** Extended an additional sixty (60) days from August 4, 2023 through October 3, 2023

**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:**

An Emergency Declaration, Contract # E2021-10, for the period of November 3, 2021 through February 3, 2022 was awarded to five (5) vendors, in an amount of \$1,851,256.00.

The 1<sup>st</sup> Extension and amendment to Emergency Contract #E2021-10, was to extend the contract for the period of February 4, 2022 through August 3, 2022, to seven (7) vendors for an increased contract amount not to exceed \$2,393,346.00.

The 2<sup>nd</sup> Extension and amendment to Emergency Contract #E2021-10, was to extend the contract for the period of August 4, 2022 through February 3, 2023, to eight (8) vendors in an amount not to exceed \$2,393,346.00.

The 3<sup>rd</sup> Extension and amendment to Emergency Contract #E2021-10, was to extend the contract for the period of February 4, 2023 through August 3, 2023, to eight (8) vendors for an increased contract amount not to exceed \$3,936,439.00.

This Resolution represents the 4<sup>th</sup> Extension and amendment to Emergency Contract #E2021-10 for the period beginning August 4, 2023 through October 3, 2023 to increase the contract amount by \$850,519.78, to add vendor(s), Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105, due to delays in the project, including the expansion of a retaining wall and discovery of leaking underground oil tanks, which required soil remediation for four (4) vendors for an increased

contract amount not to exceed \$4,786,958.78.

**WHEREAS**, on November 1, 2021, the City's Department of Administration requested a declaration of emergency to retrofit safe, low cost shelter solutions in the form of temporary container sheltering up to sixty (60) individuals in each of two (2) sites, Hope Village 2 and Hope Village 3, located at located at 51-63 Elizabeth Avenue, Newark, New Jersey 07108 pending the termination of the City's contract for shelter services at the Holiday Inn, over capacity at City of Newark contracted shelters, lack of units for persons with little to no income, during Code Blue in order to prevent, prepare for and respond to the COVID-19 Pandemic and for services related to the operation of the two (2) temporary container shelters; and

**WHEREAS**, on November 3, 2021, the Qualified Purchasing Agent, QPA, declared an emergency and awarded an Emergency Contract for the period of November 3, 2021 through February 3, 2022 in the total amount of One Million Eight Hundred Fifty-One Thousand Two Hundred and Fifty-Six Dollars and Zero Cents (\$1,851,256.00) to five (5) vendors: (1) Custom Containers 915, 500 W. Paisano Drive, Suite B, El Paso, Texas 79901 for Retro Fit of containers-not to exceed One Million Four Hundred Fifty Thousand Dollars and Zero Cents (\$1,450,000.00); (2) Think Wilder Architecture, 155 Prospect Avenue, Suite 204, West Orange, New Jersey 07052 for Pre-design, design and container renderings not to exceed Thirty-Four Thousand Five Hundred Dollars and Zero Cents (\$34,500.00); (3) Project For Empty Space, 155 Prospect Avenue, Suite 204, West Orange, New Jersey 07052 for Artwork not to exceed Fourteen Thousand Dollars and Zero Cents (\$14,000.00); (4) United Community Corporation, 332 South 8th Street, Newark, New Jersey 07103 for Operation of the Container Shelter not to exceed One Hundred Seventy-Seven Thousand Seven Hundred and Sixty-Five Dollars and Zero Cents (\$177,765.00); and (5) AIDS Resource Foundation for Children, 77 Academy Street, Newark, New Jersey 07102 for Operation of Container Shelter not to exceed One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00). (A copy of Emergency Contract #E2021-10 is attached hereto and made a part of this Resolution); and

**WHEREAS**, on April 12, 2022, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a)3, the Municipal Council adopted Resolution 7R1-h(S/AS), which authorized the Mayor of the City of Newark and/or his designee, the QPA and/or the Business Administrator, to award a contract to seven (7) vendors the aforementioned Emergency Contract #E-2021-10 that commenced from February 4, 2022 through August 3, 2022. A copy of said Resolution is attached hereto and made a part hereof; and

**WHEREAS**, on October 19, 2022, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a)3, the Municipal Council adopted Resolution 7R1-e(AS), which authorized the Mayor of the City of Newark and/or his designee, the QPA and/or the Business Administrator, to award a contract to eight (8) vendors the aforementioned Emergency Contract #E-2021-10 that commenced from August 4, 2022 through February 3, 2023. A copy of said Resolution is attached hereto and made a part hereof; and

**WHEREAS**, on April 5, 2023, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a)3, the Municipal Council adopted Resolution 7R1-aj(AS), which authorized the Mayor of the City of Newark and/or his designee, the QPA and/or the Business Administrator, to award a contract to eight (8) vendors the aforementioned Emergency Contract #E-2021-10 that commenced from February 3, 2022 through August 3, 2023. A copy of said Resolution is attached hereto and made a part hereof; and

**WHEREAS**, on July 21, 2023, the Office of the Mayor, Homeless Division requested a declaration of emergency to extend and amend the emergency contract #E2021-10 for the continuation of construction of Hope Village II for a period of two (2) months due to including an expansion of a retaining wall, and discovery of leaking underground oil tanks that requires soil remediation, and including Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105; and

**WHEREAS**, on July 21, 2023, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a), the Purchasing Agent, QPA, approved the aforementioned request to extend and amend, the Office of the Mayor, Homeless Division entered into Emergency Contract #E2021-10 for a period of August 4, 2023 through October 3, 2023 with a “not to exceed” amount of Eight Hundred Fifty Thousand Five Hundred and Nineteen Dollars and Seventy-Eight Cents (\$850,519.78) with: 1) Custom Containers 915, 500 W. Paisano Drive, Suite B, El Paso, Texas 79901; and 2) Project for Empty Space, 800 Broad Street, Newark, New Jersey 07102; and 3) Hamlett Development Partners, Inc, 1929 Springfield Avenue, Maplewood, New Jersey 07040; and 4) Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105; failure to include the expansion of retaining wall and required soil remediation poses an immediate threat to the affected residents of the City of Newark. A copy of said Emergency Contract #E-2021-10 is attached hereto and made a part hereof; and

**WHEREAS**, the Office of the Mayor, Homeless Division continues to be in immediate and emergent need to extend and amend emergency contract #E2021-10 for construction of Hope Village II for a period of two (2) months due to including an expansion of a retaining wall and discovery of leaking underground oil tanks that requires soil remediation. Also to include Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105 within the City of Newark as the MMCAP infuse contracts are being reviewed; 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**, the Office of the Mayor. Homeless Division desires to extend and amend Emergency Contract #E2021-10 for the period commencing from August 4, 2023 through October 3, 2023 and to increase the contract for Project For Empty Space, 800 Broad Street, Newark, New Jersey 07102 by Five Thousand Dollars and Zero Cents (\$5,000.00) for a new total amount not to exceed Eight Hundred and Fifty Thousand Five Hundred and Nineteen Dollars and Seventy-Eight Cents (\$850,519.78); 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 of Newark still needs to ensure the safe and uninterrupted services and any interruption of the services would pose an imminent harm to the health, safety and welfare of the residents of the City of Newark; 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 extend and amend the emergency to prevent interruption of declaration of emergency until the emergency is abated to amend Emergency Contract #E2021-10 for the continuation of construction of Hope Village II for a period of two (2) months due to including an expansion of a retaining wall and discovery of leaking underground oil tanks that requires soil remediation. Also to include Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105.

**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 and/or his designees, the Business Administrator and/or the Purchasing Agent, QPA, are hereby authorized to enter into and execute an extension of Emergency Contract #E2021-10 with: 1) Custom Containers 915, 500 W. Paisano Drive, Suite B, El Paso, Texas 79901; and 2) Project for Empty Space, 800 Broad Street, Newark, New Jersey 07102; and 3) Hamlett Development Partners, Inc., 1929 Springfield Avenue, Maplewood, New Jersey 07040; and 4) Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105 for the period commencing on August 4, 2023 through October 3, 2023 and increase the contract amount for Project for Empty Space, 800 Broad Street, Newark, New Jersey 07102 by Five Thousand Dollars and Zero Cents (\$5,000.00) for a total contract amount not to exceed Eight Hundred and Fifty Thousand Five Hundred and Nineteen Dollars and Seventy-Eight Cents (\$850,519.78).
2. This extension will allow for the continuation of construction of Hope Village II for a period of two (2) months due to including an expansion of a retaining wall and discovery of leaking underground oil tanks that requires soil remediation. The extension of Emergency Contract #E2021-10 is extended from August 4, 2023 to the date of adoption of this authorizing Resolution until October 3, 2023.
3. Funds are available for Emergency Contract #E2021-10 2023 in an amount not to exceed Eight Hundred Fifty Thousand Five Hundred and Nineteen Hundred and Seventy-Eight Cents (\$850,519.78) under line appropriation of the Official Budget, which shall be charged is: NW011-200-97550- B2021.
4. The Qualified Purchasing Agent, for the City of Newark, has filed a copy of Emergency Contract #E2021-10, attached hereto with the Office of the City Clerk.
5. 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 extends, amends and authorizes the Mayor of the City of Newark, and/or his designees, the Business Administrator and/or the Purchasing Agent, QPA, to extend Emergency Contract #E2021-10 with: 1) Custom Containers 915, 500 W. Paisano Drive, Suite B, El Paso, Texas 79901; and 2) Project for Empty Space, 800 Broad Street, Newark, New Jersey 07102; and 3) Hamlett Development Partners, Inc., 1929 Springfield Avenue, Maplewood, New Jersey 07040; and 4) Interport Container Solutions, 935 Delaney Street, Newark, New Jersey 07105 for the continuation of construction of Hope Village II for a period of two (2) months due to including an expansion of a retaining wall and discovery of leaking underground oil tanks that requires soil remediation. Also to include Interport Container Solutions, for the period commencing on August 4, 2023 through October 3, 2023 and increase the contract amount for Project for Empty Space, 800 Broad Street, Newark, New Jersey 07102 by \$5,000.00 for a new total amount not to exceed \$850,519.78.