



Legislation Text

File #: 23-1757, Version: 1

Dept/ Agency: Administration/Division of Central Purchasing

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

Type of Service: Extension of Emergency Contract #E2023-09

Purpose: To extend the Emergency Contract to ensure Riverfront Park is free of hazardous structures and fixtures.

Entity Name: Flanagan's Contracting Group, Inc.

Entity Address: 90 Old Camplain Road, Hillsborough, New Jersey 08844

Contract Amount: Not to exceed \$5,535,000.00

Funding Source: 2016 Budget/Department of Economic and Housing Development/NW045-16g-94710-B2016

Contract Period: Extended from September 22, 2023 through March 21, 2024, or until the City has awarded a new contract for the completion of the Project, whichever occurs first

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 Contract #E2023-09 was awarded to Flanagan's Contracting Group, Inc. in an amount not to exceed \$5,535,000.00 for the period of June 22, 2023 through September 21, 2023, for the City's Department of Economic and Housing Development.

This extension of Emergency Contract #E2023-09 will continue through March 21, 2024, or until the City has awarded a new contract for the completion of the Project, whichever occurs first.

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WHEREAS, on June 22, 2023, the Deputy Mayor/Director of Department of Economic & Housing Development requested a declaration of emergency to transform Riverfront Park from a hazardous site to a condition that the City could safely manage; and

WHEREAS, on June 22, 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 and the Department of Economic & Housing Development entered into Emergency Contract #E2023-09 for the period June 22, 2023 through September 21, 2023 at an amount not to exceed Five Million, Five Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$5,535,000.00) with Flanagan's Contracting Group, Inc, 90 Old Camplain, Road, Hillsborough, New Jersey 08844. A copy of said the award of Emergency Contract #E2023-09 is attached hereto and made a part hereof; and

WHEREAS, the City is currently soliciting proposals to obtain a contractor to finish Phase C of the project, however, the site continues to be in a hazardous state; and

WHEREAS, the Department of Economic & Housing Development desires to ratify and extend Emergency Contract #E2023-09 for the period commencing from September 22, 2023, through

March 21, 2024, or until the new replacement contract has been awarded pursuant to N.J.S.A. 40A:11-1 et seq., whichever occurs first, for a total contract amount not to exceed Five Million Five Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$5,535,000.00); 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 park is safe and free of hazardous fixtures and structures; 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 the term of an emergency contract; and

WHEREAS, the Department of Economic & Housing Development now seeks authorization from the Municipal Council to ratify and extend the term of the emergency contract to ensure the vendor has sufficient time to transform the park to a condition that can be safely managed by the City until the replacement contract is awarded.

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 Deputy Mayor/Director of Department of Economic & Housing Development are hereby authorized to extend the term of Emergency Contract #E2023-09 with Flanagan's Contracting Group, Inc, 90 Old Camplain, Road, Hillsborough, New Jersey 08844 for the period commencing on September 22, 2023, through March 21, 2024 or until the new replacement contract is awarded for the completion of the Riverfron Park project ("Project") pursuant to N.J.S.A. 40A:11-1 et seq., whichever occurs first. The total amount of said emergency contract, including extensions, shall not to exceed Five Million Five Hundred Thirty-Five Thousand Dollars and Zero Cents (\$5,535,000.00).
2. The extension of the term of Emergency Contract #E2023-09 is ratified from September 22, 2023 to the date of adoption of this authorizing Resolution until March 21, 2024 or until the new replacement contract awarded for the completion of the Project is in place, whichever occurs first.
3. Funds are available for Emergency Contract #E2023-09, including extensions, in an amount not to exceed Five Million Five Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$5,535,000.00) under line appropriation of the Official Budget, which shall be charged is NW045-16g-94710-B2016.

4. The Qualified Purchasing Agent, for the City of Newark, has filed a copy of Emergency Contract #E2023-09, attached hereto, with the Office of the City Clerk. The Qualified Purchasing Agent shall post a copy of the Emergency Contract as extended on the City of Newark's website within 48 hours.

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 ratifies and authorizes the Mayor, and/or his designees, the Business Administrator and/or the Deputy Mayor/Director of Department of Economic & Housing Development to extend Emergency Contract #E2023-09 with Flanagan's Contracting Group, Inc, 90 Old Camplain, Road, Hillsborough, New Jersey 08844; for the period commencing on September 22, 2023, through March 21, 2024 or until the contract is awarded, whichever occurs first. The contract not to exceed amount will remain Five Million Five Hundred Thirty-Five Thousand Dollars and Zero Cents (\$5,535,000.00).