



Legislation Text

File #: 20-1523, Version: 1

Dept/ Agency: Administration/Division of Central Purchasing

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

Type of Service: Bid Contract(s)

Purpose: Refuse Trucks Lease/Purchase and to assign right of payment under the vendor contract to Signature Public Funding Corp.

Entity Name(s)/Address(s): Appolonia Inc. T/A Air Brake and Equipment, 225 Route 22 West, Hillside, New Jersey 07205 and Signature Public Funding Corp., 600 Washington Avenue, Suite 305, Towson, Maryland 21204

Contract Amount: Not to exceed \$3,996,178.20

Funding Source: 2021 Budget/Department of Public Works, Division of Sanitation/NW011-060-0605-71940-B2021

Contract Period: To be established for a period not to exceed five (5) years

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

Additional Information:

This contract will be used to enter into a lease agreement and maintenance contract with a vendor to provide Model year 2020 Refuse Trucks.

Advertisement Date: September 23, 2020

Bids Solicited: One (1)

Bids Received: One (1)

WHEREAS, on September 23, 2020 the City of Newark, through its Purchasing Agent, QPA, (the "City") advertised to solicit bids for contractors to provide Refuse Trucks Lease/Purchase for the Department of Public Works, Division of Sanitation as described in the attached bid proposal; and

WHEREAS, the Division of Central Purchasing also distributed one (1) bid proposal package 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 October 8, 2020, the Division of Central Purchasing received one (1) bid in response to this advertisement; and

WHEREAS, the Director of the Department of Public Works recommended that a single award be made to Appolonia Inc. T/A Air Brake and Equipment, 225 Route 22 West, Hillside, New Jersey 07205, the only responsive and responsible bidder; and

WHEREAS, the Purchasing Agent, QPA, concurs with the recommendation from the Director

of the Department of Public Works that a single award be made to Appolonia Inc. T/A Air Brake and Equipment, 225 Route 22 West, Hillside, New Jersey 07205, the only responsive and responsible bidder; and

WHEREAS, pursuant to N.J.S.A. 40A:11-24, the recommended bidder consented to holding its bid for consideration until such time as an award is made, as the law permits; 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; and

WHEREAS, the specifications authorized a bidder to seek consent from the City to assign right of payment to a Financing Company; and

WHEREAS, Appolonia Incorporated d/b/a Air Brake and Equipment, seeks to assign its right to payment under the Vendor Contract to Municipal and Signature Public Funding Corp., 600 Washington Avenue, Suite 305, Towson, Maryland 21204, and in order to authorize and approve such assignment, it is necessary and desirable and in the best interest of the City, as lessee, to enter into an Equipment Lease Purchase Agreement (the "Agreement") with and Signature Public Funding Corp., as lessor (together with its assigns, the "Lessor"), for the purposes described therein, including the financing of the City's acquisition of the Equipment.

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 designee, the Business Administrator are authorized to enter into and execute a contract with Appolonia Inc. T/A Air Brake and Equipment, 225 Route 22 West, Hillside, New Jersey 07205, to provide Refuse Trucks Lease/Purchase for the City's Department of Public Works, Division of Sanitation, whose bid was received on the advertised due date and determined to be the only responsive and responsible bidder in accordance with the bid specifications. The term of the contract will be established for a period not to exceed five (5) years, pursuant to N.J.S.A. 40A:11-15 to commence on date contract is executed, at a cost not to exceed Three Million Nine Hundred Ninety-Six Thousand One Hundred Seventy-Eight Dollars and Twenty Cents (\$3,996,178.20).
2. The Mayor of the City of Newark and/or his designee, the Business Administrator are authorized to consent to the assignment of the agreement and enter into and execute a Tax-Exempt Master Equipment Lease-Purchase Agreement and all associated and required documents with Signature Public Funding Corp., 600 Washington Avenue, Suite 305, Towson, Maryland 21204, in a form substantially similar to the documents attached hereto. The Business Administrator is authorized to direct the appropriate City Officials to execute all associated and required documents in support of the Master Lease-Purchase Agreement with the anticipated closing date on or about July 29, 2021.
3. There shall be no amendment or change of this contract without the approval of the Municipal Council by resolution.
4. 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).

5. 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: Department of Public Works, Division of Sanitation/NW011-060-0605-71940-B2021. This contract shall not exceed Three Million Nine Hundred Ninety-Six Thousand One Hundred Seventy-Eight Dollars and Twenty Cents (\$3,996,178.20) for a period to be established and not to exceed five (5) years for one (1) vendor with the start date of the contract commencing when the contract is fully executed. A Certification of Funds in the amount of Seven Hundred Ninety-Nine Thousand Two Hundred Thirty-Five Dollars and Sixty-Four Cents (\$799,235.64) for the first (1st) year payment is attached.
6. The Purchasing Agent, QPA, shall file a copy of this resolution and the duly executed copy of the contract in the Office of the City Clerk.
7. 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 of the City of Newark and/or his designee, the Business Administrator, to enter into and execute a contract with Appolonia Inc. T/A Air Brake and Equipment to provide Refuse Trucks Lease/Purchase to the City's Department of Public Works, Division of Sanitation at a cost not to \$3,996,178.20, for a period to be established and not to exceed five (5) years with the start date commencing when the contract is fully executed and consent to the assignment of the agreement and enter into and execute a Tax-Exempt Master Equipment Lease-Purchase Agreement and all associated and required documents with Signature Public Funding Corp with an anticipated closing date of July 29, 2021.