



## Legislation Text

File #: 19-0370, Version: 1

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

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

**Type of Service:** Use of State Contract(s) G-2004 Furniture: Office, Lounge

**Purpose:** To provide Using Agencies with the ability to purchase Furniture, Office and Lounge, Files Freestanding Vertical and Lateral, and System Furniture.

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

(1) Herman Miller Inc., 855 East Main Avenue, Zeeland, Michigan 49464

(2) OFS Brands Inc., 1204 E. 6th Street, Huntingburg, Indiana 47542

**Contract Amount:** Not to exceed \$100,000.00

**Funding Source:** 2018 Budget/Department of Health and Community Wellness/ Fund: Childhood Lead Exposure Program Homeless, NW051, G18, Project: 3H8EO, 7128, B2018; Trust Fund, MEMHC-026-46540

**Contract Period:** Upon approval by Municipal Council through April 30, 2019 inclusive of any extension by the State

**Contract Basis:** ( ) Bid (X) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) N/A

**Additional Information:**

This contract is awarded as an open-ended contract, pursuant to N.J.A.C. 50:30-5.5(d)(2).

**WHEREAS**, the City of Newark, through the Qualified Purchasing Agent (QPA), wishes to utilize State Term Contract G-2004 Furniture: Office, Lounge to purchase Furniture, Office and Lounge, Files Freestanding Vertical and Lateral, and System Furniture from an authorized vendor under the New Jersey Cooperative Purchasing Program 1-NJCP, pursuant to N.J.A.C. 5:34-7.29; and

**WHEREAS**, the purchase of goods/services by local contracting units are authorized by Local Public Contracts Law, N.J.S.A. 40A:11-12; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-11(5), N.J.S.A. 52:25-16.1 et seq. and N.J.A.C. 5:34-1.7, all Cooperative Purchasing Program participants are responsible for ensuring that the Purchase Order issued reflects the correct contract item pricing and that payment is processed accordingly. Only items/services specified in the applicable State contract(s) may be purchased from the contract vendor(s) of record. Cooperative Purchasing participants assume full responsibility for all purchase transactions issued through State contracts, including Purchase Orders, delivery compliance and payments; and

**WHEREAS**, the City wishes to utilize this State Term Contract G-2004 Furniture: Office, Lounge with (1) Herman Miller Inc. and (2) OFS Brands Inc. for the purchase of Furniture, Office and Lounge, Files Freestanding Vertical and Lateral, and System Furniture under vendor Contract #81620 and Contract #81635, upon approval of this resolution by the Municipal Council through April

30, 2019 inclusive of extensions by the State; and

**WHEREAS**, the QPA recommends the utilization of this State contract award on the grounds that it provides Furniture, Office and Lounge, Files Freestanding Vertical and Lateral, and System Furniture according to specifications required by the City of Newark, Department of Health and Community Wellness; and

**WHEREAS**, usage of this contract will provide Furniture, Office and Lounge, Files Freestanding Vertical and Lateral, and System Furniture at a cost not to exceed \$100,000.00; and

**WHEREAS**, the Chief Financial Officer will certify the availability of funds before orders are placed.

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

1. Pursuant to N.J.S.A. 40A:11-1 et seq., and N.J.A.C. 5:34-7.29, the QPA is authorized to utilize State Term Contract G-2004 Furniture: Office, Lounge, which includes vendor Contract #81620 Herman Miller Inc., 855 East Main Avenue, Zeeland, Michigan 49464; and vendor Contract #81635 OFS Brands Inc., 1204 E 6th Street, Huntingburg, Indiana 47542 to purchase Furniture, Office and Lounge, Files Freestanding Vertical and Lateral, and System Furniture, for the period commencing upon adoption of this resolution by the Municipal Council through April 30, 2019 inclusive of extensions by the State.
2. All purchases, Purchase Orders and other related documentation shall be in accordance with the relevant State Contract, State of New Jersey Standard Terms and Conditions, Method of Operation and Third Party Agreement/Three Party Agreement (if applicable) as contained in the State Contract Documentations and Agreements.
3. There shall be no amendment of this resolution without the approval of the Municipal Council.
4. There shall be no advance payment on this State contract in accordance with N.J.S.A. 40A:5-16. Funding is contingent upon appropriation, pursuant to N.J.A.C. 5:30-5.5(c).
5. This contract is awarded as an open-ended contract, pursuant to N.J.A.C. 50:30-5.5(d)(2). A certification of the availability of funds shall be executed each time an order is placed and charged against this Contract from Childhood Lead Exposure Program Homeless NW051-G18-3H8E0-7128-B2018; Trust Fund MEMHC-026-46540. This contract shall not exceed \$100,000.00, for two vendors.
6. This contract complies with Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5, as a State contract award and constitutes a fair and open procedure.
7. The Purchasing Division shall forthwith file a duly executed copy of the contract(s) in the Office of the City Clerk, if applicable.
8. 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 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 the QPA to utilize State Term Contract G-2004 Furniture: Office, Lounge awarded to (1) Herman Miller Inc., 855 East Main Avenue, Zeeland, Michigan 49464 and (2) OFS Brands Inc., 1204 E 6th Street, Huntingburg, Indiana 47542 to purchase Furniture, Office and Lounge, Files Freestanding Vertical and Lateral, and System Furniture under vendor Contract #81620 and Contract #81635, for the period commencing from adoption of this resolution by the Municipal Council through April 30, 2019 inclusive of extensions by the State; not to exceed \$100,000.00.