



## Legislation Details (With Text)

**File #:** 22-0451      **Version:** 1      **Name:** Resolution: Use of State Contract(s) # 83290, T0081 Gases Medical Specialty and Industrial State Wide  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/23/2022      **In control:** Administration  
**On agenda:** 8/3/2022      **Final action:** 8/3/2022

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Use of State Contract(s) #83290, T0081 Gases Medical Specialty and Industrial State Wide  
Purpose: To purchase Gases Medical Specialty and Industrial State Wide for the Department of Public Works, Division of Motors.  
Entity Name(s)/Address(s): Linde Gas and Equipment, Inc. 10 Riverview Drive Danbury, Connecticut 06810  
Contract Amount: Not to exceed \$50,000.00  
Funding Source: 2002 Budget/Department of Public Works, Division of Motors/011-060-0602-83550-B2022  
Contract Period: Upon approval by the Municipal Council through August 31, 2022, inclusive of any extensions 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 is an open-ended contract.  
To purchase Gases Medical Specialty and Industrial State Wide for the Department of Public Works, Division of Motors for equipment and forklifts.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/3/2022	1	Municipal Council	Adopt	Pass

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**Additional Information:**

This is an open-ended contract.

To purchase Gases Medical Specialty and Industrial State Wide for the Department of Public Works, Division of Motors for equipment and forklifts.

**WHEREAS**, the City of Newark, through its Qualified Purchasing Agent (the "City") , wishes to utilize State Contract #83290, T0081, Gases Medical Specialty and Industrial State Wide to be used for the Department of Public Works, Division of Motors 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 the 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 State Contract #83290, T0081, Gases Medical Specialty and Industrial State Wide, awarded to Linde Gas and Equipment Inc., 10 Riverview Drive, Danbury, Connecticut 06810, for the benefit of the Department of Public Works, Division of Motors, to purchase Gases Medical Specialty and Industrial State Wide, for equipment and forklifts, upon approval of this Resolution by the Municipal Council through August 31, 2022, inclusive of extensions by the State; and

**WHEREAS**, the Qualified Purchasing Agent recommends the utilization of State Contract #83290, T0081 Gases Medical Specialty and Industrial State Wide awarded to Linde Gas and Equipment Inc., 10 Riverview Drive, Danbury, Connecticut 06810, to purchase Gases Medical Specialty and Industrial State Wide to be used by the Department of Public Works, Division of Motors for equipment and forklifts; and

**WHEREAS**, usage of this contract will provide Gases Medical Specialty and Industrial State Wide, to be used by the Department of Public Works, Division of Motors, for equipment and forklifts, at a cost not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00).

**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 Mayor of City of Newark and/or his designee, the Qualified Purchasing Agent, is authorized to utilize State Contract #83290, T0081 Gases Medical Specialty and Industrial State Wide, awarded to Linde Gas and Equipment Inc., 10 Riverview Drive, Danbury, Connecticut 06810, to purchase Gases Medical Specialty and Industrial State Wide, to be used by the Department of Public Works, Division of Motors, for equipment and forklifts, for the period commencing upon approval of this

Resolution by the Municipal Council through August 31, 2022, inclusive of extensions by the State.

2. All purchases, Purchase Orders and other related documentation shall be in accordance with the relevant State Contract, New Jersey Standard Terms and Conditions, Method of Operation and Third Party Agreement, if applicable, as contained in the State Contract documentations and agreements.
3. There shall be no amendments 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.
5. Funds for the purchase of Gases Medical Specialty and Industrial State Wide to be used for the Department of Public Works, Division of Motors are encumbered from Funding Source 011-060-0602-83550-B2022. This contract shall not exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00).
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 Process.
7. The Division of Central Purchasing shall file a duly executed copy of the contract in the Office of the City Clerk, if applicable.
8. If required by state law, the Acting City Clerk shall provide the appropriate Notice of 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 Qualified Purchasing Agent, to utilize State Contract #83290, T0081, Gases Medical Specialty and Industrial State Wide, awarded to Linde Gas and Equipment Inc., 10 Riverview Drive, Danbury, Connecticut 06810, to purchase Gases Medical Specialty and Industrial State Wide, for the Department of Public Works, Division of Motors, for equipment and forklifts, under Contract # 83290, for the period commencing upon adoption of this Resolution by the Municipal Council through August 31, 2022, inclusive of extensions by the State, at a cost not to exceed \$50,000.00.