



## Legislation Details (With Text)

**File #:** 22-0513      **Version:** 1      **Name:** Waste Receptacles, Metal, Plastic Recycle Containers and Tote Bins

**Type:** Resolution      **Status:** Adopted

**File created:** 3/30/2022      **In control:** Administration

**On agenda:** 9/21/2022      **Final action:** 9/21/2022

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract(s)  
Purpose: Waste Receptacles, Metal, Plastic Recycle Containers and Tote Bins  
Entity Name(s)/Address(es):  
1) T.M. Fitzgerald & Associates, Inc., 850 West Chester Pike, Suite 200, Havertown, Pennsylvania 19083; and  
2) Thirty 7 Jones, LLC, 37 Jones Street, Newark, New Jersey 07103  
Contract Amount: Not to exceed \$300,000.00  
Funding Source: 2022 Budget/Department of Public Works, Division of Sanitation/NW011-060-0605-71940-B2022  
Contract Period: To be established for a period not to exceed (24) consecutive months  
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 provide the City's Department of Public Works, Division of Sanitation with Waste Receptacles, Metal, Plastic Recycle Containers and Tote Bins.  
  
Advertisement: March 9, 2022  
Bids Downloaded: Twenty-four (24)  
Bids Received: Three (3)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/21/2022	1	Municipal Council	Adopt	Pass

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Advertisement: March 9, 2022

Bids Downloaded: Twenty-four (24)

Bids Received: Three (3)

**WHEREAS**, on March 9, 2022, the City of Newark through its Qualified Purchasing Agent, QPA, publicly advertised to solicit bids for contractors to provide Waste Receptacles, Metal, Plastic Recycle Containers and Tote Bins for the Department of Public Works Division of Sanitation, as described in the attached bid proposal; and

**WHEREAS**, the Division of Central Purchasing also published the bid package on the City of Newark's electronic procurement portal to provide a broader notice, access and download capability to potential bidders; and

**WHEREAS**, on March 24, 2022, the Division of Central Purchasing received three (3) bids in response to this advertisement; and

**WHEREAS**, the Director of Public Works recommended that a dual award be made to ( 1) T.M. Fitzgerald & Associates, Inc., 850 West Chester Pike, Suite 200 Havertown, Pennsylvania 19083 and (2) Thirty 7 Jones, LLC, 37 Jones Street, Newark, New Jersey 07103, the lowest responsive and responsible bidders, per the attached line item Evaluation Tabulation Sheet; and

**WHEREAS**, the Qualified Purchasing Agent concurs with the recommendation and recommends that a dual award be made to: (1) T.M. Fitzgerald & Associates, Inc, 850 West Chester Pike, Suite 200 Havertown, Pennsylvania 19083 and (2) Thirty 7 Jones, LLC, 37 Jones Street, Newark, New Jersey 07103 per the attached line item Evaluation Tabulation Sheet; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-24, the recommended bidders consented to holding their prices beyond sixty (60) days; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A20.5 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.

**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 Qualified Purchasing Agent and/or the Business Administrator are hereby authorized to enter into and execute a contract with: (1) T.M. Fitzgerald & Associates, Inc., 850 West Chester Pike, Suite 200 Havertown, Pennsylvania 19083 and (2) Thirty 7 Jones, 37 Jones Street, LLC, Newark, New Jersey 07103, for Waste Receptacles, Metal, Plastic Recycle Containers and Tote Bins for the City of Newark, Department of Public Works Division of Sanitation, per the attached line item Evaluation Tabulation Sheet, whose bids were received on the advertised due date and determined to be

the lowest responsive and responsible bidders in accordance with the bid specifications.

2. The term of the contract will be established for twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15.
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).
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: NW011-060-0605-71940-B2022, Department of Public Works / Public Buildings. This contract shall not exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) for two (2) vendors for twenty-four (24) consecutive months with start date commencing when contract is fully executed.
6. The Qualified Purchasing Agent, QPA, shall file a 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 and/or his designees, the Qualified Purchasing Agent and/or the Business Administrator to enter into and execute a dual line item contract award with: (1) T.M. Fitzgerald & Associates, Inc. 850 West Chester Pike, Suite 200 Havertown, Pennsylvania 19083 and (2) Thirty 7 Jones, LLC, 37 Jones Street, Newark, New Jersey 07103, to provide Waste Receptacles, Metal, Plastic Recycle Containers and Tote Bins to the City of Newark, at an amount not to exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) for a period not to exceed twenty-four (24) consecutive months for two (2) vendors with the start date commencing upon the full execution of the contract.