



Legislation Details (With Text)

File #: 22-1051 **Version:** 1 **Name:** Negotiation of Recycling Used Tires

Type: Resolution **Status:** Adopted

File created: 7/25/2022 **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: Exception to Public Bidding N.J.S.A. 40A:11-5(3) Negotiated contract after no bids received
Purpose: To provide Recycling Used Tires Removal Services.
Entity Name: Stage One Developers
Entity Address: P.O. Box 2148, Linden, New Jersey 07036
Contract Amount: Not to exceed \$100,000.00
Funding Source: 2022 Budget/Department of Public Works, Division of Sanitation/NW011-190-1902-83320-B2022
Contract Period: To be established for a period not to exceed (24) consecutive months commencing upon fully executed contract
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 Departments of Public Works, Division of Sanitation with Recycling Used Tires Removal Services.

1st Advertisement: June 30, 2021
Bid Downloaded: Six (6)
Bid Received: One (1)

2nd Advertisement: October 1, 2021
Bid Downloaded: Nine (9)
Bid Received: One (1)

3rd Advertisement: April 20, 2022
Bid Downloaded: Five (5)
Bid Received: Zero (0)

Negotiation Released: July 6, 2022

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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WHEREAS, on June 30, 2021, the City of Newark through its Purchasing Agent, QPA, advertised to solicit bids for contractors to provide Recycling Used Tires Removal Services for the Department of Public Works, Division of Sanitation as described in the attached bid proposal; and

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

WHEREAS, on July 15, 2021, the Division of Central Purchasing received one (1) bids in response to this advertisement; and

WHEREAS, Tatum Property Cleaning Services LLC.'s bid was deemed non-responsive due to failure to correctly complete the Statement of Ownership Disclosure form, which is a fatal defect pursuant to N.J.S.A 40A:11-23.2; and

WHEREAS, on October 1, 2021, the City of Newark through its Purchasing Agent, QPA, advertised to solicit bids for contractors to provide Recycling Used Tires Removal Services for the Department of Public Works, Division of Sanitation as described in the attached bid proposal; and

WHEREAS, on October 14, 2021, the Division of Central Purchasing received one (1) bid in

response to this advertisement; and

WHEREAS, Paracha Brothers Inc.'s bid was deemed non-responsive due to failure to correctly complete the Statement of Ownership Disclosure form, which is a fatal defect pursuant to N.J.S.A 40A:11-23.2; and

WHEREAS, on April 20, 2022, the City of Newark through its Purchasing Agent, QPA, advertised to solicit bids for contractors to provide Recycling Used Tires removal services for the Department of Public Works, Division of Sanitation as described in the attached bid proposal; and

WHEREAS, on May 5, 2022, the Division of Central Purchasing received zero (0) bids in response to this advertisement; and

WHEREAS, under Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(3), a contract may be negotiated and awarded without public advertising for bids if bids have been advertised on two (2) occasions and no bids have been received or the governing body has rejected such bids on two (2) occasions because it has determined that the bids are not reasonable as to price based on the cost estimates prepared for or by the contracting agent prior to advertising for bidding, or there has been a combination of the two (2); and.

WHEREAS, the Qualified Purchasing Agent, in consultation with the Director of Public Works, desire to negotiate and award a contract to provide Recycling Used Tires Removal Services in order to avoid the costs, time and energy of rebidding; and

WHEREAS, on July 6, 2022, the City of Newark through its Purchasing Agent, QPA, released a request for negotiation for a contractor to provide Recycling Used Tires Removal Services for the Department of Public Works, Division of Sanitation as described in the attached bid proposal; and

WHEREAS, on or about July 15, 2022, the City of Newark through its Purchasing Agent, QPA, held a negotiation with Stage One Developers, PO Box 2148, Linden, New Jersey 07036, the sole respondent to the request for negotiations; and

WHEREAS, the Director of Public Works recommended an award be made to Stage One Developers to provide Recycling Used Tires Removal Services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-24, the recommended bidder 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.

WHEREAS, by letter dated July 25, 2022, the Purchasing Agent affirms that the award as set forth herein is legally appropriate and in accordance with N.J.S.A. 40A:11-5(3).

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

1. The Mayor and/or his designee, the Business Administrator, and/or the Qualified Purchasing Agent, QPA, are hereby authorized to enter into and execute a contract with Stage One Developers, PO Box 2148, Linden, New Jersey 07036; to provide Recycling Used Tires Removal Services for the City of Newark's, Department of Public Works, Division of Sanitation, whose contract was negotiated on or about July 5, 2022. The term of the contract will be established for twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15.
2. In accordance with the provisions of N.J.S.A. 40A:11-5(3), the contract to provide Recycling Used Tires Removal Services is awarded to Stage One Developers.
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 2022 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: Department of Public Works, Division of Sanitation NW011-190-1902-83320-B2022. This contract shall not exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for one (1) vendor for twenty-four consecutive months with start date commencing when contract is fully executed.
6. The Purchasing Agent, QPA shall file a 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 and/or his designee, the Business Administrator, and/ or the Qualified Purchasing Agent, to enter into and execute a contract with: Stage One Developers, PO Box 2148, Linden, New Jersey 07036, to provide Recycling Used Tires Removal Services to the City of Newark, at an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for twenty-four (24) consecutive months with start date commencing when the contract is fully executed.