



Legislation Details (With Text)

**File #:** 22-1432      **Version:** 1      **Name:** Maintenance and Repair: HVAC  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/3/2022      **In control:** Administration  
**On agenda:** 11/14/2022      **Final action:** 11/14/2022

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract(s)  
Purpose: Maintenance and Repair: HVAC  
Entity Name(s)/Address(s): F and O Mechanical Contractors, LLC, 207-209 Berkeley Avenue, Newark, New Jersey 07107  
Contract Amount: Not to exceed \$2,400,000.00  
Funding Source: 2022 Budget/Department of Public Works/NW011-080-0804-71850-B2022  
Contract Period: To be established for a period not to exceed twenty-four (24) consecutive months, commencing upon a 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 provide Maintenance and Repair: HVAC services to the City of Newark.

Advertisement Date: August 10, 2022  
Bids Downloaded: Thirteen (13)  
Bids Received: Three (3)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/14/2022	1	Municipal Council	Adopted	Pass

**Dept/ Agency:** Administration/Division of Central Purchasing  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Type of Service:** Bid Contract(s)  
**Purpose:** Maintenance and Repair: HVAC  
**Entity Name(s)/Address(s):** F and O Mechanical Contractors, LLC, 207-209 Berkeley Avenue, Newark, New Jersey 07107  
**Contract Amount:** Not to exceed \$2,400,000.00  
**Funding Source:** 2022 Budget/Department of Public Works/NW011-080-0804-71850-B2022  
**Contract Period:** To be established for a period not to exceed twenty-four (24) consecutive months, commencing upon a 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 provide Maintenance and Repair: HVAC services to the City of Newark.

Advertisement Date: August 10, 2022  
Bids Downloaded: Thirteen (13)  
Bids Received: Three (3)

**WHEREAS**, on August 10, 2022, the City of Newark through its Qualified Purchasing Agent, QPA, advertised to solicit bids for contractors to provide Maintenance and Repair HVAC services for the Department of Public Works, 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 August 25, 2022, the Division of Central Purchasing received three (3) bids in responses to this advertisement; and

**WHEREAS**, the Manager of the Department of Public Works, Division of Public Buildings recommended that a single award be made to F and O Mechanical Contractors LLC, 207-209 Berkeley Avenue, Newark, New Jersey 07107, the lowest, responsive and responsible bidder; and

**WHEREAS**, the Qualified Purchasing Agent QPA concurs with the recommendation from the Manager of the Department of Public Works, Division of Public Buildings that a single award be made to F and O Mechanical Contractors LLC, 207-209 Berkeley Avenue, Newark, New Jersey 07107, the lowest, responsive and responsible bidder; 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. 19:44A-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.

**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 Business Administrator and/or the Qualified Purchasing Agent, are hereby authorized to enter into and execute a contract with F and O Mechanical Contractors LLC, 207-209 Berkeley Avenue, Newark, New Jersey 07107 to provide Maintenance and Repair HVAC for the City of Newark's Department of Public Works, whose bid was received on the advertised due date and determined to be the lowest, responsive and responsible bidder in accordance with the bid specifications. The term of the contract will be established for a period not to exceed twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15.
2. There shall be no amendment or change of this contract without the approval of the Municipal Council by resolution.
3. 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).

4. 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 NW011-080-0804-71850-B2022. All services performed under this contract shall be paid by the agency requesting the service. Other user departments/offices and applicable funding sources will be presented with the Certification of Funds signed by the Chief Financial Officer on an as needed basis. This contract shall not exceed Two Million Four Hundred Thousand Dollars and Zero Cents (\$2,400,000.00) for One (1) vendor for twenty-four (24) consecutive months with start date commencing when contract is fully executed.
5. The Qualified Purchasing Agent, shall file a copy of the resolution and the duly executed copy of the contract in the Office of the City Clerk
6. 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 Business Administrator and/or the Qualified Purchasing Agent to enter into and execute a contract with F and O Mechanical Contractors LLC, 207-209 Berkeley Avenue, Newark, New Jersey 07107, to provide Maintenance and Repair HVAC to the City of Newark, at an amount not to exceed Two Million Four Hundred Thousand Dollars and Zero Cents (\$2,400,000.00) for a period not to exceed twenty-four (24) consecutive months with the start date commencing upon the full execution of the contract.