



Legislation Details (With Text)

File #: 22-1507 **Version:** 1 **Name:** Fence- Purchase, Installation and Repair
Type: Resolution **Status:** Adopted
File created: 10/18/2022 **In control:** Administration
On agenda: 1/18/2023 **Final action:** 1/18/2023
Title: Dept/ Agency: Administration/ Division of Central Purchasing
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Cooperative Purchasing Agreement
Purpose: To provide Fences: Purchase, Installation and Repair Services from the Educational Services Commission of New Jersey (ESCNJ) Contract #ESCNJ 20/21-37.
Entity Name: Rosando Fence, Inc., t/a Fox Fence Enterprises
Entity Address: 417 Crooks Avenue, Clifton, New Jersey 07011
Contract Amount: Not to exceed \$440,000.00
Funding Source: 2022 Budget/Department of Public Works, Division of Public Buildings/NW011-060-0604-71760-B2022/Department of Water and Sewer Utilities/NW037-750-7502-71770-B2022/Department of Recreation, Cultural Affairs and Senior Services/NW027-32720-B2022-Recreation Open Space Trust Fund/Department of Economic and Housing Development/NW026-BS-32100-Trust Fund
Contract Period: Upon approval of Municipal Council through November 19, 2023, inclusive of any extensions granted by ESCNJ
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient (X) N/A

Additional Information:

This is a Cooperative Purchasing Agreement to provide fences - purchase, installation, and repair services to be used by the Departments of Public Works, Division of Public Buildings, Water and Sewer Utilities, Recreation, Cultural Affairs and Senior Services and Economic and Housing Development.

Additional City Departments that wish to use this contract shall be permitted. Applicable funding sources for other City Departments will be presented with the Certification of Funds signed by the Chief Financial Officer on an as-needed basis.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/18/2023	1	Municipal Council	Adopt	Pass

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WHEREAS, on May 6, 2020 the City of Newark's governing body adopted the Resolution 7R1-F 050620, authorizing the Membership in the Educational Services Commission of New Jersey ("ESCNJ"), 1660 Stelton Rd., Piscataway, New Jersey 08854, a New Jersey State Approved Co-op #65MCESCCPS; and

WHEREAS, the Educational Services Commission of New Jersey ("ESCNJ"), a locally recognized and accepted cooperative purchasing organization, maintains Local Cooperative Agreement Contracts, which are competitively awarded through which members can make purchases; and

WHEREAS, the ESCNJ system was developed for the purpose of utilizing a competitive bidding process to make the procurement process more efficient and provide cost savings to its members; and

WHEREAS, the ESCNJ has offered the City of Newark (the "City") the opportunity to participate in their Cooperative Purchasing System and the membership is currently active and continuous pursuant to the ESCNJ registration renewal and website membership list (attached hereto); and

WHEREAS, the City, through its Qualified Purchasing Agent, wishes to utilize the Educational Services Commission of New Jersey #65MCESCCPS contract #ESCNJ 20/21-37 Fences: Installation and Repair Services from the authorized vendor: Rosando Fence Inc. T/A Fox Fence Enterprises, 417 Crooks Avenue, Clifton, New Jersey 07011 upon approval of this resolution by the Municipal Council through November 19, 2023 inclusive of any contract extensions granted by ESCNJ; and

WHEREAS, usage of this contract will provide fences: purchase, installation and repair services to be used by the Departments of Public Works Division of Public Buildings, Water and

Sewer Utilities, Recreation, Cultural Affairs and Senior Services and Economic and Housing Development at an amount not to exceed Four Hundred Forty Thousand Dollars and Zero Cents (\$440,000.00);and

WHEREAS, the Qualified Purchasing Agent recommends the utilization of this ESCNJ contract award on the grounds that they provide fences: purchase, installation and repair services according to the specifications required by the City of Newark Departments, inclusive but not limited to, Department of Public Works Division of Public Buildings, Water and Sewer Utilities, Recreation, Cultural Affairs and Senior Services and Economic and Housing Development.

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

1. All purchases, Purchase Orders and other related documentation shall be in accordance with the relevant ESCNJ Co-op Contract, including Standard Terms and Conditions, Method of Operation and Third Party Agreement, if applicable, as contained in the Educational Services Commission of New Jersey #65MCESCCPS contract documentation and agreements.
2. There shall be no amendments of this Resolution without the approval of the Municipal Council.
3. There shall be no advance payment on this Educational Services Commission of New Jersey contract in accordance with N.J.S.A. 40A:5-16.
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(d)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order from the following account code lines: 011-060-0604-71760-B2022, 037-750-7502-71770-B2022, 027-32720-B2022- Recreation Open Space Trust Fund and 026-BS-32100- Trust. Other user agencies, departments/offices and applicable funding sources will be presented with the certification of funds signed by the Chief Financial Officer on the as needed basis. This contract shall not exceed Four Hundred Forty Thousand Dollars and Zero Cents (\$440,000.00).
5. 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.
6. The Division of Central Purchasing shall file a duly executed copy of the contract in the Office of the City Clerk, if applicable.
7. If required by State law, the 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 and/or his designees, the Business Administrator and/or the Qualified Purchasing Agent, to purchase Fences - Purchase, Installation and Repair Services through ESCNJ authorized vendor Rosando Fence Inc. T/A Fox Fence Enterprises, 417 Crooks Avenue, Clifton, New Jersey 07011, to be used by the Departments of Public Works Division of Public Buildings, Water and Sewer Utilities, Recreation, Cultural Affairs and Senior Services and Economic and Housing Development for the period commencing upon approval of the Municipal Council through November 19, 2023 at an amount not to exceed Four Hundred Forty Thousand Dollars and Zero Cents (\$440,000.00).