



Legislation Details (With Text)

File #: 23-0401 **Version:** 1 **Name:** Resolution: Waste Management Recycle America UIntermediate Processing Facility

Type: Resolution **Status:** Adopted

File created: 3/10/2023 **In control:** Administration

On agenda: 3/15/2023 **Final action:** 3/15/2023

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(s)
Purpose: To provide for the marketing of recyclable material recovered through a Recycling Program.
Entity Name(s): Waste Management Recycle America Intermediate Processing Facility
Entity Address: 150 St. Charles Street, Newark, New Jersey 07105
Contract Amount: Not to exceed \$1,000,000.00
Funding Source: 2023 Budget/Department of Public Works, Division of Sanitation
Account Code Line: NW011-060-0605-71580-B2023
Contract Period: Upon approval and authorization of the Municipal Council for a period not to exceed one (1) year with four (4) one (1) year options to extend commencing April 1, 2023
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () N/A
Additional Information:
This contract will provide for City's Department of Public Works, Division of Sanitation to enter into an agreement with a vendor for the disposal of its recyclable materials.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/15/2023	1	Municipal Council	Adopt	Pass

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(s)
Purpose: To provide for the marketing of recyclable material recovered through a Recycling Program.
Entity Name(s): Waste Management Recycle America Intermediate Processing Facility
Entity Address: 150 St. Charles Street, Newark, New Jersey 07105
Contract Amount: Not to exceed \$1,000,000.00
Funding Source: 2023 Budget/Department of Public Works, Division of Sanitation
Account Code Line: NW011-060-0605-71580-B2023
Contract Period: Upon approval and authorization of the Municipal Council for a period not to exceed one (1) year with four (4) one (1) year options to extend commencing April 1, 2023
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () N/A
Additional Information:
This contract will provide for City's Department of Public Works, Division of Sanitation to enter into an agreement with a vendor for the disposal of its recyclable materials.

WHEREAS, the City of Newark (the “City”) requires a Class A Recycling Facility for the receipt, marketing, processing and/or disposal of the City of Newark’s recyclable materials; and

WHEREAS, the current contract with F. Basso Jr. Rubbish Removal expires on April 1, 2023, and the Department of Public Works, Division of Sanitation will commence the collection of the recyclable materials throughout the City at such time; and

WHEREAS, three (3) quotes were received, by the City, from Class A recycling facilities approved to operate by the Essex County Utilities Authority: (1) Giordano Company Inc.; (2) Recycling City; and (3) Waste Management Recycle America Intermediate Processing Facility; and

WHEREAS, the Department of Public Works intends to award and enter into an Agreement with Waste Management Recycle America Intermediate Processing Facility, 150 St. Charles Street, Newark, New Jersey 07105 for the receipt, marketing, processing and/or disposal of the City’s recyclable materials; and

WHEREAS, Local Public Contract Law allows the City’s Department of Public Works, Division of Sanitation, pursuant to N.J.S.A. 40A:11-5(s), may by resolution and without advertising for bids, contract for the receipt, marketing, processing and/or disposal of Recyclable Materials that have been transported to a Class A Recycling Center; and

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

1. The Mayor of the City of Newark and/or his designee, the Business Administrator authorizes the Acting Director of the Department of Public Works to enter into an Agreement with Waste Management Recycle America Intermediate Processing Facility, 150 St. Charles Street, Newark, New Jersey 07105, for the receipt, marketing, processing and/or disposal of the City’s recyclable materials from the City’s Department of Public Works, Division of Sanitation. The term of the Agreement will be established for one (1) year with four (4) one (1) year options to extend and to commence on April 1, 2023, at a cost not to exceed One Million Dollars and Zero Cents (\$1,000,000.00) and subject to municipal budgets adopted in subsequent years, pursuant to Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and pursuant to N.J.S.A. 40A:11-15(s) and pursuant to N.J.S.A. 40A:11-15(3).
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a Partial Certification of Funds issued by the Director of the Department of Finance, which states that funds in the amount of One Thousand Dollars and Zero Cents (\$100,000.00) are available under Business Unit NW011, Department ID 060, Division 0605, Account 71580, Budget Year 2023. The Certification shall be filed along with the original Resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2023 Budget and funds will be certified prior to services being provided by the contractor.
3. This contract is awarded without competitive bidding as an “Exception” in accordance with N.J.S.A. 40A:11-5 (s) of the Local Public Contract Law.
4. A copy of the fully executed contract shall be filed in the Office of the City Clerk by the Acting

Director of the Department of Public Works and shall be made available for public inspection.

5. Waste Management Recycle America Intermediate Processing Facility, has completed and submitted a Business Entity Disclosure Certifications, which shall be placed on file in the Office of the City Clerk by the Acting Director of the Department of Public Works, certifying that Waste Management Recycle America Intermediate Processing Facility has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit Waste Management Recycle America Intermediate Processing Facility, from making any reportable contributions through the term of the contract.
6. There shall be no amendment of this contract without prior approval of the Municipal Council.
7. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
- 8.. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of its passage.

STATEMENT

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator and/or the Acting Director of Public Works, to accept the proposal and enter into and execute an Agreement with Waste Management Recycle America Intermediate Processing Facility, 150 St. Charles Street Newark, New Jersey 07105, for the receipt, marketing, processing and/or disposal of the City's recyclable materials for the Department of Public Works, Division of Sanitation in a contract amount not to exceed \$1,000,000.00 for a period not to exceed one (1) year with four (4) one (1) year options to extend commencing April 1, 2023.