



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-0070, Version: 1

Dept/ Agency: Administration/Division of Central Purchasing

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Use of State Contract(s) # 82768 and 82765

Purpose: Ultra Low Sulfur Diesel and Biodiesel Fuel

Entity Name(s)/Address(s): 1. National Terminal Inc., 175 Orange Street, Newark, New Jersey 07103, 2. Taylor Oil Co Inc., 77 Second Street, Somerville, New Jersey 08876

Contract Amount: Not to Exceed \$425,000.00

Funding Source: City of Newark Budget/ Department(s) of Engineering and Neighborhood and Recreational Services and Water and Sewer Utilities Budget

Contract Period: Upon authorization by Municipal Council through October 31, 2013, inclusive of extensions by the State

Contract Basis: () Bid (X) State Vendor () Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Entity Name/Address: Additional Information:

WHEREAS, the City of Newark through its Purchasing Director wishes to utilize the *Ultra Low Sulfur Diesel (ULSD) and Biodiesel* contract, to purchase products or services from an authorized vendor under the New Jersey Cooperative Purchasing Program 1-NJCP, pursuant to N.J.A.C. 5:34-7.29; and

WHEREAS, the purchase of goods/services by Local contracting units is authorized by Local Public Contracts Law, N.J.S.A. 40A: 11-12; and

WHEREAS, in accordance with N.J.S.A. 40A:11-11(5), N.J.S.A. 52:25-16.1 et seq. and N.J.A.C. 5:34-1.7, all Cooperative Purchasing Program participants are responsible for ensuring that the Purchase Order issued reflects the correct contract item pricing and that payment is processed accordingly. Only the items/services specified in the applicable State contract(s) may be purchased from the contract vendor(s) of record. Cooperative Purchasing participants assume full responsibility for all purchase transactions issued through State contracts, including Purchase Orders, delivery compliance, and payments; and

WHEREAS, the State awarded this contract for the purchase of Ultra Low Sulfur Diesel (ULSD) by county and the Biodiesel by region, with the City of Newark being located in the County of Essex and the Northern Region; and

WHEREAS, the City wishes to utilize this contract with the following vendors commencing adoption of this resolution through October 31, 2013, inclusive of any subsequent extensions to the term of the contract:

82768, National Terminal, Inc., 175 Orange Street, Newark, New Jersey 07103 **for Ultra Low Sulfur Diesel (ULSD)**

82765, Taylor Oil Co. Inc., 77 Second Street, Somerville, New Jersey 08876 **for Biodiesel**

WHEREAS, the Purchasing Director recommends the utilization of this state contract award on the grounds that it provides Ultra Low Sulfur Diesel (ULSD) and Biodiesel, according to specifications required by the City of Newark; and

WHEREAS, the total cost for the purchase of Ultra Low Sulfur Diesel (ULSD) and Biodiesel, is expected not to exceed \$425,000.00; and

WHEREAS, usage of this contract provides Ultra Low Sulfur Diesel (ULSD) and Biodiesel as required by the City of Newark's diesel and/or biodiesel burning vehicles; and

WHEREAS, the Chief Financial Officer will certify the availability of funds before orders are placed.

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

1. Pursuant to N.J.S.A. 40A:11-1 *et seq.*, and N.J.A.C. 5:34-7.29, the Purchasing Director is authorized to utilize contract # 82768, National Terminal Inc., 175 Orange Street, Newark, New Jersey 07103 and # 82765, Taylor Oil Co. Inc., 77 Second Street, Somerville, New Jersey 08876, to provide ULTRA LOW SULFUR DIESEL (ULSD) AND BIODIESEL, for the period commencing from the adoption of this resolution through October 31, 2013, inclusive of any subsequent extensions to the term of this State Contract

2. There shall be no amendment of this resolution without the approval of the Municipal Council.

3. There shall be no advance payment on this state contract in accordance with N.J.S.A. 40A: 5-16. Funds for expenditures under this contract are contingent upon appropriation; pursuant to N.J.A.C. 5:30-5.5(c).

4. This contract is awarded as an open-ended contract under N.J.A.C. 5:30 (c) and pursuant to N.J.A.C. 5:30-5.5(d(2)). Certification of the Availability of Funds shall be executed by purchase order; each time an order is placed and charged against this contract. This contract shall not exceed \$425,000.00 inclusive of subsequent extensions to the term of contract by the State.

5. This contract complies with Local Pay- to- Play, N.J.S.A. 19:44A-20.5 as a State Contract award and constitutes a fair and open procedure.

6. The Purchasing Director shall forthwith file a duly executed copy of the contract in the Office of the City Clerk.

7. If required by the State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than 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 usage of a state contract award to National Terminal Inc., and Taylor Oil Co. Inc., to provide for the purchase of Ultra Low Sulfur Diesel (ULSD) and Biodiesel, for the period commencing from the adoption of this resolution through October 31, 2013, inclusive of any subsequent extensions to the term, at a cost not to exceed \$425,000.00.