Legislation Text

File #: 17-1614, **Version:** 1

Dept/ Agency: Administration/Division of Central Purchasing
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Type of Service: Use of State Contract(s) T-2784, Skid Steer Loader, with Quick-Detach Bucket, Various Attachments & Trailer
Purpose: Purchase of One (1) 2017 or newer New Holland L228 Skid Loader with enclosed cab
Entity Name(s)/Address(s): Cherry Valley Tractor Sales, 35 Route 70 W. Marlton, New Jersey 08053-3009
Contract Amount: Amount not to exceed $61,204.41
Funding Source: Capital Budget/ Department of Public Works Fund: NW045; 17G; 17A18; 94710; B2017
Contract Period: Upon approval by Municipal Council through November 8, 2017 inclusive of extensions by the State
Contract Basis: ( ) Bid (X) State Vendor ( ) Prof. Ser. ( ) EUS
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) N/A
Additional Information:
One (1) Purchase Order has already been issued for the full cost of the contract (copy attached), and therefore, pursuant to N.J.A.C. 5:30-5.4(a)(6), the certification of availability of funds was executed through the budgetary accounting encumbrance process.

WHEREAS, the City of Newark's Department of Public Works is in need of one (1) "2017 or newer New Holland L228 Skid Loader with enclosed cab" (see "Award Letter" and "Recommendation Letter" attached hereto); and

WHEREAS, the City of Newark, through its Supervising Procurement Specialist, QPA, wishes to utilize a certain State Cooperative Purchasing Contract, more specifically, Term Contract T-2784, Skid Steer Loader, with Quick-Detach Bucket, Various Attachments & Trailer, as amended (hereinafter referred to as the "State Contract" (copy attached)), to purchase one (1) "2017 or newer New Holland L228 Skid Loader with enclosed cab" 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, and Cooperative Purchasing participants assume full responsibility for all purchase transactions issued through State contracts, including Purchase

Orders, delivery compliance, and payments; and

WHEREAS, the Supervising Procurement Specialist, QPA recommends the utilization of the State Contract with vendor Cherry Valley Tractor Sales 35 Route 70 W, Marlton, New Jersey 08053-3009, to purchase one (1) "2017 or newer New Holland L228 Skid Loader Quick-Detach Bucket, Various Attachments & Trailer and enclosed cab," commencing upon adoption of this resolution through completion of delivery, which shall be no later than November 8, 2017; and

WHEREAS, the vehicle being purchased meet the specifications required by the City of Newark, Department of Public Works; and

WHEREAS, usage of this State contract provides the required one (1) "2017 or newer New Holland L228 Skid Loader with enclosed cab" at a total cost not to exceed $61,204.41.

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 Mayor and/or his designee, the Supervising Procurement Specialist, QPA are hereby authorized to utilize State Contract T-2784, Skid Steer Loader, With Quick-Detach Bucket, Various Attachments & Trailer, as amended, with vendor Cherry Valley Tractor Sales, 35 Route 70 W, Marlton, New Jersey 08053-3009, to purchase one (1) "2017 or newer New Holland L228 Skid Loader, with Quick-Detach Bucket, Various Attachments & Trailer and enclosed cab," at a cost not to exceed $61,204.41, commencing upon the adoption of this resolution, through completion of deliveries, which shall be no later than November 8, 2017.

2. All purchases, Purchase Orders and other related documentation shall be in accordance with the State Contract T-2784 and State of New Jersey Standard Terms and Conditions (copy attached), Method of Operation and Third Party Agreement/Three Party Agreement (if applicable) as contained in the State Contract Documentations and Agreements.

3. There shall be no amendment of this contract without the approval of the Municipal Council by resolution.

4. There shall be no advance payment on this State contract in accordance with N.J.S.A. 40A: 5-16.

5. Funds for the purchase of this equipment are encumbered on purchase order NW045 #0000002484 Capital Fund NW045; 17G; 17A18; 94710; B2017 for $61,204.41 (copy of said Purchase Order is attached). This contract shall not exceed a total of $61,204.41.

6. 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.

7. A copy of the executed State Contract is provided and attached hereto, to the City Clerk by the City's Supervising Procurement Specialist, QPA.

8. 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 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 Supervising Procurement Specialist, QPA, to utilize State Cooperative Purchasing Contract T-2784, as amended, pursuant to which the City will purchase from Cherry Valley Tractor Sales, 35 Route 70 W, Marlton, New Jersey 08053-3009 one (1) “2017 or newer New Holland L228 Skid Loader with Quick-Detach Bucket, Various Attachments & Trailer and enclosed cab,” for a total cost not to exceed $61,204.41, commencing upon adoption of this resolution through completion of deliveries, which shall be no later than November 8, 2017.

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