



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 19-0354, Version: 1

**Dept/ Agency:** Administration/Division of Central Purchasing

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

**Type of Service:** Use of State Contract(s) M-8001 Walk-In Building Supplies, with the following vendor: #A83930 Home Depot Inc. 2455 Paces Ferry Road, Two Paces West, Atlanta, Georgia 30339

**Purpose:** To increase the amount of the Contract for the Department of Health and Community Wellness as a User Agency

**Entity Name(s)/Address(s):** Home Depot Inc., 2455 Paces Ferry Road, Two Paces West, Atlanta, Georgia 30339

**Contract Amount:** Not to exceed the amended amount of \$800,000.00

**Funding Source:** NW051-G18-3H8EO-7128

**Contract Period:** Upon approval by Municipal Council through December 31, 2021, 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

**Additional Information:**

Original Resolution 7R1-b was adopted on July 12, 2017 for an amount not to exceed \$500,000.00.

Resolution 7R1-n(as) was adopted on June 20, 2018 increasing the usage amount by \$100,00.00 and adding the Department of Health and Community Wellness as a User Agency.

This resolution is an amendment to increase the contract amount by \$200,000.00 as requested by the Department of Health and Community Wellness, for a total contract amount not to exceed \$800,000.00.

**WHEREAS**, on July 12, 2017, the City of Newark Municipal Council adopted Resolution 7R1-b, authorizing certain City Departments to utilize State Contract M-8001, Walk-In Building Supplies, to purchase a broad range of locally purchased building supplies from Home Depot Inc. under the New Jersey Cooperative Purchasing Program 1-NJCP, pursuant to N.J.A.C. 5:34-7.29, for the period of July 12, 2017 through July 31, 2017, inclusive of any extensions by the State, at a cost not to exceed Five Hundred Thousand Dollars and Zero Cents (\$500,000.00); and

**WHEREAS**, on June 20, 2018, the City of Newark Municipal Council adopted Resolution 7R1-n(AS), authorizing an amendment to increase the contract amount by One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for the Department of Health and Community Wellness to utilize State Contract M-8001, Walk-In Building Supplies, to purchase a broad range of locally purchased building supplies from Home Depot Inc. under the New Jersey Cooperative Purchasing Program 1-NJCP, pursuant to N.J.A.C. 5:34-7.29, for the period of July 12, 2017 through July 31, 2021, inclusive of any extensions by the State, at a cost not to exceed Six Hundred Thousand Dollars and Zero Cents (\$600,000.00); and

**WHEREAS**, the Department of Health and Community Wellness desires to utilize the awarded

State Contract to Home Depot, Inc., Contract #83930, from the date of adoption of this resolution by the Municipal Council through December 31, 2021, to expend grant funds allocated for lead; and

**WHEREAS**, the Department of Health and Community Wellness is seeking to amend Term Contract M-8001 to increase the previously approved amount of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) by Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) to enable the Department of Health and Community Wellness to use and benefit from this contract; and

**WHEREAS**, the Qualified Purchasing Agent (QPA) recommends that the Municipal Council approve the request to increase the amount previously approved for Term Contract M-8001 by Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) for the Department of Health and Community Wellness for an amended total not to exceed Eight Hundred Thousand Dollars and Zero Cents (\$800,000.00); and

**WHEREAS**, the purchase of goods/services by Local contracting units through State contracts comply 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 and are authorized by Local Public Contracts Law, N.J.S.A. 40A: 11-12.

**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, Resolution 7R1-b, adopted on July 12, 2017, and Resolution 7R1-n(as), adopted on June 20, 2018, are hereby amended and the QPA is authorized to increase the previously approved amount of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), for Term Contract M-8001, by Two Hundred Thousand Dollars and Zero Cents (\$200,000) for an amended combined total amount not to exceed Eight Hundred Thousand Dollars and Zero Cents (\$800,000.00), to purchase goods and services from Home Depot Inc., 2455 Paces Ferry Road, Two Paces West, Atlanta, Georgia 30339, under the New Jersey Cooperative Purchasing Program 1-NJCP.
2. The term of this amended contract shall be for the period upon authorization by the Municipal Council through December 31, 2021, the recent extension date authorized by the State for a total contract amount not to exceed Eight Hundred Thousand Dollars and Zero Cents (\$800,000.00).
3. All purchases shall be in accordance with N.J.S.A. 52:25-16.1 et seq. The QPA is responsible for ensuring that the Purchase Order issued reflects the correct contract item pricing and that payment is processed accordingly. Only those items/services specified in the applicable State contract(s) may be purchased from the contract vendor(s) of record.

4. All purchases, Purchase Orders, and other related documentation shall be in accordance with the relevant State Contract, State of New Jersey Standard Terms and Conditions, Method of Operation and Third Party Agreement/Three Party Agreement (if applicable) as contained in the State Contract Documentations and Agreements.
5. The QPA shall review all documents, price quotes, and scope of work submitted by the vendors to ensure that the terms in the quotes do not conflict with the terms of the State contract.
6. There shall be no amendment of this resolution without the approval of the Municipal Council.
7. There shall be no advance payment on this State contract in accordance with N.J.S.A. 40A: 5-16.
8. 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 available 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 from the following Account Line: NW051-G18-3H8EO-7128.
9. 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.
10. The Purchasing Division shall forthwith file a duly executed copy of the Notice of Contract Award from the State in the Office of the City Clerk, if applicable.
11. If required by State Law, the City Clerk shall provide the appropriate notice of the award of this contract usage 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 an amendment to Resolution 7R1-b, adopted on July 12, 2017, and Resolution 7R1-n(as), adopted on June 20, 2018, to increase the previously approved contract amount of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), for Term Contract M-8001, by Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) for an amended combined total amount not to exceed Eight Hundred Thousand Dollars and Zero Cents (\$800,000.00), to purchase goods/services from Home Depot Inc., Contract #83930, under the New Jersey Cooperative Purchasing Program 1-NJCP.