



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1155, **Version:** 1

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(3) Negotiated contract after no bids received/exceeds cost estimates

Purpose: To provide catered nutritional lunches for the Senior Nutrition Program.

Entity Name: Bevaris Alliance NE, LLC

Entity Address: 55 Eagle Rock Avenue, East Hanover, New Jersey 07936

Contract Amount: \$221,200.00

Funding Source: 2019 Budget/Department of Recreation, Cultural Affairs and Senior Services

Account Code Line: NW011-160-1609-53210-B2019

Contract Period: To be established for a period not to exceed twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15

Contract Basis: (X) Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () N/A

Additional Information:

1st Advertisement: October 30, 2018

Bids Solicited: Eight (8)

Bids Received: Zero (0)

2nd Advertisement: November 13, 2018

Bids Solicited: Eight (8)

Bids Received: Zero (0)

3rd Advertisement: March 30, 2019

Bids Solicited: Eight (8)

Bids Received: Five (5)

Bids Rejected: Five (5)

Negotiation: June 12, 2019

This contract will be used to provide catered nutritional lunches for the Senior Nutrition Program for The Department of Recreation, Cultural Affairs and Senior Services - Locations: Nellie Grier - 98-104 Maple Avenue; Ironbound Senior Center - 226 Rome Street; Vince Lombardi - 201 Bloomfield Avenue; and Boylan Recreation - 916 South Orange Avenue.

Two-Thirds vote of full membership required.

WHEREAS, on October 30, 2018, the City of Newark, through its Purchasing Agent, advertised to solicit bids for contractors to provide catered nutritional lunches for the Senior Nutrition Program for the Department of Recreation, Cultural Affairs and Senior Services (RCASS); and

WHEREAS, the Division of Central Purchasing distributed eight (8) bid proposal packages to prospective vendors following the date of advertisement and posted the bid proposal package to the

City of Newark's bid management website; and

WHEREAS, on November 8, 2018, the Division of Central Purchasing received zero (0) bids in response to this advertisement; and

WHEREAS, on November 13, 2018, the City of Newark, through its Purchasing Agent, re-advertised to solicit bids for contractors to provide catered nutritional lunches for the Senior Nutrition Program for RCASS; and

WHEREAS, the Division of Central Purchasing distributed eight (8) bid proposal packages to prospective vendors following the date of advertisement and posted the bid proposal package to the City of Newark's bid management website; and

WHEREAS, on November 29, 2018, the Division of Central Purchasing received zero (0) bids in response to this advertisement; and

WHEREAS, on March 20, 2019, the City of Newark, through its Purchasing Agent, re-advertised to solicit bids for contractors to provide catered nutritional lunches for the Senior Nutrition Program for RCASS; and

WHEREAS, the Division of Central Purchasing distributed eight (8) bid proposal packages to prospective vendors following the date of advertisement and posted the bid proposal package to the City of Newark's bid management website; and

WHEREAS, on April 4, 2019, the Division of Central Purchasing received five (5) bids in response to this advertisement and all bids were rejected to substantially revise the specifications for the Senior Nutrition Program in accordance with N.J.S.A. 40A:11-13.2(d); and

WHEREAS, under Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(3), contract may be negotiated and awarded without public advertising for bids and bidding thereof if bids have been advertised on two (2) occasions and no bids have been received or the governing body has rejected such bids on two (2) occasions because it has determined that the bids are not reasonable as to price based on the cost estimates prepared for or by the contracting agent prior to advertising for bidding, or there has been a combination of the two (2); and

WHEREAS, the City of Newark has now unsuccessfully received bids for the Senior Nutrition Program on two (2) occasions as no responsible bids were received on November 8, 2018 and November 29, 2018, and rejected (5) bids because the bids were not reasonable as to price; and

WHEREAS, the Purchasing Agent, in consultation with the Director of RCASS, desire to negotiate and award a contract to provide catered lunches for the Senior Nutrition Program in order to avoid the cost, time and energy of rebidding; and

WHEREAS, Panzz LLC, Bevaris Alliance NE LLC, Nu-Way Concessionaires Inc., and 4 Seasons Café L.L.C. responded to the request for negotiations; and

WHEREAS, on June 12, 2019, a contract negotiation meeting was scheduled with the Purchasing Agent, Director of RCASS, Panzz LLC, Bevaris Alliance NE LLC, Nu-Way

Concessionaires Inc., and 4 Seasons Café L.L.C.; and

WHEREAS, as a result of the negotiations held on June 12, 2019, the Purchasing Agent and the Director of RCASS recommended that an award be made to Bevaris Alliance NE LLC to provide catered nutritional lunches for the Senior Nutrition Program; and

WHEREAS, pursuant to N.J.S.A. 40A:11-24, Bevaris Alliance NE LLC consent to holding the negotiated prices until such time as an award is made, as the law permits; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., solicitations through public bidding in accordance with N.J.S.A. 40A:11-1 et seq. meets the requirements of the fair and open process; and

WHEREAS, by letter dated June 24, 2019, the Purchasing Agent affirms that the award as set forth herein is legally appropriate and in accordance with N.J.S.A. 40A:11-5(3).

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

1. The Mayor and/or his designee, the Purchasing Agent, are authorized to enter into a contract with Bevaris Alliance NE LLC, 55 Eagle Rock Avenue, East Hanover, New Jersey 07936, to provide catered nutritional lunches for the Senior Nutrition Program for the Department of Recreation, Cultural Affairs and Senior Services, whose contract was negotiated on June 12, 2019. The term of the contract will be for a period not to exceed twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15.
2. In accordance with the provisions of N.J.S.A. 40A:11-5(3), the contract to provide catered nutritional lunches for the Senior Nutrition Program is awarded to Bevaris Alliance NE LLC.
3. There shall be no amendments or changes of this contract without the approval of the Municipal Council by resolution.
4. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16. Funds for 2019 and subsequent years are contingent upon appropriations, pursuant to N.J.A.C. 5:30-5.5(d).
5. This is an open-end contract to be used as needed during the term of the contract. 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(b)(2), shall be executed before a contractual liability is incurred each time an order is placed from Account Code Line: NW011-160-1609 -53210-B2019; covering the cost of the order. This contract shall not exceed Two Hundred Twenty-One Thousand Two Hundred Dollars and Zero Cents (\$221,200.00) for a period not to exceed twenty-four (24) consecutive months.
6. The Purchasing Agent shall file a duly executed copy of this contract in the Office of the City Clerk.
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 designee, the Purchasing Agent, to enter into and execute a contract with Bevaris Alliance NE LLC, 55 Eagle Rock Avenue, East Hanover, New Jersey 07936 to provide catered nutritional lunches for the Senior Nutrition Program for the Department of Recreation, Cultural Affairs and Senior Services at a cost not to exceed Two Hundred Twenty-One Thousand Two Hundred Dollars and Zero Cents (\$221,200.00) for a period not to exceed twenty-four (24) consecutive months.