



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 19-1032, 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

**Purpose:** Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses)

**Entity Name:** Academy Express, LLC

**Entity Address:** 111 Paterson Avenue, Hoboken, New Jersey 07030

**Contract Amount:** \$600,000.00

**Funding Source:** 2019 Budget/Department of Recreation, Cultural Affairs and Senior Services/NW011-160-1606-71810/NW011-160-1608-71810-71810/ NW011-160-1609-71810

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

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

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

( ) Private Sale ( ) Grant ( ) Sub-recipient (X) N/A

**Additional Information:**

1st Advertisement: November 27, 2018

Bids Solicited: Fifteen (15)

Bids Received: Two (2)

Bids Rejected: Two (2)

2nd Advertisement: January 15, 2019

Bids Solicited: Four (4)

Bids Received: Zero (0)

3rd Advertisement: February 13, 2019

Bids Solicited: Five (5)

Bids Received: Zero (0)

Negotiation Meeting: March 19, 2019

**WHEREAS**, on November 27, 2018 the City of Newark, through its Purchasing Agent, advertised to solicit bids for contracts to provide Transportation of the Elderly (Senior Coach Transportation) for the Department of Recreation, Cultural Affairs and Senior Services; and

**WHEREAS**, the Division of Central Purchasing distributed fifteen (15) bid proposal packages to prospective vendors following the date of advertisement and posted the bid proposal package to the LGS Bid Management System allowing registered prospective vendors to download the bid proposal package; and

**WHEREAS**, on December 13, 2018, the Division of Central Purchasing received two (2) bids in response to this advertisement and both bids were rejected due to vendors not bidding in

accordance with the price schedules and specifications; and

**WHEREAS**, the Department of Recreation, Cultural Affairs and Senior Services revised the bid specifications and title of bid to include handicap buses; and

**WHEREAS**, on January 15, 2019, the City of Newark, through its Purchasing Agent, advertised to solicit bids for contractors to provide Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses) for the Department of Recreation, Cultural Affairs and Senior Services; and

**WHEREAS**, the Division of Central Purchasing distributed four (4) bid proposal packages to prospective vendors following the date of advertisement and posted the bid proposal package to the LGS Bid Management System allowing registered prospective vendors to download the bid proposal package; and

**WHEREAS**, on January 31, 2019, the Division of Central Purchasing received zero (0) bids in response to this advertisement; and

**WHEREAS**, on February 13, 2019, the City of Newark, through its Purchasing Agent, re-advertised to solicit bids for contractors to provide Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses) for the Department of Recreation, Cultural Affairs and Senior Services; and

**WHEREAS**, the Division of Central Purchasing distributed five (5) bid proposal packages to prospective vendors following the date of advertisement and posted the bid proposal package to the LGS Bid Management System where registered prospective vendors may download; and

**WHEREAS**, on February 28, 2019, the Division of Central Purchasing received zero (0) bids in response to this re-advertisement; and

**WHEREAS**, under Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(3), a contract may be negotiated and awarded without public advertising for bids and bidding therefor 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 Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses) on two (2) occasions as no responsible bids were received on January 31, 2019 or February 28, 2019; and

**WHEREAS**, the Purchasing Agent, in consultation with the Director of the Department of Recreation, Cultural Affairs and Senior Services, desires to negotiate and award a contract to provide Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses) in order to avoid the costs, time and energy of rebidding; and

**WHEREAS**, Academy Express LLC responded to the request for negotiations; and

**WHEREAS**, on March 19, 2019, a contract negotiation meeting was scheduled with the Purchasing Agent, Director of the Department of Recreation, Cultural Affairs and Senior Services and the Director of Sales for Academy Express LLC; and

**WHEREAS**, as a result of the negotiation meeting held on March 19, 2019, the Purchasing Agent and the Director of the Department of Recreation, Cultural Affairs and Senior Services recommended that an award be made to Academy Express LLC, to provide Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses); and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-24, Academy Express LLC consented 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 August 5, 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 Academy Express LLC, 111 Paterson Avenue, Hoboken, New Jersey 07030, to provide Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses), for the Department of Recreation, Cultural Affairs and Senior Services, whose contract was negotiated on March 19, 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 Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses) is awarded to Academy Express 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 Lines: (1) NW011-160-1606-71810, (2) NW011-160-1608-71810, and (3) NW011-160-1609-71810; covering the amount of the order. This contract shall not exceed Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) 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 the 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 Academy Express LLC, 111 Paterson Avenue, Hoboken, New Jersey 07030 to provide Bus Transportation of the Elderly (Regular Coach Buses and Handicapped Coach Buses) for the Department of Recreation, Cultural Affairs and Senior Services at a cost not to exceed Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) for a period not to exceed twenty-four (24) consecutive months.