



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 22-0267, Version: 1

Dept/ Agency: Administration/ Division of Central Purchasing

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

Type of Service: Cooperative Purchasing Agreement

Purpose: To purchase five (5) 2023 or newer International 4300 ISB Street Sweepers for the Department of Public Works through HGAC Co-op Contract #SW04-20.

Entity Name: Tymco, Inc.

Entity Address: 225 East Industrial Boulevard, Waco, Texas 76705

Contract Amount: Not to exceed \$1,697,525.00

Funding Source: 2020 and 2021 Budgets/Department of Public Works/Capital Project

Expenditure/NW045-21A-21A00-A-94710-B2021/NW051-G20-N20B0-A-94350-B2020/NW051-G20-N20B0-A-71280-B2020

Contract Period: Commencing upon Municipal Council approval, until the date of complete delivery

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:

To utilize HGAC Cooperative Contract #SW04-20 to purchase five (5) 2023 or newer International 4300 ISB Street Sweepers with three (3) years extended warranty for the Department of Public Works, which will improve product quality and increase efficiency.

This is a one-time purchase; the Purchase Order is the contract.

WHEREAS, the Municipal Council (the "City") authorized the joining of the Houston-Galveston Area Council ("H-GAC" or "H-GACBuy") by Resolution 7R1-c adopted on January 6, 2016; and

WHEREAS, the City, in furtherance of its goals to search for lower costs, greater efficiency and improved product quality, wishes to enter into a contract for cooperative purchasing; and

WHEREAS, cooperative purchasing is an inclusive term used to describe all purchasing systems where two or more local contracting units join together for the provision or performance of goods or services as provided for by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the purchase of goods or services by two (2) or more contracting units increases proportionate saving in costs gained by an increased level of production; and

WHEREAS, the City, a sub-political body of the State of New Jersey is permitted to join Cooperative Purchasing Programs, pursuant to N.J.S.A. 52:34-6.2(b)(3); and

WHEREAS, the H-GAC, a nationally recognized and accepted cooperative purchasing organization, maintains National Cooperative Agreement Contracts, which are competitively awarded through which members can make purchases; and

WHEREAS, the H-GAC system was developed for the purpose of utilizing a competitive bidding process to make the procurement process more efficient and provide cost savings to its members; and

WHEREAS, the H-GAC has offered the City the opportunity to participate in the Cooperative Purchasing System for the procurement of five (5) 2021 or newer International 4300 ISB Street Sweepers; and

WHEREAS, the City's membership in H-GAC has been confirmed active; and

WHEREAS, the Department of Public Works requests to utilize the membership in the H-GAC to purchase five (5) 2023 or newer International 4300 ISB Street Sweepers from Tymco, Inc., 225 East Industrial Boulevard, Waco, Texas 76705, holder of an authorized H-GAC contract #SW04-20; and

WHEREAS, the Division of Central Purchasing has conducted due diligence to determine if the contract will result in cost savings after all factors, including charges for service, material and delivery, have been considered, to ensure there is documentation to support this determination (attached hereto); and

WHEREAS, the Qualified Purchasing Agent, QPA, recommends the usage of this contract to facilitate the needs of the City to procure five (5) 2023 or newer International 4300 ISB Street Sweepers for the Department of Public Works; and

WHEREAS, on May 15, 2020 the Division of Central Purchasing advertised the City's intention to enter into an agreement with Tymco, Inc., under Contract SW04-20, for the purchase of street sweepers for the Department of Public Works (attached hereto).

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

1. The Mayor of the City of Newark and/or his designees, the Qualified Purchasing Agent, QPA and/or the Business Administrator are hereby authorized to enter into and execute an agreement under Contract SW04-20, to purchase from Tymco, Inc., 225 East Industrial Boulevard, Waco, Texas 76705, under the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, five (5) 2023 or newer International 4300 ISB Street Sweepers with three (3) years extended warranty at a total cost not to exceed One Million, Six Hundred Ninety-Seven Thousand, Five Hundred Twenty-Five Dollars and Zero Cents (\$1,697,525.00), for the period commencing upon approval of this Resolution by Municipal Council until the date of complete delivery.

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 contract in accordance with N.J.S.A. 40A: 5-16.

4. Attached hereto is a Certification of Funds for the purchase of five (5) 2023 or newer International 4300 ISB Street Sweepers with three (3) years warranty for the Department of Public Works are encumbered from Funding Sources: NW045-21A-21A00-A-94710-B2021/NW051-G20-N20B0-A-94350-B2020/NW051-G20-N20B0-A-71280-B2020 Capital lines. This contract shall not exceed One Million, Six Hundred Ninety-Seven Thousand, Five Hundred Twenty-Five Dollars and Zero Cents (\$1,697,525.00).

5. The Division of Central Purchasing, through the Qualified Purchasing Agent, QPA, shall ensure that the goods and/or services procured through the program comply with applicable laws of the State of New Jersey, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., N.J.S.A. 52:34-6.2 (B)(3) and all other provisions of the revised statutes of the State of New Jersey.

6. A duly executed copy of the Cooperative Purchasing Contract agreement between H-GAC and Tymco, Inc. is provided herewith by the Purchasing Agent, QPA.

7. The Qualified Purchasing Agent, QPA, will file a duly executed copy of the encumbering purchase order with this Resolution, in the Office of the City Clerk.

8. This contract complies with Local Pay-to-Play, N.J.S.A. 19:44A-20.5 and constitutes a Fair and Open Procedure.

9. If required by State law, the City Clerk shall provide appropriate notice of award of this acquisition to the State Comptroller no later than twenty (20) business days following such authorization, 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 of the City of Newark and/or his designees, the Purchasing Agent, QPA and/or the Business Administrator to enter into and execute a contract with Tymco, Inc., 225 East Industrial Boulevard, Waco, Texas 76705, for the purchase of five (5) 2023 or newer International 4300 ISB Street Sweepers under the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, at a cost not to exceed \$1,697,525.00, for the benefit of the Department of Public Works, for the period commencing upon approval of this Resolution by Municipal Council until the date of complete delivery.