Legislation Text

File #: 25-1106, **Version:** 1

Dept/ Agency: Administration/Division of Central Purchasing
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Type of Service: Use of State Contract(s) M8001 Walk-in Building Supplies #18-FLEET-00234 and #23-FLEET-22885
Purpose: To provide Walk-in Building Supplies
Entity Name(s)/Address(s):
1. Home Depot USA Inc., 2455 Paces Ferry Road, Atlanta, GA 30339
2. Lowes Home Centers LLC.1000 Lowe's Boulevard, Mooresville, NC 28117

Contract Amount: Not to Exceed $300,000.00
Funding Source: 2025 Budget/Department of Water and Sewer Utilities/NW037-750-7502-83730-B2025-B2026 and NW038-800-8003-83740-B2025-B2026
Contract Period:
1. Home Depot USA Inc., commencing upon Municipal Council approval through December 31, 2026, inclusive of any extensions granted by the State
2. Lowes Home Centers LLC. commencing upon Council approval through July 31, 2027, inclusive of any extensions granted 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:
This State Contract will provide Walk-in Building Supplies for the Department of Water and Sewer Utilities.

WHEREAS, N.J.S.A. 40A:11-12 authorizes local contracting units to purchase goods and services without advertising for bids when such purchases are made pursuant to a contract awarded by the Division of Purchase and Property in the New Jersey Department of the Treasury; and

WHEREAS, based upon a request of the Director of the Department of Water and Sewer Utilities, the City of Newark, through its Purchasing Agent, recommends utilizing State Contract M8001 Walk-in Building Supplies#18-FLEET-00234 and #23-FLEET-22885 to enter into agreements with Home Depot USA Inc., 2455 Paces Ferry Road, Atlanta, GA 30339 and Lowes Home Centers LLC., 1000 Lowe's Boulevard, Mooresville, NC 28117 to provide walk-in building Supplies for the Water and Sewer Department; and

WHEREAS, N.J.A.C. 5:34-7.29 requires that the terms and conditions of such purchases, including pricing and payment, be binding on the local contracting unit and the vendor and that the identifier NJCP-1 be used by all contracting units purchasing under the Division of Purchase and Property's Cooperative Purchasing Program; and

WHEREAS, funding for these purchases will be provided from the Department of Water and Sewer Utilities accounts NW037-750-7502-83730-B2025-B2026 and NW038-800-8003-83740-B2025-B2026

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:12 and N.J.A.C. 5:34-7.29, the Mayor and/or his designees, the Business Administrator or the Qualified Purchasing Agent, are hereby authorized to utilize State Contract M8001 Walk-in Building Supplies #18-FLEET-00234 and #23-FLEET-22885 to enter into agreements with Home Depot USA Inc., 2455 Paces Ferry Road, Atlanta, GA 30339, and Lowes Home Centers LLC., 1000 Lowe's Boulevard, Mooresville, NC 28117, to purchase walk-in building supplies for the City of Newark Department of Water and Sewer Utilities for the commencing upon Council approval through the expiration of the State Contract, inclusive of any extensions granted by the State.

2. The terms and conditions of all purchases hereunder shall be in accordance with the relevant State Contract, New Jersey Standard Terms and Conditions, Method of Operation and Third-Party Agreement, if applicable.

3. This contract shall not exceed Three Hundred Thousand Dollars and Zero Cents ($300,000.00).

4. This contract is being awarded as an open-ended contract pursuant to N.J.A.C. 5:30-5.5(d)(2). A Certification of the Availability of Funds shall be executed each time a purchase order is placed and charged against the funding sources: NW037-750-7502-83730-B2025-2026 and NW038-800-8003-83740-B2025-2026.

5. There shall be no amendments to this Resolution without the approval of the Municipal Council.

6. There shall be no advance payment under this State Contract in accordance with N.J.S.A. 40A:5-16.

7. This contract is awarded pursuant to a "fair and open process" within the meaning of N.J.S.A. 19:44A-20.7 as a purchase pursuant to a state contract .

8. If applicable, the Division of Central Purchasing shall file a duly executed copy of the contract in the Office of the City Clerk.

STATEMENT

This Resolution authorizes the Mayor and/or his designees, the Business Administrator or the

Qualified Purchasing Agent to utilize State Contract M8001 Walk-in Building Supplies#18-FLEET-00234 and #23-FLEET-22885 to enter into agreements with Home Depot USA Inc., and Lowes Home Centers LLC., to provide Walk-in Building Supplies for the City's Water and Sewer Department. The contract is authorized for at an amount not to exceed Three Hundred Thousand Dollars and Zero Cents ($300,000.00) and for a term commencing on the date of adoption of this Resolution through the expiration of the underlying State contract, inclusive of any extensions granted by the State.