

CITY COUNCIL

The City of Orange Township, New Jersey

DATE January 17, 2023

NUMBER 34-2023

TITLE: A RESOLUTION AUTHORIZING A CONTRACT TO BARNWELL HOUSE OF TIRES, INC. TO PURCHASE VARIOUS MODELS AND SIZES OF TIRES VIA CATALOG DISCOUNT FOR AUTOMOTIVE, LIGHT TRUCK AND MEDIUM FLEET VEHICLES UNDER THE ESSEX COUNTY CO-OP #22-169 COMMENCING JANUARY 1, 2023 THROUGH OCTOBER 12, 2023, IN AN AMOUNT NOT TO EXCEED \$45,000.00

WHEREAS, the City of Orange Township requires a company to purchase various models and sizes of tires for automotive, light truck and medium truck fleet vehicles; and

WHEREAS, the City of Orange Township entered into a voluntary cooperative pricing agreement with the Essex County Co-Op ; and

WHEREAS, the City of Orange Township wishes to obtain Barnwell House of Tires, Inc. to purchase various models and sizes of tires for automotive, light truck and medium fleet vehicles under the Essex County Co-Op #22-169, a copy of which is attached hereto and made part hereof; and

WHEREAS, the Chief Financial Officer of the City of Orange Township has prepared the necessary Certificate of Availability of Funds, a copy of which is attached hereto, certifying that funds are available for this purpose in Account No. 3-01-26-315-000-305 contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2023 Budget, there will be sufficient funds to contract with Barnwell House of Tires, Inc.

NOW, THEREFORE, BE IT RESOLVED that the proper officers of the City of Orange Township are hereby authorized to enter into an agreement with Barnwell House of Tires, Inc. for the purchase of various models and sizes of tires for automotive, light truck and medium fleet vehicles in an amount not to exceed \$45,000.00.

Adopted: **January 17, 2023**

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President


A. MIZRAHI
CITY ATTORNEY

AGREEMENT

This Agreement, made and entered into this ____ day of _____ 2023, between the City of Orange Township and **Barnwell House of Tires, Inc., 112 Lehigh Drive, Fairfield, New Jersey 07004.**

WHEREAS, the City of Orange Township wishes to retain a firm for the purpose of **purchasing various models and sizes of tires via catalog discount for automotive, light truck and medium fleet vehicles under the Essex County Co-Op #22-169** for the City of Orange Township, as specifically set forth in the attached proposal in the amount not to exceed \$45,000.00.

WHEREAS, the City of Orange Township wishes to retain **Barnwell House of Tires, Inc.** with offices located at **112 Lehigh Drive, Fairfield, New Jersey 07004.**

WHEREAS, this firm and the individuals of the firm are to be retained pursuant to the Agreement as specified under the **Essex County Co-Op**; and

WHEREAS, the City Council of the City of Orange Township has, by **Resolution No. _____** dated _____, 2023, authorizes **Barnwell House of Tires, Inc.** for the purpose of **purchasing various models and sizes of tires via catalog discount for automotive, light truck and medium fleet vehicles**, as specified in the attached proposal.

NOW, THEREFORE, BE IT AGREED by and between the parties, for the mutual convenient set forth herein below:

1. **Barnwell House of Tires, Inc.** is hereby contracted by the City of Orange Township to provide services as specified in the attached proposal.

2. This agreement shall be effective commencing on **January 1, 2023** and terminating on **October 12, 2023**.
3. This agreement shall not be assigned nor shall any duties under this agreement be delegated by **Barnwell House of Tires, Inc.** without prior written consent of the City.
4. The validity of this agreement and its terms or provisions, as well as the rights and duties of the contracting parties, shall be governed by and construed in accordance with the laws of the State of New Jersey.
5. This agreement shall be binding on and inure to the benefit of the contracting parties and their respective heirs, executors, administrators, legal representatives, successors, and assigns when not expressly prohibited by this agreement.
6. In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision of it this agreement shall for any reason be held to be invalid, illegal, or unenforceable provision had never been contained in it.
7. This agreement constitutes the sole agreement of the contracting parties and supersedes any prior understandings or written or oral agreements between the parties respecting its subject matter.
8. All notices and other communications shall be sent by certified mail, return receipt requested, and shall be deemed to have been given when sent to the parties at their respective addresses as set forth above, unless a different

address has been selected after the execution of this agreement and has been duly communicated to the party giving notice.

9. The City may terminate this Agreement upon three days notice with **Barnwell House of Tires, Inc.** In the event that this agreement is deemed to be terminated, the City shall pay **Barnwell House of Tires, Inc.** for those services provided as of the effective date of termination. This agreement is final and cannot be amended, supplemented, changed or modified without said being in writing.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

CITY OF ORANGE TOWNSHIP:

Joyce L. Lanier Date
City Clerk

Dwayne D. Warren, Esq. Date
Mayor

ATTEST:

Barnwell House of Tires, Inc.
112 Lehigh Drive
Fairfield, New Jersey 07004

Print Name

Print Name

Signature Date

Signature Date

Approved as to Form and Sufficiency

Gracia R. Montilus Date
City Attorney

Voluntary Co-Op Bid # 22-169: To Furnish and Deliver Various Size Tires for Essex County Fleet Vehicles via Catalog Discounts as per specifications

Award Information

Award To	Award Date	Award Amount	Co-Op
Barnwell House Of Tires	10/12/2022	\$ 80,000.00	Yes
Resolution Number: 2022-00848			
Purchasing Comments: To Furnish & Deliver Various Auto & Light Duty Truck Tires via Catalog Discounts for Essex County Fleet vehicles as per specifications			

Tabulation

 Bid Tabulation_Bid 22-169_Furnish_and_Deliver_Tires_via_Catalog_Discounts_08_09_2022_165652.pdf Download Size: 38.51Kb

General Information

Bid 22-169 : Awarded	Subject
Submission Complete	To Furnish and Deliver Various Size Tires for Essex County Fleet Vehicles via Catalog Discounts as per specifications
Date Issued	Commodity Type
08/09/2022	Automotive Vehicles, Accessories, Parts, Supplies and Services Miscellaneous Services (not otherwise identified)
Date Due	Performance Period
08/24/2022	Twelve (12) months from award date by Board of Commissioners with an optional twelve (12) month extension period if mutually agreed upon by all contracted parties
Requesting Agency	Proposer's Conference
Department of Public Works	N/A
Agency Contact	Other Instructions
Christopher Calvanese Tel: 973-621-5102 Fax: 973-621-5109 ccalvanese@admin.essexcountynj.org	as per specifications available for download at: http://purchasing.essexcountynj.org
Questions	
Fax To: 973-621-5109 Att: Christopher Calvanese	

Specification Download Center

Opportunity Download
 Opportunity_Bid 22-169_Furnish_and_Deliver_Tires_via_Catalog_Discounts_08_09_2022_74548.pdf Download Size: 1,075.48 Kb

I wish you continued success in your business endeavors.

Sincerely,



James J. Fruscione
Director
New Jersey Division of Revenue

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 232
TRENTON, N.J. 08646-0232

TAXPAYER NAME:
BARNWELL HOUSE OF TIRES, INC.

TRADE NAME:

ADDRESS:
112 LEHIGH DRIVE
FAIRFIELD NJ 07044
EFFECTIVE DATE:

SEQUENCE NUMBER:
1086811

ISSUANCE DATE:
03/15/16

09/10/04



Director
New Jersey Division of Revenue

Request for Taxpayer Identification Number and Certification

Give Form to the
 requester. Do not
 send to the IRS.

Print or type
 See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Barnwell House of Tires, Inc.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts established outside the U.S.)
5 Address (number, street, and apt. or suite no.) 112 Lehigh Dr	Requester's name and address (optional)
6 City, state, and ZIP code Fairfield, NJ 07004	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number											
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Employer identification number											
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Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶ <i>Joseph Eckman</i>	Date ▶ <i>9/5/18</i>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
 Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/irb.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

CITY OF ORANGE TOWNSHIP
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS
NEXT BUDGET

I, Nile Clements, Chief Financial Officer for the City of Orange Township, do hereby confirm that based on the Quote or RFP, RFQ, bid results or "extraordinary unspecifiable services" without competitive bids for 2023 service contract, and the resolution to be presented to the Council for approval, and contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2023 Budget, there will be sufficient funds to contract with:

Vendor Name: Barnwell House of Tires, Inc.
Address: 112 Lehigh Dr.

City: Fairfield
State: New Jersey
Zip Code: 07044

Purpose: Purchase various models & sizes of tires
Vendor ID: BARNW005

Temporary Budget: \$ 11,250.00
Fund: Current Fund
Line Description EVM - Equipment & Vehicle Maint. - Tires & Tubes
Account Numbers(s): CY'23 3-01-26-315-000-305

The remainder of: \$ 33,750.00
will be provided in
Fund: Current Fund
Line Description EVM - Equipment & Vehicle Maint. - Tires & Tubes
Account Numbers(s): CY'23 3-01-26-315-000-305

Purchase Order # : 23-00066

Amount not to exceed: \$ 45,000.00

Division Head

Date

Nile Clements

1/9/2023

Chief Financial Officer

Date