

CITY COUNCIL**The City of Orange Township, New Jersey**DATE February 6, 2024NUMBER 88-2024

TITLE: A RESOLUTION AUTHORIZING THE EXTENSION OF THE AGREEMENT FOR THE REMOVAL OF SOLID WASTE AND RECYCLING SERVICES WITH JOSEPH SMENTKOWSKI, INC., 160 JAMES AVENUE, JERSEY CITY, NEW JERSEY 07306 FOR AN ADDITIONAL SIXTY DAY PERIOD COMMENCING JANUARY 1, 2024 THROUGH FEBRUARY 29, 2024 IN THE AMOUNT NOT TO EXCEED \$230,000.00.

WHEREAS, the extension of the contract between the City of Orange Township and Joseph Smentkowski, Inc., 160 James Avenue, Jersey City, New Jersey 07306, for Solid Waste and Recycling Services expired on December 31, 2023; and

WHEREAS, the provision of Solid Waste and Recycling Services is a service that must be bid under the Local Public Contracts Law; and

WHEREAS, the current vendor, Joseph Smentkowski, Inc. has agreed to obtain an extension; and

WHEREAS, the City received bids for Solid Waste and Recycling Services on November 30, 2023; and

WHEREAS, it is anticipated that an additional sixty day period will be required in order to properly award the Solid Waste and Recycling Services; and

WHEREAS, as a result, the Municipal Council of the City of Orange Township authorized the execution and delivery of an extended contract with Joseph Smentkowski, Inc. and such contract is authorized by N.J.S.A., 40A:11-6; 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 and made part hereof, certifying that monies are available in the Account No. 4-01-26-305-000-528 to cover January 1, 2024 through February 29, 2024, contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2024 budget, there will be sufficient funds to contract Joseph Smentkowski, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Orange Township does authorize the extension of the contract with Joseph Smentkowski, Inc. for the Solid Waste and Recycling Services for the City of Orange Township, in the amount not to exceed \$230,000.00 for an additional sixty days commencing January 1, 2024 through February 29, 2024.

Adopted: **February 6, 2024**

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

CITY OF ORANGE TOWNSHIP
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS
NEXT BUDGET - CURRENT FUND

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 2024 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 2024 Budget, there will be sufficient funds to contract with:

Vendor Name: Joseph Smentkowski, Inc.

Address: 160 James Ave.

City: Jersey City
State: New Jersey
Zip Code: 07306

Purpose: Solid waste and recycling services
January & February 2024

Vendor ID: JOSEP010

Fund: Current Fund
Line Description RR -Refuse Removal - Contractual Services
Account Numbers(s): CY'24 4-01-26-305-000-528 \$ 230,000.00

Purchase Order # : 24-00268

Amount not to exceed: \$ 230,000.00

Division Head	Date
<i>Nile Clements</i>	1/24/2024

Chief Financial Officer	Date
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**STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE**

Taxpayer Name: JOSEPH SMFNTKOWSKI, INC.
Trade Name:
Address: 3 NEW YORK AVE
JERSEY CITY, NJ 07307
Certificate Number: 1118635
Effective Date: January 11, 2005
Date of Issuance: May 17, 2022

For Office Use Only:
20220517093432742

Request for Taxpayer Identification Number and Certification

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

Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Joseph Smentkowski Jr.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

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 maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
160 James Ave.

6 City, state, and ZIP code
Jersey City, NJ 07304

7 List account number(s) here (optional)

Requester's name and address (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 instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-			-			
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OR

Employer identification number

22	-	1890699
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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 for Part II, later.

Sign Here

Signature of U.S. person *[Signature]*

Date *2/1/2023*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

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, later.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
CITY OF ORANGE TOWNSHIP, NEW JERSEY**

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that

Joseph Suentkowski Inc. (Contractor)
has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding the date of reorganization to any of the following named candidate committee, joint candidates committee: or political party committee representing the elected officials of the **CITY OF ORANGE TOWNSHIP** as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Dwayne D. Warren	
Kerry J. Coley	
Clifford Ross	
Weldon M. Montague, III	
Tency A. Eason	
Quantavia L. Hilbert	
Adrienne Wooten	
Jamie Summers-Johnson	

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership Corporation Sole Proprietorship Subchapter S Corporation
 Limited Partnership Limited Liability Corporation Limited Liability Partnership

Name of Stock or Shareholder	Home Address
<i>SEE ATTACHED</i>	

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Joseph Suentkowski Inc

Signed: *Thomas Giordano* Title: V-P

Print Name: Thomas Giordano Date: 2/1/24

Subscribed and sworn before me the <u>1st</u> day of <u>February</u> 20 <u>24</u>	<u>Thomas Giordano</u> (Affiant)
My Commission expires <u>2/1/25</u>	<u>Thomas Giordano V-P</u> (Print name & title of affiant) (Corporate Seal)

LILLIAN MONTELBANO
Notary Public, State of New Jersey
Comm. # 50191686
My Commission Expires 04/09/2027



Joseph Smentkowski, Inc.

150 James Avenue • Jersey City, NJ 07306 • Voice: 201-856-7800 • Fax: 201-420-7491

Ownership Structure of Joseph Smentkowski, Inc.

Joseph Smentkowski, Inc. is a wholly owned by Galaxy Carting, Inc. The ownership of Galaxy Carting, Inc. is as follows:

75% is owned by Gary Giordano, who resides at 215 Squam Beach Drive, Bklyn, N.J. 08738

25% is owned by Thomas Giordano, who resides at 81 Eighth Street, North Bergen, N.J. 07051

ADDENDUM AGREEMENT

This Addendum Agreement, made and entered into this ____ day of _____, 2024, between the City of Orange Township and **Joseph Smentkowski, Inc., 160 James Avenue, Jersey City, New Jersey 07306.**

WHEREAS, the City Council of the City of Orange Township has, by **Resolution # ____-2024** dated _____ 2024 authorized **Joseph Smentkowski, Inc., for the continuation of the solid waste and recycling services in the City of Orange Township.**

WHEREAS, continuation of the solid waste and recycling services are required for an additional ninety day period;

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

1. The amount of the services shall not exceed in the amount of \$230,000.00.
2. This addendum agreement shall be effective commencing on January 1, 2024 through February 29, 2024 approved by resolution of the City Council of the City of Orange Township.
3. This addendum agreement shall not be assigned nor shall any duties under this agreement be delegated by **Joseph Smentkowski, Inc.** without prior written consent of the City.
4. The City may terminate this Agreement upon three days notice to **Joseph Smentkowski, Inc.** In the event that this agreement is deemed to be terminated, the City shall pay **Joseph Smentkowski, Inc.** for those services and supplies provided as of the effective date of termination.

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
Municipal Clerk

Dwayne D. Warren, Esq.
Mayor

ATTEST:

Joseph Smentkowski, Inc.

Print Name

Print Name

Signature

Signature
160 James Avenue
Jersey City, New Jersey 07306

Approved as to Form and Sufficiency

Gracia R. Montilus, City Attorney