

**TOWNSHIP OF UPPER DEERFIELD**

**RESOLUTION 23-65**

**AWARDING CONTRACT TO FOLEY, INCORPORATED FOR THE PURCHASE  
OF A 2023 420ST BACKHOE LOADER**

**WHEREAS**, the Upper Deerfield Public Works (“Department”) recommends that Upper Deerfield Township procure an 2023 Foley Caterpillar Model 420ST Backhoe Loader for use by the Department; and

**WHEREAS**, the Department has researched vendors that would achieve the Department’s goals and determined that the sought-after equipment may be procured through a nationally recognized and accepted cooperative purchasing contract between Sourcewell (NJPA) and Foley Incorporated.; and

**WHEREAS**, pursuant to *N.J.S.A. 52:34-6.2b. (3)* (as amended by *P.L. 2011, c.139*) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

**WHEREAS**, Sourcewell is a regional organization of governments operating under the laws of the State of Minnesota and is a political subdivision of the State of Minnesota; and

**WHEREAS**, the subject cooperative purchasing contract was awarded by Sourcewell to Foley Incorporated utilizing a competitive contracting process; and

**WHEREAS**, also pursuant to *N.J.S.A. 52:34-6.2b.(3)* (as amended by *P.L. 2011, c.139*) and LFN 2012-10, prior to making purchases under nationally-recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

**WHEREAS**, the Department has determined that Upper Deerfield’s use of the Sourcewell cooperative purchasing contract to procure the sought-after 420ST Backhoe Loader will result in cost savings to Upper Deerfield; and

**WHEREAS**, consistent with the Sourcewell cooperative purchasing contract and needs of Upper Deerfield, Foley Incorporated has submitted a proposal to provide one 420ST Backhoe Loader to Upper Deerfield for the sum of \$143,677.64 using Sourcewell Account No 032119-CAT; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this purchase.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Upper Deerfield,

1. The foregoing “WHEREAS” clauses are hereby incorporated as if fully restated.
2. A contract for the purchase of a Caterpillar Model 420ST Backhoe Loader / Foley Incorporated for the sum of \$143,677.64 is hereby awarded to New Jersey Emergency Vehicles A PL Custom Company without public bidding as permitted by law.
3. The Township Clerk is hereby authorized and directed to execute an “End User Agreement” with Foley Incorporated pursuant to the terms of its nationally recognized and accepted cooperative purchasing agreement with the Sourcewell.

Moved By: Scott Smith

Seconded By: Thomas Speranza

VOTING

James P. Crilley  
John L. Daddario  
Scott Smith  
Thomas Speranza  
Joseph Spoltore

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
			X
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held February 16, 2023.

\_\_\_\_\_  
Roy J. Spoltore, Township Clerk

