

**RESOLUTION AUTHORIZING EMERGENCY AWARD OF REFUSE AND RECYCLING
COLLECTION SERVICE CONTRACT TO SUBURBAN DISPOSAL, INC. PENDING BIDDING
AND AWARD OF NEW REFUSE AND RECYCLING COLLECTION CONTRACT**

WHEREAS, the Township of West Orange (the “Township”) approved Resolution 179-2018 on July 17, 2018 awarding a contract for Township Refuse and Recycling Collection Service to Suburban Disposal, Inc. for the period of September 10, 2018 through September 9, 2023; and

WHEREAS, the Township prepared Bid Specifications for Township Refuse and Recycling Collection Service (the “Specifications”) and submitted those Specifications to the State of New Jersey Office of the State Comptroller (the “State”) for review prior to bidding a new, multi-year contract for those services (the “New Refuse Contract”);

WHEREAS, the Township’s Refuse and Recycling Collection Service contract with Suburban Disposal Inc. expired on September 9, 2023 (the “Suburban Contract”);

WHEREAS, the Township is still awaiting the State to complete its review of the Specifications before bidding the New Refuse Contract;

WHEREAS, given the expiration of the Suburban Contract and the absence of an award of the New Refuse Contract, the Township is not party to a binding contract for the collection and disposal of solid waste and recycling materials;

WHEREAS, pursuant to the emergency contract provisions of the Local Public Contract Law (N.J.S.A. § 40A:11-6), the Director of the Township’s Health & Welfare Department determined that the absence of any contract providing for the collection and disposal of solid waste and recycling materials within the Township constitutes an emergency threatening the health, safety and welfare of the public

WHEREAS, pursuant to the emergency contract provisions of the Local Public Contract Law (N.J.S.A. § 40A:11-6), the Mayor determined that the absence of any contract providing for the collection and disposal of solid waste and recycling materials within the Township constitutes an emergency threatening the health, safety and welfare of the public;

WHEREAS, the emergency has arisen notwithstanding the Township’s good faith efforts to plan for the purchase of the required services by preparing the necessary bid specifications for State approval;

WHEREAS, the Mayor has directed the Purchasing Agent to secure a temporary contract with Suburban Disposal, Inc. to provide for the continued collection and disposal of solid waste and recycling materials until the Township can bid and award the New Refuse Contract;

WHEREAS, the Township has negotiated a temporary contract with Suburban Disposal, Inc. which carries over the terms of the Suburban Contract with certain minor modifications, attached hereto as Exhibit “A” (the “Gap Period Contract”);

WHEREAS, the Council of the Township does hereby award the Gap Period Contract to Suburban Disposal, Inc.; and

NOW, BE IT HEREBY RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute and attest to the execution of all appropriate documents to effectuate the award of this emergency Gap Period Contract.

**Karen J. Carnevale, RMC,
Municipal Clerk**

Tammy Williams, Council President

Adopted: October 10, 2023

EXHIBIT "A"

**TOWNSHIP OF WEST ORANGE
DIVISION OF PURCHASING**



**TEMPORARY CONTRACT FOR
COLLECTION OF SOLID WASTE AND RECYCLING**

September , 2023

Definitions:

“Blended Market Value” means a formula established by the Market for Recyclable Materials that results in a simplified, single pricing system that includes specific pricing components for each Recyclable Material based on monthly Market Index publications and is able to be adjusted in response to market conditions.

“Designated Recyclable Material” means those materials outlined as per the West Orange Recycling Ordinances and any amendments thereto. It refers to, but is not limited to, material generally consisting of Co-Mingled Material and Fiber.

“Market” shall mean a location to which the Contractor delivers recyclable materials as required under this temporary contract for processing into a form that can be recycled as defined in N.J.S.A. 13:1E-99.11, et. seq.

“Market Index” shall mean the average sales price received by the Contractor from a market or markets of each material for the prior month as evidenced by receipts received by the Contractor for that period.

“Net Market Price” shall mean the net value of those recyclable materials delivered to the Market after adjusting the total Blended Market Value minus the Processing Fee.

“Processing Fee” means the cost associated with the sorting of Single Stream recyclable materials.

“Recyclable Material” means those materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products as described within the Recycling Ordinance for the Township of West Orange.

Terms and Conditions:

1. All terms and conditions of the expired Solid Waste and Recycling Contract between the Township of West Orange (Township) and Suburban Disposal, Inc. (Contractor), attachment #2, are hereby incorporated by reference and are effective throughout the term of this temporary contract except as noted herein.
2. This temporary contract shall be in effect beginning October 1, 2023 and shall be automatically renewed monthly until terminated by the Township with at least 30 days' notice to the Contractor.

Changes to Existing Terms and Conditions in Effect During This Temporary Contract:

1. During the term of this temporary contract, the Contractor shall submit a bill by the 15th of each month for 100% of the Net Market Price of Designated Recyclable Materials collected from the Township during the prior month as billed to the Contractor by the Market.
2. Should the Market for Designated Recyclable Materials result in a positive value, the Contractor shall pay the Township 100% of the value received for the marketing of Recyclable Materials during the prior month.
3. Billings shall be substantively similar in format to Attachment #1 of this document wherein the net cost/value of the Recyclable Materials is provided by the Market.

Signatures

Susan McCartney, Mayor	date
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Suburban Disposal, Inc.	date
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Karen Carnevale, Municipal Clerk	date
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Suburban Disposal, Inc. date

Commodity	Current Value	Commodity Composition (%)	Commodity Blended Value (\$)
Aluminum Cans	\$	%	\$
Steel Cans	\$	%	\$
Natural HDPE	\$	%	\$
Colored HDPE	\$	%	\$
PET	\$	%	\$
PP	\$	%	\$
Mixed Broken Glass	\$	%	\$
OCC	\$	%	\$
Mixed Paper	\$	%	\$
Residue	\$	%	\$
Total Commodity Blended Value		100.0%	\$
Processing Fee			
Net Market Value (Rebate or Fee) See Next Page			

Attachment #1