

# Resolution of the City of Newark, N.J.

NO. 7R5-D (AS)

Date of Adoption JAN 09 2019

## Title Page

**Dept/ Agency:** Health and Community Wellness

**Action:** (X) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Contract with Sub-recipient

**Purpose:** To provide housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area (NEMSA)

**Entity Name:** City of Elizabeth, Department of Health and Human Services

**Entity Address:** 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201

**Grant Amount:** \$950,000.00

**Funding Source:** United States Department of Housing and Urban Development (HUD)/Housing Opportunities for Persons with AIDS (HOPWA)

**Account Code Line:** NW051-G18-2H8T0-72030-B2018

**Contract Period:** January 1, 2019 through December 31, 2019

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
(X) Fair & Open ( ) No Reportable Contributions (X) RFP ( ) RFQ  
( ) Private Sale (X) Grant (X) Sub-recipient ( ) N/A

**Additional Information:**

Funds accepted by Resolution 7R1-A adopted on November 8, 2018

Budget insertion by Resolution 7R1-J adopted on December 5, 2018

CITY CLERK'S OFFICE  
NEWARK, N.J.  
R. 07102

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Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified by

\_\_\_\_\_  
Corporation Counsel

\_\_\_\_\_  
Title

Council Member \_\_\_\_\_ presents the following Resolution:

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[Signature]  
Corporation Counsel

[Signature]  
Factual contents certified by  
[Signature]  
Title

Council Member council of the whole presents the following Resolution:

**WHEREAS**, the City of Newark (hereinafter "City") desires to continue to act as the Grantee/Sub-Grantor for disbursement of funds made available by the United States Department of Housing and Urban Development (HUD), Housing Opportunities for Persons with AIDS (HOPWA) Program, to provide housing assistance and supportive services for persons living with HIV/AIDS through sub-recipient contracts within the Newark Eligible Metropolitan Statistical Area (NEMSA), which consists of Essex, Hunterdon, Morris, Somerset, Sussex, and Union Counties in New Jersey and Pike County, Pennsylvania; and

**WHEREAS**, pursuant to Resolution 7R1-A adopted on November 8, 2018, the Municipal Council of the City of Newark authorized the Mayor and/or his designee, the Business Administrator, to enter into an agreement with HUD to receive and expend grant funds in the amount of Five Million Eight Hundred Sixty-Seven Thousand One Hundred Seventy-Five Dollars and Zero Cents (\$5,867,175.00) from HUD's HOPWA Program; and

**WHEREAS**, pursuant to State Local Public Contracts Law, N.J.S.A. 40A:11-4.1(b)(2), the competitive contracting process may be used for the operation, management or administration of social service programs; and

**WHEREAS**, pursuant to the Fair and Open Process of State Pay-to-Play Law, N.J.S.A. 19-44A-20.5, the City publicly advertised a Request for Proposal (RFP) for housing assistance and supportive services with all proposals due on September 19, 2018; and

**WHEREAS**, the Municipal Council of the City of Newark previously authorized the use of competitive contracting for processing these HUD Entitlement Programs and authorized its use in the future; and

**WHEREAS**, the proposal received from the City of Elizabeth, Department of Health and Humans Services, 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201 (hereinafter referred to as "Sub-Recipient"), was found to be the most advantageous for the City based on experience and all other criteria listed in the RFP; and

**WHEREAS**, the Department of Health and Community Wellness desires to enter into an Agreement with the Sub-Recipient, for the purpose of providing housing assistance and supportive services to persons living with HIV/AIDS, within the NEMSA, for the period January 1, 2019 through December 31, 2019, for a total contract amount

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not to exceed Nine Hundred Fifty Thousand Dollars and Zero Cents (\$950,000.00); and

**WHEREAS**, this contract awarded to the Sub-Recipient is in compliance with Local Public Contracts Law, N.J.S.A. 40A:11-4.1(b)(2) and/or N.J.S.A. 40A:11-5, as well as the federal HOPWA program regulations, 24 CFR 574.3; and

**WHEREAS**, the City adopted the "Contractor Pay-to-Play Reform" ordinance, codified at Section 2:4-22C et seq. of the Revised General Ordinances of Newark (hereinafter "Pay-to-Play Reform Ordinance"), which requires reporting of political contributions to candidates for City of Newark elective municipal offices or City of Newark or County of Essex political committees and prohibits certain political contributions during the duration of the contract; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 et seq. and the Pay-to-Play Reform Ordinance, reporting requirements are only applicable to business entities as defined therein and do not include non-profit organizations, and as a non-profit organization, Sub-Recipient is therefore not required to submit certain disclosure statements; and

**WHEREAS**, the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 requires that all sub-recipients complete a formalized Business Associate Agreement, which is incorporated by reference and made a part of the agreement, to protect client health information and ensure the privacy of that information.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designee, the Director of the Department of Health and Community Wellness, are hereby authorized to enter into and execute a contract on behalf of the City of Newark with the City of Elizabeth, Department of Health and Human Services, 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201, for the period January 1, 2019 through December 31, 2019, to provide certain housing assistance and supportive services to persons with HIV/AIDS, as is further described in the "Scope of Services" (attached hereto and made a part hereof).
2. The Municipal Council ratifies this contract from January 1, 2019 through the date of adoption of this authorizing resolution.
3. The terms of this contract may only be waived or amended in writing and signed by the parties duly authorized to execute this contract, subject to the approval of the Newark Municipal Council by resolution. The terms of this contract may be extended for up to two (2) six-month periods, provided that any such extension is at no additional cost to the City, is authorized by resolution of the Newark Municipal Council, including a finding that the services are being performed in an effective and efficient manner, and is in writing signed by both parties.
4. The total compensation to be paid pursuant to said contract shall not exceed Nine Hundred Fifty Thousand Dollars and Zero Cents (\$950,000.00) and shall be paid for from HOPWA funding.
5. The Municipal Council ratifies the use of competitive contracting for processing and awarding contracts with Housing and Urban Development Entitlement Programs from January 1, 2019, to the date of adoption of this resolution and authorizes its use in the future.

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- 6. The Sub-Recipient shall protect client health information and ensure the privacy of that information, in accordance with the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.
- 7. This Agreement is being awarded pursuant to the fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and State Local Public Contracts Law, including but not limited to N.J.S.A. 40A:11-4.1(b)(2) and/or N.J.S.A. 40A:11-5; and Housing Opportunities for Persons with AIDS, 24 CFR 574.3, and is in compliance with the City's Pay-to-Play Reform Ordinance.
- 8. As a Grantee of federal funds, the City of Newark was required to, and did, solicit RFPs for this contract, and in entering into this contract with the Sub-Recipient is compliant with Federal Laws, State Statutes, State Local Public Contracts Law, and State Pay-to-Play Law.
- 9. Attached hereto is a Certification of Funds from the Municipal Comptroller of the City of Newark, which states that there are sufficient funds for the purpose set forth hereinabove from Account Code Line: NW051-G18-2H8T0-72030-B2018.
- 10. The Director of the Department of Health and Community Wellness shall file the fully executed copy of said contract with the Office of the City Clerk and said contract shall be made available for public inspection.

**STATEMENT**

This resolution authorizes and ratifies the actions taken by the Mayor and/or his designee, the Director of the Department of Health and Community Wellness, to enter into and execute a contract with the City of Elizabeth, Department of Health and Human Services, 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201, utilizing HOPWA funding, for the purpose of providing housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area, for the period January 1, 2019 through December 31, 2019, in an amount not to exceed Nine Hundred Fifty Thousand Dollars and Zero Cents (\$950,000.00).

CERTIFIED TO BY ME THIS

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE

Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador	✓				McCallum, Jr.	✓				Quintana, Vice Pres.	✓			
Gonzalez	✓				Mclver	✓				Ramos, Jr.	✓			
James	✓				Osborne				✓	Crump, President	✓			

✓ Indicates Vote

AB - Absent

NV - Not Voting

Adopted at a meeting of the Municipal Council of the City of Newark, N.J.,

JAN 09 2019

*Richard C. Crump*

President of the Council

*R. Crump*

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18-1956  
City Clerk