

Resolution of the City of Newark, N.J.

NO. 7R5-DDate of Adoption AUG 02 2017

Title Page

Dept/ Agency: Health and Community Wellness**Action:** (X) Ratifying (X) Authorizing () Amending**Type of Service:** Contract with Sub-recipient**Purpose:** To provide HIV/AIDS related health and support services to the Newark Eligible Metropolitan Area**Entity Name:** Broadway House for Continuing Care Foundation, Inc.**Entity Address:** 298 Broadway, Newark, New Jersey 07104**Grant Amount:** Amount not to Exceed \$303,389.00**Funding Source:** United States Department of Health and Human Services/ Health Resources and Services Administration**Contract Period:** March 1, 2017 through February 28, 2018**Contract Basis:** () Bid () State Vendor () Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions (X) RFP () RFQ

() Private Sale (X) Grant (X) Sub-recipient () n/a

Additional Information:

Partial Certification of Funds in the amount of \$93,808.00.

Ryan White funds accepted by Resolution 7R5-a adopted on March 1, 2017.

CITY CLERK'S OFFICE
NEWARK, N.J.
ROOM 383
2017 JUL 11 P 1:15

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:

Resolution of the City of Newark, N.J.

AUG 02 2017

NO. 7R5-D

Date of Adoption _____

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

[Signature]
 Acting Corporation Counsel

Factual contents certified by

[Signature] Director
[Signature] Title

Council Member council of the whole

presents the following Resolution:

WHEREAS, the City of Newark desires to continue to provide HIV/AIDS healthcare, supportive and related services to infected and affected residents of the Newark Eligible Metropolitan Area (EMA) which is comprised of Essex, Union, Morris, Sussex and Warren Counties; and

WHEREAS, pursuant to Resolution 7R5-A, adopted on March 1, 2017, the Municipal Council of the City of Newark authorized the Mayor and the Acting Director of the Department of Health and Community Wellness to apply for funds from the United States Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, pursuant to the Ryan White HIV/AIDS Treatment Extension Act of 2009, for the provision of HIV/AIDS healthcare, supportive and related services to infected individuals and their families in the Newark Eligible Metropolitan Area (EMA); and

WHEREAS, pursuant to Resolution 7R5-A, adopted on March 1, 2017, the Municipal Council authorized the Mayor and the Acting Director of the Department of Health and Community Wellness to accept funds in the amount of five million, seven hundred forty-five thousand, seven hundred eighty-eight dollars and zero cents (\$5,745,788.00), from the United States Department of Health and Human Services through the Ryan White HIV/AIDS Treatment Extension Act of 2009; and

WHEREAS, the Ryan White HIV/AIDS Treatment Extension Act of 2009 requires that the City of Newark, which is the lead agency for the Newark EMA, provide funding for HIV/AIDS related health and support services for people living with HIV and AIDS in the Newark Eligible Metropolitan Area (EMA); and

WHEREAS, pursuant to this requirement, the City of Newark established the Newark EMA Ryan White Continuum of Care; and

WHEREAS, the City of Newark, through the Department of Health and Community Wellness, Division of Health Planning/Ryan White Unit, publicly advertised a Request For Proposals (RFPs) for medical and social services, quality management and other professional services ("Ryan White eligible services") from November 8, 2016 through November 10, 2016, and received 40 (forty) proposals on December 2, 2016; and

WHEREAS, the City's legal notice and RFP for FY2017 Ryan White eligible services shall be filed with Resolution 7R5-A, adopted on March 1, 2017, which authorizes the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

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WHEREAS, the proposal submitted by Broadway House for Continuing Care Foundation, Inc., 298 Broadway, Newark, New Jersey 07104 (hereinafter referred to as the "Sub-Recipient"), was determined to be most advantageous to the City of Newark, based on experience and criteria listed in the RFP; and

WHEREAS, the Sub-Recipient has demonstrated that they have the expertise to provide HIV related health and support services to meet the requirements of the Ryan White HIV/AIDS Treatment Extension Act of 2009 and the aforementioned RFP; and

WHEREAS, the City of Newark, Department of Health and Community Wellness, desires to enter into an agreement (hereinafter, "Agreement") with Sub-Recipient to provide Ryan White eligible services to the Newark EMA, which is more specifically described in the "Scope of Services" attached hereto and made a part hereof, for the period commencing on March 1, 2017 and terminating on February 28, 2018, for an award amount of ninety three thousand, eight hundred eight dollars and zero cents (\$93,808.00) and a contract not to exceed three hundred three thousand, three hundred eighty-nine dollars and zero cents (\$303,389.00); and

WHEREAS, the Mayor and the Acting Director of the Department of Health and Community Wellness desire to accept additional funds as they may become available from the United States Department of Health and Human Services under the Ryan White HIV/AIDS Treatment Extension Act of 2009; and

WHEREAS, the City of Newark, Department of Health and Community Wellness, shall upon receipt of additional funding, file an amending resolution reflecting the final award amount of each Sub-Recipient, accompanied with a copy of the Notice to Proceed/Award Letter and Certification of Funds; and

WHEREAS, the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1995 requires that all Sub-Recipients complete a formalized Business Associate Agreement to protect the privacy and security of clients' health information; and

WHEREAS, this Agreement is being awarded pursuant to the fair and open procedures of State Pay-to-Play Law (N.J.S.A. 19:44A-20.5); and

WHEREAS, this Agreement is being awarded pursuant to State Local Public Contracts Law, including N.J.S.A. 40A:11-4.1(b)(2) and/or N.J.S.A. 40A:11-5 and/or as a Professional Service pursuant to N.J.S.A. 40A:11-5(1)(a)(i) (where applicable), and the Ryan White HIV/AIDS Treatment Extension Act of 2009; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C et seq., which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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 Acting Director of the Department of Health and Community Wellness, are hereby authorized to enter into and execute an Agreement with Broadway House for Continuing Care Foundation, Inc., 298 Broadway, Newark, New Jersey 07104, for the provision of Ryan White eligible services to the Newark EMA, which is more specifically described in the "Scope of Services" attached hereto and made a part hereof, for the period commencing on March 1, 2017, and terminating on February 28, 2018, for an award amount of

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Date _____

ninety three thousand, eight hundred eight dollars and zero cents (\$93,808.00) and a contract not to exceed three hundred three thousand, three hundred eighty-nine dollars and zero cents (\$303,389.00).

2. The Mayor and/or his designee, the Acting Director of the Department of Health and Community Wellness, are hereby authorized to accept and expend additional funds as they become available from the United States Department of Health and Human Services, Health Resources and Services Administration, pursuant to the Ryan White Treatment Extension Act of 2009, for the period commencing on March 1, 2017 and terminating on February 28, 2018.
3. Attached hereto is a partial Certification of Funds in the amount of ninety three thousand, eight hundred eight dollars and zero cents (\$93,808.00) from the Municipal Comptroller of the City of Newark and that the line appropriation of the official budget which shall be charged is Business Unit 051; Dept. ID G17; Division/Proj. 2H7K0; Account# 72090; Budget Ref. B2017.
4. The City of Newark, Department of Health and Community Wellness, shall file an Amending Resolution upon receipt of the additional funds, which shall state the contract amount for each Sub-Recipient and/or Vendor accompanied with the Notice to Proceed and the Certification of Funds.
5. The Municipal Council of the City of Newark hereby ratifies the use of competitive contracting for processing agreements under the Ryan White HIV/AIDS Treatment Extension Act of 2009 from November 8, 2016, to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2017, through the date of adoption of this authorizing resolution.
7. The Sub-Recipient shall not proceed with the provision of any services beyond the twelve month period of March 1, 2017 through February 28, 2018, until the issuance of a Notice to Proceed/Award Letter by the Acting Director of the Department of Health and Community Wellness.
8. The Sub-Recipient shall execute and formalize a Business Associate Agreement with the City of Newark to protect the privacy and security of clients' health information, in accordance with the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1995 (a copy is attached hereto).
9. This Agreement was procured and awarded pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), State Local Public Contracts Law, including N.J.S.A. 40A:11-4.1(b)(2) and/or N.J.S.A. 40A:11-5 and/or as a Professional Service pursuant to N.J.S.A. 40A:11-5(1)(a)(i) (where applicable), the Ryan White HIV/AIDS Treatment Extension Act of 2009, and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C et seq.
10. The legal notice/advertisement and RFP for FY2017 Ryan White eligible services shall be filed with Resolution 7R5-A, adopted on March 1, 2017.
11. The Acting Director of the Department of Health and Community Wellness shall file a fully executed copy of said Agreement with the Office of the City Clerk.

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STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Acting Director of the Department of Health and Community Wellness, to enter into and execute an Agreement with Broadway House for Continuing Care Foundation, Inc., 298 Broadway, Newark, New Jersey 07104, to provide Ryan White eligible services to the Newark EMA, for the period commencing on March 1, 2017 and terminating on February 28, 2018, for an award amount of Ninety Three Thousand, Eight Hundred Eight Dollars and Zero Cents (\$93,808.00) and a contract not to exceed Three Hundred Three Thousand, Three Hundred Eighty-Nine Dollars and Zero Cents (\$303,389.00).

CERTIFIED TO BY ME THIS
AUG 08 2017

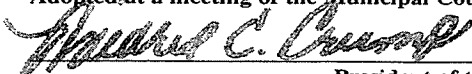
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RECORD OF COUNCIL VOTE ON FINAL PASSAGE

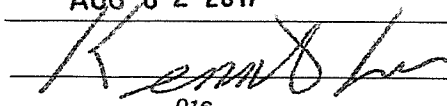
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador				✓	Chaneyfield Jenkins	✓				Quintana	✓			
Gonzalez	✓				McCallum, Jr.	✓				Ramos, Jr.	✓			
James	✓				Osborne	✓				Crump, President	✓			
✓ Indicates Vote					AB - Absent					NV - Not Voting				

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

AUG 02 2017



President of the Council



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City Clerk

This Resolution when adopted must remain in the custody of the City Clerk. Certified copies are available