



Legislation Details (With Text)

**File #:** 16-1954      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/15/2016      **In control:** Health and Community Wellness  
**On agenda:** 8/2/2017      **Final action:** 8/2/2017

**Title:** Dept/ Agency: Health and Community Wellness  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Professional Service Contract  
Purpose: To obtain the services of a Pediatrician Consultant, to provide services under the direction of the Medical Director perform varied medical services involved in the treatment and/or prevention of children's disease.  
Entity Name: Feminia C. Mac, M.D., P.A.  
Entity Address: 27 Rockaway Place, Parsippany, New Jersey 07054  
Contract Amount: Not to exceed \$154,700.00, at the rate of \$85.00 per hour, not to exceed 35 hours per week  
Funding Source: 2017 Budget/Health and Community Wellness  
Contract Period: January 3, 2017 through December 31, 2017  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/2/2017	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the Department of Health and Community Wellness for the City of Newark

("DHCW") is in need of a Pediatrician Consultant to provide pediatric services for the Ambulatory Care Facilities, under the direction of the Medical Director, to perform varied medical services involved in the treatment and/or prevention of children's disease, to perform related work as required, and to provide medical care to pediatric patients; and

**WHEREAS**, the City of Newark ("City") had a an emergency contract with Delta T-Group which is a temporary staffing company that provided pediatricians and other like professionals; and

**WHEREAS**, the Administration and Municipal Council determined it was in the best interest of the City to terminate contracts and cease the procurement process for temporary professional and nonprofessional personnel services and bring services in-house; and

**WHEREAS**, the City and Delta-T Group entered into a written settlement agreement and general release wherein the City agreed not to engage for at least six months from the last date of assignment through Delta-T Group any contractors whose services had been or may have been provided to the City through Delta-T Group - unless the engagement was through a previous contractor of Delta-T Group, Newark Works or any similar quasi-governmental agency; and

**WHEREAS**, the City's Federally Qualified Health Centers cannot provide medical services to residents between one through eighteen years of age, without a pediatrician, therefore the City desires to contract with Dr. Feminia C. Mac, M.D., P.A., a prior contractor providing pediatric services to the City through Delta-T; and

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-5 (1)(a)(i), allows for the awarding of contracts for professional services without public advertising for bids and bidding therefore; and

**WHEREAS**, the services of a physician qualify as a "professional service" pursuant to N.J.S.A. 40A:11-2(6); and

**WHEREAS**, the Acting Director of DHCW has determined that it would be in the best interests of the City of Newark and its residents to retain the services of Feminia C. Mac, M.D., P.A., 27 Rockaway Place, Parsippany, New Jersey 07054, to provide these services for the period of January 3, 2017 through December 31, 2017, in the amount not to exceed \$154,700.00, at the rate of \$85.00 per hour, not to exceed 35 hours per week; and

**WHEREAS**, Feminia C. Mac, M.D., P.A., has completed and submitted a Business Entity Disclosure Certification which certifies that Feminia C. Mac, M.D., P.A., has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit the Business Entity from making any reportable contributions through the term of the contract; and

**WHEREAS** this contract is awarded in accordance with the requirement for Non-Fair and Open Contracts under the "New Jersey Local Unit Pay-to Play" law, N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, this contract is being awarded as a "Professional Service" pursuant to Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, a Determination of Value and Business Entity Disclosure Certification is attached hereto and made a part hereof and shall be filed with the Office of the City Clerk; and

**WHEREAS**, the City of Newark is currently operating under a temporary budget, and therefore may enter into contracts with only partial Certifications of Funds in accordance with N.J.A.C.5:30-5.5 (a), which provides that:

When a local unit is operating under a temporary budget, as provided for in N.J.S.A. 40A:4-19, the local unit may enter into a contract for a period extending beyond the time period funded in the temporary budget upon compliance with the following:

1. If the full cost of that year is to be charged against the temporary budget at the time the contract is authorized by a resolution or ordinance of the governing body, the written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of the full cost of the contract for that fiscal year in the temporary budget, which must contain sufficient appropriations therefor; or

2. If the full cost of that year would not be charged against the temporary budget at the time the contract is authorized by a resolution or ordinance of the governing body, the written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of at least a prorated amount reflecting all liability to be incurred during the temporary budget period, and the contract must contain a clause making its continuation past the temporary budget period subject to the appropriation of sufficient funds. Immediately after the final budget is adopted, a written certification of available funds shall be prepared for the remaining balance and filed with the original ordinance or resolution authorizing entering into the contract. (N.J.A.C. 5:30-5.5(a)); and

**WHEREAS**, on August 1, 2012, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance 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 (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter "PAC), in excess of the thresholds specified in Subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement; and

**WHEREAS**, Feminia C. Mac, MD, P.A. has executed a Certification of Compliance with the City's Pay-to-Play Reform Ordinance (a copy of which is attached hereto and made a part hereof).

**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 a contract on behalf of the City of Newark with Feminia C. Mac, M.D.,P.A., 27 Rockaway Place, Parsippany, New Jersey 07054, to provide a Pediatrician Consultant for the Federally Qualified Health Centers, under the direction of the Medical Director perform, varied medical services involved in the treatment and/or prevention of children's disease and does related work as

required; provide medical care to pediatric patients.

2. The term of the contract commencement date is January 3, 2017, and terminates on December 31, 2017.
3. The contract shall not exceed the amount of \$154,700, at the rate of \$85.00 per hour, not to exceed 35 hours per week.
4. The contract is hereby ratified from January 3, 2017 to the date of adoption of this authorizing resolution.
5. Pursuant to N.J.A.C. 5:30-5.5(a) Temporary Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of \$77,350.00 are available in the 2017 Budget, Business Unit 026; Account# 46480, the balance of \$77,350.00 to be provided in the 2017 adopted budget. The Certification shall be filed, along with the original resolution and the executed contract, in the Office of the City Clerk. Immediately after the City's final 2017 Budget adoption, the Acting Director of the Department of Health and Community Wellness shall request the Chief Finance Officer to prepare and issue a Certification of Funds for the remaining balance of the cost of the contract, and shall cause same to be filed with the original resolution in the Office of the City Clerk.
6. The contract shall be subject to the availability and appropriation of sufficient funds as may be required to meet the obligations therein, and shall be subject to immediate termination in the absence thereof with no further obligation of the City of Newark.
7. The terms of the contract may only be waived or amended in a writing signed by the parties duly authorized to execute this contract, subject to the approval of the Newark Municipal Council by resolution.
8. The Acting Director of the Department of Health and Community Wellness shall file a copy of this resolution and a fully executed copy of the contract in the Office of the City Clerk.
9. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of its passage.

### **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 a contract with Feminia C. Mac, M.D.,P.A., Pediatrician Consultant, 27 Rockaway Place, Parsippany, New Jersey 07054, to provide the Pediatrician Consultant Services and under the direction of the Medical Director, perform varied medical services involved in the treatment and/or prevention to children's diseases and related work as required, for the period of January 3, 2017 through December 31, 2017, in the amount not to exceed \$154,700.00, at the rate of \$85.00 per hour, not to exceed 35 hours per week.