



Legislation Details (With Text)

**File #:** 14-1149      **Version:** 1      **Name:** Arc of Essex (2014) (CDBG)  
**Type:** Resolution      **Status:** Filed  
**File created:** 7/25/2014      **In control:** Administration  
**On agenda:** 11/6/2014      **Final action:** 11/6/2014  
**Title:** Dept/ Agency: Administration/Office of the Business Administrator  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Contract with Sub-recipient  
Purpose: To provide CDBG General Services  
Entity Name: The Arc of Essex County, Inc.  
Entity Address: 123 Naylor Avenue, Livingston, New Jersey 07039  
Grant Amount: \$10,300.00  
Funding Source: U.S. Department of Housing and Urban Development (HUD)/ Community Development Block Grants (CDBG) Funds  
Contract Period: January 1, 2014 through December 31, 2014  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
List of Property: (Not Applicable)  
(Address/Block/Lot/Ward)  
Additional Information:  
Apply & Accept Resolution 7R1-J adopted on September 18, 2013;  
Budget Insertion Resolution 7R1-B adopted on November 18, 2013.  
Returned to Administration 7R1-e adopted July 9, 2014.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/6/2014	1	Municipal Council	Adopt	Pass

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**WHEREAS**, pursuant to Resolution 7R1-J, adopted September 18, 2013, the Mayor and/or his designee, the Business Administrator, were authorized to file FY2013 (Program Year 2013-2014) One-Year Action Plan with the U.S. Department of Housing and Urban Development (HUD), which contained requests for funds from four (4) grant programs: Community Development Block Grants (CDBG), \$6,752,671.00; HOME Investment Partnerships (HOME), \$1,799,805.00; Housing Opportunities for People With AIDS (HOPWA), \$6,419,016.00 (on behalf of Newark and the “Eligible Metropolitan Area”); and Emergency Shelter Grants (ESG), \$483,211.00, and were further authorized to accept these grant funds and enter into a grant agreement with HUD for these funds, with no municipal funds required; and

**WHEREAS**, pursuant to the Competitive Contracting Process of the State Local Public Contracts Law, as authorized by *N.J.S.A. 40A:11-4.1b(2)* (being the operation, management or administration of a social services program), and pursuant also to the Fair and Open Process of State Pay-to-Play Law, *N.J.S.A. 19:44A-20.5*, the City of Newark publicly advertised a Request for Proposals (RFP) for CDBG General Services on June 27, 2013 with all proposals due on July 29, 2013; and

**WHEREAS**, the Municipal Council of the City of Newark hereby ratifies the use of competitive contracting for processing these Housing and Urban Development Entitlement Programs from June 27, 2013 to the date of adoption of this resolution and authorizes its use in the future; and

**WHEREAS**, the proposal received from The Arc of Essex County, Inc., 123 Naylor Avenue, Livingston, New Jersey 07039, hereinafter, “Sub-Recipient,” was the most advantageous to the City of Newark, based on experience and all other criteria listed in the RFP; and

**WHEREAS**, the Assistant Business Administrator desires to enter into an Agreement with the Sub-Recipient, for the purpose of providing CDBG General Services for the contract period January 1, 2014 through December 31, 2014, for a total contract amount of \$10,300.00; and

**WHEREAS**, this Agreement is awarded to the Sub-Recipient, in compliance with 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 Community Development Block Grant, 24 CFR 135 (Section #3 reporting requirements) and 24 CFR. 570.201; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number ME0-07-0001 (hereinafter “Pay-to-Play Executive Order”), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; and

**WHEREAS**, reporting requirements pursuant to *N.J.S.A. 19:44A-20.5*, *et seq.* and MEO-07-0001 are only applicable to Business Entities as defined therein and do not include non-profit organizations. As a non-profit organization, The Arc of Essex County, Inc., is therefore not required to submit certain disclosure statements.

**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 Assistant Business Administrator, are hereby authorized to enter into and execute an Agreement with The Arc of Essex County, Inc., 123 Naylor Avenue, Livingston, New Jersey 07039, for the period January 1, 2014 through December 31, 2014, to provide CDBG General Services, which are further described in the "Scope of Services" attached hereto as Exhibit A.
2. The contract between the City of Newark and Sub-recipient is hereby ratified from January 1, 2014 to the date of adoption of this authorizing resolution.
3. The total compensation to be paid pursuant to said Agreement is \$10,300.00 and shall be paid from CDBG funding.
4. The terms of the 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 term of this contract may be extended for up to two (2), six (6) 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 and signed by both parties.
5. The Municipal Council ratifies the use of competitive contracting for processing and awarding Housing and Urban Development Entitlement Programs from June 27, 2013 to the date of adoption of this resolution and authorizes its use in the future.
6. 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*, 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 Community Development Block Grant, 24 CFR 135 (Section #3 reporting requirements) and 24 CFR 570.201.
7. Attached hereto is a Certification of Funds from the Municipal Comptroller of the City of Newark, which states that there are sufficient funds available for the purpose set forth hereinabove.
8. An executed copy of said Agreement shall be filed with the Office of the City Clerk by the Assistant Business Administrator.

**STATEMENT:**

This resolution hereby ratifies and authorizes the Mayor and/or his designee, the Assistant Business Administrator, to enter into and execute an Agreement with The Arc of Essex County, Inc., 123 Naylor Avenue, Livingston, New Jersey 07039, for the purpose of providing CDBG General Services, (within "Scope of Services" under Exhibit A) for the period of January 1, 2014 through December 31, 2014, for the total contract amount of \$10,300.00.