



Legislation Details (With Text)

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Type: Resolution **Status:** Adopted
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On agenda: 11/1/2023 **Final action:** 11/1/2023
Title: Dept./ Agency: Administration/Office of Business Administrator
Action: Ratifying Authorizing Amending
Type of Service: Contract with Sub-recipient
Purpose: To provide Community Violence Prevention through Youth Menoring Program.
Entity Name: The Penny Foundation
Entity Address: P.O. Box 13181, Birmingham, Alabama 35203
Grant Amount: Not to exceed \$269,442.00
Funding Source: American Rescue Plan Act of 2021 - Department of Treasury Coronavirus State and Local Fiscal Recovery/Funds/Business Unit: NW051, Dept. G21, Div./Proj. ARPNO, Activity A, Account #71280, Budget Ref. B2021/Dept. G22, Div./Proj. ARP2H, Activity A, Account #71280, Budget Ref. B2022
Grant Period: Grant funds to be expended, no later than November 30, 2024
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:

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Date	Ver.	Action By	Action	Result
11/1/2023	1	Municipal Council		

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WHEREAS, on or about March 11, 2021, the 117th Congress of the United States and

President Joseph R. Biden, officially enacted a \$1.9 Trillion Dollar stimulus package, the American Rescue Plan Act of 2021 (“ARPA”), in response to the economic crisis brought on by the ongoing COVID-19 pandemic; and

WHEREAS, on or about May 19, 2021, the City of Newark (the “City”) submitted an electronic portal application to the United States Department of Treasury for the American Rescue Plan Act of 2021 - Treasury’s Coronavirus State and Local Fiscal Recovery Funds (the “Application”), and was notified that the City was being awarded a total amount of \$176,667,606.00 (the “ARPA Award”); and

WHEREAS, on June 22, 2021, the Municipal Council adopted Resolution 7R1-a(s), authorizing the City’s submission of the Application and the acceptance of the Award; and

WHEREAS, the ARPA Award has provided and will continue to provide the City with much needed monetary support in responding to and recovering from the unprecedented effect and impact that the COVID-19 pandemic has had on the City, its residents, communities and businesses; and

WHEREAS, the Biden Administration made clear in the June 23, 2021 *Fact Sheet: Biden-Harris Administration Announces Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety*, that part of the strategy for ARPA’s unprecedented funding levels is to help state, local and municipal governments implement measures to reduce violent crime, including supporting and implementing violence intervention and prevention programs; and

WHEREAS, the Department of the Treasury, in its Final Rule adopted on January 27, 2022 Federal Register Vol. 87, No. 18, 31 CFR Part 35 (“Final Rule”), allows the City to provide funds to a sub-recipient a subaward for the purpose of providing violent prevention services as a result of experiencing a public health impact or negative economic impact due to the pandemic; and

WHEREAS, violence is recognized as a public health problem, and is the leading cause of death in the United States for people ages 15-34; they are often the victims of unintentional injury, suicide, and homicide, which more often than not are directly associated with firearms; and

WHEREAS, violence is preventable, and with supportive relationships, programs and resources violent behaviors can be diminished and cycles of violence disrupted; and

WHEREAS, several cities such as Toledo, Ohio and Gresham, Oregon, among others, have used their ARPA funds to enhance and implement violence prevention programs (See March 10, 2022, Report: The United States Conference of Mayors, *The American Rescue Plan Act: A Transformational Lifeline for First Responders, Small Businesses and Residents in America’s Cities*; and

WHEREAS, many of the violence prevention entities in Newark, which were formed to provide supportive social service programs to stem the increase in violence and violent crimes, have been severely and detrimentally impacted by the COVID-19 pandemic - they have lost funding, employees and have had to provide more services with less resources; 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), consistent with the City's violence reduction initiative, for the provision of community-based violence intervention and prevention programs in the following 3 categories: 1. Community Violence Intervention, 2. Community Violence Prevention, and 3. Community Violence Intervention and/or Prevention Treatment on March 20, 2023, with all proposals due on April 21, 2023; and

WHEREAS, the Municipal Council of the City of Newark hereby ratifies the use of competitive contracting for processing these Community-Based Violence Intervention and Prevention Programs from March 20, 2023 to the date of adoption of this Resolution and authorizes its use in the future; and

WHEREAS, the proposal received from The Penny Foundation, P.O. Box 13181, Birmingham, Alabama 35203, 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 Business Administrator desires to enter into an Agreement with the Sub-Recipient, for the purpose of providing Community Violence Prevention through Youth Menoring Program for the contract period July 1, 2023 to November 30, 2024, for a total contract amount of Two Hundred Sixty-Nine Thousand Four Hundred Forty-Two Dollars and Zero Cents (\$269,442.00); and

WHEREAS, pursuant to N.J.S.A. 40A:5-16.2, which states that the governing body of any local unit may, by resolution, provide for and authorize payment of an advance to any nonprofit organization or agency with which the local unit has entered into a service contract, for the purpose of meeting service program start-up costs in order to prevent undue hardship to Sub-Recipient to achieve objectives of ARPA, the Sub-Recipient shall receive an advance payment of no more than 25% of the total award; 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

WHEREAS, the Newark Municipal Council adopted the State of New Jersey Pay to Play statutory requirements pursuant to N.J.S.A. 19:44A-20.4 et seq., governing the eligibility for municipal contracts.

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 Business Administrator, are hereby authorized to enter into and execute an Agreement with The Penny Foundation, P.O. Box 13181, Birmingham, Alabama 35203, for the period July 1, 2023 to November 30, 2024, to provide Community Violence Prevention through Youth Menoring Program, which is 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 July 1, 2023 to the date of adoption of this authorizing resolution.
3. The total compensation to be paid pursuant to said Agreement is Two Hundred Sixty-Nine Thousand Four Hundred Forty-Two Dollars and Zero Cents (\$269,442.00) and shall be paid

from the American Rescue Plan Act of 2021 - Treasury's Coronavirus State and Local Fiscal Recovery Funds ("ARPA"), which the City accepted and received pursuant to Resolution 7R1-a(S) adopted on June 22, 2021 shall be the funding source for these funds.

4. The VP Entities shall use the funds they receive from the City's ARPA Subaward to provide greater social services impacting and critical for violence prevention.
5. The Department of the Treasury's Final Rule, in pertinent part, allows the City to provide subawards to sub-recipients for the purpose of crime prevention as a result of a public health impact or negative economic impact due to the COVID-19 pandemic.
6. 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) 6-month periods, provided that any such extension is able to be funded using the allocated American Rescue Plan Act Funding, 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.
7. The Municipal Council ratifies the use of competitive contracting for processing and awarding Community-Based Violence Intervention and Prevention Programs from March 20, 2023 to the date of adoption of this Resolution and authorizes its use in the future.
8. Pursuant to N.J.S.A. 40A:5-16.2, the Sub-Recipient shall receive an advance payment of no more than 25% of the total award, a schedule for the depletion of the advance, in accordance with sound accounting practice, indicating that the advance will be entirely depleted by the termination date of the contract.
9. 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.
10. Attached hereto is a Certification of Funds from the Chief Financial Officer of the City of Newark, which states that there are sufficient funds for the purpose set forth hereinabove.
11. Sub-recipient shall not receive any funding unless in compliance with Newark City Code 2:4-22 stating no funds shall be provided for of any program or activity unless certification that the sub-recipient has no outstanding charges due to the City of Newark
12. An executed copy of said Agreement shall be filed with the Office of the City Clerk by the Business Administrator.

STATEMENT

This Resolution authorizes the Mayor and/or his designee, the Business Administrator, to enter into a contract with The Penny Foundation, P.O. Box 13181, Birmingham, Alabama 35203, using ARPA

funding, for the purpose of providing Community Violence Prevention through Youth Mentoring Program, for the period of July 1, 2023 to November 30, 2024, for a total contract amount of \$269,442.00. This contract 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