



# City of Newark

City Hall  
920 Mayor Kenneth A.  
Gibson Boulevard  
Newark, New Jersey 07102

## Legislation Details (With Text)

**File #:** 17-0759 **Version:** 1 **Name:** Positive Health Care Inc.  
**Type:** Resolution **Status:** Adopted  
**File created:** 4/19/2017 **In control:** Health and Community Wellness  
**On agenda:** 5/17/2017 **Final action:** 5/17/2017  
**Title:** 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: Positive Health Care, Inc.  
Entity Address: 333 Washington Street, Newark, New Jersey 07102  
Grant Amount: Not to Exceed \$235,523.00  
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 \$49,224.00 Ryan White funds accepted by Resolution 7R5-A, adopted on March 1, 2017.  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

| Date      | Ver. | Action By         | Action | Result |
|-----------|------|-------------------|--------|--------|
| 5/17/2017 | 1    | Municipal Council | Adopt  | Pass   |

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**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 Interim 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 Interim 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

**WHEREAS**, the proposal submitted by Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102 (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 forty-nine thousand, two hundred twenty-four dollars and no cents (\$49,224.00) and a contract not to exceed two hundred thirty-five thousand, five hundred twenty-three dollars and zero cents (\$235,523.00); and

**WHEREAS**, the Mayor and the Interim 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 Interim Director of the Department of Health and Community Wellness, are hereby authorized to enter into and execute an Agreement with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, 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 forty-nine thousand, two hundred twenty-four dollars and no cents (\$49,224.00) and a contract not to exceed two hundred thirty-five thousand, five hundred twenty-three dollars and zero cents (\$235,523.00).
2. The Mayor and/or his designee, the Interim 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 forty-nine thousand, two hundred twenty-four dollars and zero cents (\$49,224.00) 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 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 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 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.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Interim Director of the Department of Health and Community Wellness, to enter into and execute an Agreement with

Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, 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 Forty-Nine Thousand, Two Hundred Twenty-Four Dollars and Zero Cents (\$49,224.00) and a contract not to exceed Two Hundred Thirty-Five Thousand, Five Hundred Twenty-Three Dollars and Zero Cents (\$235,523.00).