



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Adopted

**File created:** 5/27/2022      **In control:** Health and Community Wellness

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**Title:** Dept/ Agency: Health and Community Wellness  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Contract with Sub-Recipient  
Purpose: To provide Ryan White HIV Health and Support Services for ending the HIV epidemic in the City of Newark and the Newark Eligible Metropolitan Area (NEMA).  
Entity Name: Hyacinth AIDS Foundation, Inc.  
Entity Address: 194 Clinton Avenue, Newark, New Jersey 07103  
Grant Amount: Not to exceed \$326,563.00  
Funding Source: United States Department of Health and Human Services, Health Resources and Services Administration (HRSA)  
Contract Period: March 1, 2022 through February 28, 2023  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
Additional Information:  
Ending the HIV Epidemic funds accepted by Resolution 7R5-a adopted on April 6, 2022.  
Partial Certification of Funds in the amount of \$61,674.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/3/2022	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark (the “City”) desires to continue to provide HIV/AIDS healthcare, supportive and related services to people living with HIV and AIDS in 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 April 6, 2022, the Municipal Council authorized the Mayor of the City of Newark and the Director of the Department of Health and Community Wellness to accept funds from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Rockville, Maryland 20857, pursuant to the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, for the provision of HIV/AIDS healthcare, supportive and related services to individuals and families living with HIV in the Newark Eligible Metropolitan Area (EMA); and

**WHEREAS**, pursuant to Resolution 7R5-a adopted on April 6, 2022, the Municipal Council authorized the Mayor of the City of Newark and the Director of the Department of Health and Community Wellness to accept funds in the amount of Four Hundred Ninety-Two Thousand Three Hundred Dollars and Zero Cents (\$492,300.00), from HRSA through the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B; and

**WHEREAS**, the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, requires that the City, which is the lead agency for the Newark EMA, to provide funding for HIV/AIDS related health and support services for people living with HIV and AIDS in Essex County; and

**WHEREAS**, the City of Newark through the Department of Health and Community Wellness, Division of Health Planning/Ryan White Unit (the “City”), publicly advertised a Request For Proposals (RFPs) for medical and support services (eligible Ryan White and Initiative Services) from November 22, 2021 through November 24, 2021, and received fourteen (14) Proposals on December 23, 2021; and

**WHEREAS**, the City’s legal notice and RFP for FY2022 eligible Ryan White and Initiative Services was filed with Resolution #7R5-a adopted on April 6, 2022, which authorized the acceptance of grant funding for the continued provision of eligible Ryan White and Initiative Services; and

**WHEREAS**, the Proposal submitted by Hyacinth AIDS Foundation, Inc., 194 Clinton Avenue, Newark, New Jersey 07103, (hereinafter referred to as “Sub-Recipient”), was determined to be most advantageous to the City, 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 this requirement; and

**WHEREAS**, the City’s Department of Health and Community Wellness (the “City”), desires to enter into an Agreement with the Sub-Recipient to provide eligible Ryan White and Initiative Services, which is more specifically described in the “Scope of Services” (attached hereto and made a part hereof) for the period commencing on March 1, 2022 and terminating on February 28, 2023 for an award amount of Sixty-One Thousand Six Hundred Seventy-Four Dollars and Zero Cents

(\$61,674.00) and a total contract amount not to exceed Three Hundred Twenty-Six Thousand Five Hundred Sixty-Three Dollars and Zero Cents (\$326,563.00); and

**WHEREAS**, the Mayor of the City of Newark and the Acting Director of the Department of Health and Community Wellness desire to accept additional funds as they may become available from HRSA under the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B; and

**WHEREAS**, the City's 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 client's health information and insure the privacy of that 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 is in compliance with the City's Ordinance on Pay-to-Play, R.O. 2:4-22C; 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 Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the city of Newark 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 Hyacinth AIDS Foundation, Inc., 194 Clinton Avenue, Newark, New Jersey 07103, for the provision of Ryan White HIV Health and Support Services for ending the HIV epidemic in the City of Newark and the Newark Eligible Metropolitan Area (NEMA), which is more specifically described in the "Scope of Services" attached hereto and made a part hereof, for the period commencing on March 1, 2022 and terminating on February 28, 2023, for an award amount of Sixty-One Thousand Six Hundred Seventy-Four Dollars and Zero Cents (\$61,674.00), and a total contract amount not to exceed Three Hundred Twenty-Six Thousand Five Hundred Sixty-Three Dollars and Zero Cents (\$326,563.00)
2. The Mayor of the city of Newark 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 Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, for the period commencing on March 1, 2022 and terminating on February 28, 2023.
3. Attached hereto is a partial Certification of Funds in the amount of Sixty-One Thousand Six Hundred Seventy-Four Dollars and Zero Cents (\$61,674.00), from the City's Municipal

Comptroller and that the line appropriation of the Official Budget which shall be charged is Business Unit 051; Dept. ID G22; Division 2H22D; Account# 72090; Budget Ref. B2022.

4. The City's 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 hereby ratifies the use of competitive contracting for processing agreements under the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, from November 22, 2021 to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2022 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 (12) month period of March 1, 2022 and terminating on February 28, 2023, 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 clients' health information and ensure the privacy of that 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 Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, and is in compliance with the City's Ordinance on Pay-to-Play, R.O. 2:4-22C.
10. The legal notice/advertisement and RFP for FY2022 Ryan White HIV Health and Support Services for ending the HIV epidemic in the City of Newark and the Newark Eligible Metropolitan Area (NEMA) shall be filed with Resolution 7R5-a adopted on April 6, 2022.
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.

### **STATEMENT**

This Resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Health and Community Wellness, to enter into and execute an Agreement with Hyacinth AIDS Foundation, Inc., 194 Clinton Avenue, Newark, New Jersey 07103, to provide eligible Ryan White and Initiative Services to the Newark EMA, for the period commencing on March 1, 2022 and terminating on February 28, 2023, for an award amount \$61,674.00 and a total contract amount not to exceed \$326,563.00.

