



Legislation Text

File #: 24-0536, Version: 1

Dept/ Agency: Administration/Office of the Business Administrator

Action: (X) Ratifying (X) Authorizing (X) Amending

Type of Service: Amending Contract with Grant Sub-recipient

Purpose: To amend resolution 7R7-a adopted on December 12, 2023, to provide emergency shelter services, homelessness prevention, and/or Rapid Rehousing assistance in the City of Newark.

Entity Name: YMCA of Newark and Vicinity

Entity Address: 600 Broad Street, Newark, New Jersey 07102

Grant Amount: Not to exceed \$374,900.00

Funding Source: United States Department of Housing and Urban Development (HUD)

Account Code Line: 2024 Budget/NW051; Dept. ID G24; Project M24F0; Account# 72030; Budget Ref. B2024

Contract Period: January 1, 2023 through June 30, 2024

Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS

(X) Fair & Open () No Reportable Contributions (X) RFP () RFQ

() Private Sale (X) Grant (X) Sub-recipient () N/A

Additional Information:

Funds accepted by Resolution 7R1-d adopted on February 21, 2024.

Budget Insertion by Resolution 7R1-c adopted on March 20, 2024.

The original Resolution 7R7-a adopted on December 12, 2023, awarded a contract in an amount not to exceed \$74,900.00 for the period of January 1, 2023 through December 31, 2023.

This Resolution will increase the grant amount by \$300,000.00 and extend the contract period through June 30, 2024.

WHEREAS, on August 22, 2022, the U.S. Department of Housing and Urban Development (HUD) awarded the City \$1,894,414.19 of reallocated funds from the Emergency Solutions Grants (ESG) Program CARES Act (ESG-CV) appropriation to further assist communities in their efforts to prevent, prepare for and respond to the coronavirus pandemic (COVID-19); and

WHEREAS, the City desires to further the public interest by obtaining these funds as an additional resource to be used to prevent, prepare for, and respond to the Coronavirus Pandemic (COVID-19) to meet the needs of the citizens of Newark; and

WHEREAS, on September 20, 2022, the City's Business Administrator signed and submitted to HUD a Substantial Amendment of the City's 2015-2020 HUD Consolidated Plan by submitting a Substantial Amendment of the City's 2019 Annual Action Plan, which proposed a CARES Act Amendment, that included the supplemental formula allocation of \$1,894,414.19 to the City from a reallocation of CARES Act funding for the Emergency Solutions Grants (ESG) Program; and

WHEREAS, pursuant to Resolution 7R1-d adopted on February 21, 2024, the Municipal Council of the City of Newark authorized the Mayor and/or his designee, the Business Administrator,

to enter into an agreement with HUD to receive and expend grant funds in the amount of One Million Eight Hundred Ninety-Four Thousand Four Hundred Fourteen Dollars and Nineteen Cents (\$1,894,414.19) from HUD's ESG Program; and

WHEREAS, due to the importance of the Emergency Shelter Grant Program (ESG) and programs funded in whole or in part by ESG grant funds awarded to the City of Newark and performed or operated by local sub-recipients for the benefit of the public, as well as the importance of utilizing ESG funding in a timely manner, the Mayor and the Business Administrator believe it is in the best interest of the City and the public who benefit from these services and programs to reprogram unexpended ESG funds from prior program years to satisfy the current needs of the public; and

WHEREAS, pursuant to Resolution 7R7-a adopted on December 12, 2023 the Mayor and/or his designee, the Homelessness Czar, was authorized to enter into an agreement with YMCA of Newark & Vicinity, 600 Broad Street, Newark, New Jersey 07102 (hereinafter the "Sub-Recipient"), awarding the Sub-Recipient an ESG grant from ESG funds in an amount not to exceed \$74,900.00 to be used by the sub-recipient to provide operational services and homeless prevention for the period commencing on January 1, 2023 and terminating on December 31, 2023; and

WHEREAS, as a result of the aforementioned reprogramming and in consideration of the satisfactory performance of the Sub-Recipient, the City of Newark believes it is in the best interest of the public to amend the terms of the existing Agreement and grant to the Sub-Recipient an additional \$300,000.00 in ESG funding to be used for the provision of operational services, in conformity with applicable grant program guidelines; and

WHEREAS, as a result of the aforementioned reprogramming and in consideration of the satisfactory performance of the Sub-Recipient, the City of Newark believes it is in the best interest of the public to amend the terms of the existing Agreement and extend the contract term by six (6) months to end on June 30, 2024 in order for ESG funding to provide emergency shelter services, homelessness prevention, and/or Rapid Rehousing assistance in the City of Newark., in conformity with applicable grant program guidelines; and;

WHEREAS, on September 9, 2023, the City Newark held a (15) day citizen review period advertising the reallocated funds from the Emergency Solutions Grants (ESG) Program CARES Act (ESG-CV) appropriation; and

WHEREAS, pursuant to State Local Public Contracts Law, N.J.S.A. 40A:11-4.1(b)(2), the competitive contracting process may be used for the operation, management or administration of social service programs; and

WHEREAS, pursuant to the Fair and Open Process of State Pay-to-Play Law, N.J.S.A. 19:44A-20.5, the City of Newark (hereinafter "City") publicly advertised a Request for Proposal (RFP) for emergency shelter services, homelessness prevention, and/or rapid rehousing with all such proposals due on November 7, 2022; and

WHEREAS, the Office of Homeless Services desires to enter into a contract with the Sub-Recipient, for the purpose of providing emergency shelter services and rapid rehousing to the homeless and those at risk of being homeless in the City for the contract period January 1, 2023 through June 30, 2024 for a total contract amount not to exceed Three Hundred Seventy-Four

Thousand Nine Hundred Dollars and Zero Cents (\$374,900.00); and

WHEREAS, this Agreement is being awarded to the Sub-Recipient is in compliance with the State Local Public Contracts Law, 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), as well as the federal Emergency Solutions Grants (ESG) program regulations, 24 CFR 576 et seq.; 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, the Sub-Recipient shall receive an advance payment of no more than 75% of the total award; 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 et seq.) and is in compliance with the City's Ordinance on Pay-to-Play, reporting requirements are only applicable to business entities as defined therein and do not include non-profit organizations, and as a non-profit organization, Sub-recipient, 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 Homelessness Czar, are hereby authorized to amend the original agreement between the City of Newark and YMCA of Newark & Vicinity, 600 Broad Street, Newark, New Jersey 07102, to increase the contract amount by an additional \$300,000.00 for a total contract amount not to exceed Three Hundred Seventy-Four Thousand Nine Hundred Dollars and Zero Cents (\$374,900.00) with the contract date commencing on January 1, 2023 and ending on June 30, 2024.
2. The Municipal Council ratifies this contract from January 1, 2023, through the date of adoption of this authorizing resolution.
3. The total compensation to be paid pursuant to said contract shall not exceed Three Hundred Seventy-Four Thousand Nine Hundred Dollars and Zero Cents (\$374,900.00), this shall be paid for from ESG-CV 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 one (1) six-month periods, provided that any such extension is at no additional cost to the City, the services are being performed in an effective and efficient manner, and is in a writing 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 January 1, 2023, to the date of adoption of this authorizing resolution and authorizes said use in the future.
6. This contract is being awarded pursuant to the Emergency Solutions Grants Program, 24 CFR 576.1 et seq., and is in compliance with 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 the City's Ordinance on Pay-to-Play, R. O. 2:4-22C.1.

7. Attached hereto is a Certification of Funds from the Municipal Comptroller of the City of Newark, which states that there are sufficient funds for the purpose set forth hereinabove. NW051; Dept. ID G24; Project M24F0; Account# 72030; Budget Ref. B2024.
8. The Homelessness Czar shall file the fully executed copy of said contract with the Office of the City Clerk and said contract shall be made available for public inspection.

STATEMENT

This Resolution authorizes and ratifies the actions taken by the Mayor and/or his designee, the Homelessness Czar, to enter into and execute a contract with YMCA of Newark and Vicinity utilizing ESCV funding, for the provision of emergency shelter services and rapid rehousing to the homeless and those at risk of being homeless in the City of Newark, for the period January 1, 2023, through June 30, 2024, in an amount not to exceed Three Hundred Seventy-Four Thousand Nine Hundred Dollars and Zero Cents (\$374,900.00).