



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 12-0254, Version: 1

**Dept/ Agency:** Administration/Office of the Business Administrator

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

**Type of Service:** Contract with Sub-recipient

**Purpose:** Providing housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area (NEMSA)

**Entity Name:** Positive Health Care, Inc.

**Entity Address:** 333 Washington Street, Newark, New Jersey 07102

**Grant Amount:** \$318,000.00

**Funding Source:**

**Contract Period:** January 1, 2012 through December 31, 2012

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( X ) Fair & Open ( ) No Reportable Contributions ( X ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( X ) Sub-recipient ( ) n/a

**List of Property:** (N/A)

**(Address/Block/Lot/Ward)**

### Additional Information:

Funds accepted by Resolution # 7R1-F100511

**WHEREAS**, the City of Newark desires to continue to act as the Grantee for disbursement of funds made available by the United States Department of Housing and Urban Development (HUD), Housing Opportunities for Persons with AIDS (HOPWA) Program, to provide housing assistance and supportive services for persons living with HIV/AIDS through sub-recipient contracts within the Newark Eligible Metropolitan Statistical Area (NEMSA), which consists of Essex, Sussex, Morris and Union Counties in New Jersey and Pike County, Pennsylvania; and

**WHEREAS**, pursuant to Resolution 7R1-F, adopted on October 5, 2011, the Municipal Council of the City of Newark authorized the Mayor and the Business Administrator to enter into an agreement to receive and expend grant funds in the amount of \$6,646,588.00 from HUD's HOPWA Program; 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 publicly advertised a Request for Proposal (RFP) for these housing assistance and supportive services on August 23, 2011 with all proposals due on September 16, 2011; 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 August 23, 2011, to the date of adoption and authorizes its use in the future; and

**WHEREAS**, the proposal received from Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, hereinafter referred to as “sub-recipient”, was found to be the most advantageous for the City of Newark to accept, based on experience and all other criteria listed in the RFP; and

**WHEREAS**, the Department of Administration desires to enter into an Agreement with the sub-recipient, for the purpose of providing housing assistance and supportive services to persons living with HIV/AIDS within the NEMSA for the contract period January 1, 2012 through December 31, 2012, in an amount not to exceed \$318,000.00; and

**WHEREAS**, this contract awarded to the sub-recipient is 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 Housing Opportunities for Persons with AIDS (HOPWA) Program, 24 CFR 574.500(b); and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-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**, 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 health information and ensure the privacy of that information.

**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 is hereby authorized to enter into and execute an Agreement on behalf of the City of Newark with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, for the period of January 1, 2012 through December 31, 2012, to provide the services attached hereto and described in the “Scope of Services.”
2. The contract between the City of Newark and the sub-recipient is hereby ratified from January 1, 2012 through the date of adoption of this authorizing resolution.
3. The total amount of said contract shall not exceed \$318,000.00 and shall be paid for by HOPWA funds.
4. The Municipal Council ratifies the use of competitive contracting for processing and awarding Housing and Urban Development Entitlement Programs from August 23, 2011 to the date of adoption and authorizes its use in the future.
5. The sub-recipient shall execute and formalize a Business Associate Agreement with the City of Newark to protect client 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).
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 Housing Opportunities for Persons with

AIDS (HOPWA) Program, 24 CFR 574.500(b), and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007.

7. As a Grantee of federal funds, the City of Newark was required to and did solicit RFPs for this contract; and in entering this contract with the sub-recipient, is compliant with Federal Laws, State Statutes, State Local Public Contracts Law, and State Pay-to-Play Law.
8. Attached hereto is a certification of funds from the Municipal Comptroller of the City of Newark, which states that: (1) there are sufficient funds for the purpose set forth hereinabove; and (2) the line appropriation of the official budget, which shall be charged is Business Unit 051, Department G11, Division 2H1M0, Account 72030.
9. An executed copy of said contract shall be filed with the Office of the City Clerk by the Business Administrator for the City of Newark.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Business Administrator to enter into and execute a contract with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, utilizing HOPWA funding for the purpose of providing housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area, for the period of January 1, 2012 through December 31, 2012, in an amount not to exceed \$318,000.00.