



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 13-0139, Version: 1

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

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

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

**Purpose:** Emergency Shelter Services

**Entity Name:** AIDS Resource Foundation for Children

**Entity Address:** 77 Academy Street, Newark, New Jersey 07102

**Grant Amount:** \$39,072.00

**Funding Source:** U.S. Department of Housing and Urban Development (HUD)/ Emergency Solutions Grants (ESG)

**Contract Period:** January 1, 2013 through December 31, 2013

**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

**List of Property:** (Not applicable)

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

### Additional Information:

Funds accepted by Resolution 7R1-F121912 and inserted by Resolution 7R1-Z020613

**WHEREAS**, pursuant to Resolution 7R1-F, adopted December 19, 2012, the Mayor and/or his designee, the Business Administrator, were authorized to file FY2012 (Program Year 2012-2013) One-Year Action Plan with the U.S. Department of Housing and Urban Development (HUD), which contained requests for funds from four grant programs: Community Development Block Grants (CDBG), \$6,623,599.00; HOME Investment Partnerships (HOME), \$1,944,355.00; Housing Opportunities for People With AIDS (HOPWA), \$7,218,919.00 (on behalf of Newark and the "Eligible Metropolitan Area"); and Emergency Solutions Grants (ESG), \$678,542.00, and were further authorized to accept these grant funds and enter into a Grant Agreement with HUD for these funds, with no municipal funds required; 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 service 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) for ESG services on June 21, 2012 with all Proposals due on July 23, 2012; 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 June 21, 2012 to the date of adoption and authorizes its use in the future; and

**WHEREAS**, the Proposal received from **AIDS Resource Foundation for Children**, 77

Academy Street, Newark, New Jersey 07102, 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 ESG services for the contract period January 1, 2013 through December 31, 2013, for a total Agreement amount of \$39,072.00; 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 Emergency Solutions Grants, 24 CFR 576; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number ME0-07-0001 (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 Agreement; and

**WHEREAS**, reporting requirements pursuant to N.J.S.A. 19:44A-20.5, et seq. and MEO-07-0001 are only applicable to Business Entities as defined therein and do not include non-profit organizations. As a non-profit organization, **AIDS Resource Foundation for Children** 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 Business Administrator, is hereby authorized to enter into and execute an Agreement with **AIDS Resource Foundation for Children, 77 Academy Street, Newark, New Jersey 07102**, for the period January 1, 2013 through December 31, 2013, to provide ESG services, which are further described in the "Scope of Services" attached hereto.
2. The terms of this Agreement may only be waived or amended in writing and signed by the parties duly authorized to execute this Agreement, subject to the approval of the Newark Municipal Council by Resolution. The term of this Agreement may be extended for up to two (2) 6-month periods, provided that any such extension 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 signed by both parties.
3. The Agreement between the City of Newark and sub-recipient is hereby ratified from January 1, 2013 to the date of adoption of this authorizing Resolution.
4. The total compensation to be paid pursuant to said Agreement is **\$39,072.00** and shall be paid from ESG funding.
5. The Municipal Council ratifies the use of competitive contracting for processing and awarding Housing and Urban Development Entitlement Programs from June 21, 2012 to the date of adoption of this Resolution and authorizes its use in the future.

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 Emergency Solutions Grants, 24 CFR 576.
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.
8. An executed copy of said Agreement shall be filed with the Office of the City Clerk by the Business Administrator.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Business Administrator, to enter into an Agreement with **AIDS Resource Foundation for Children, 77 Academy Street, Newark, New Jersey 07102**, for the period January 1, 2013 through December 31, 2013, for the total Agreement amount of **\$39,072.00**. 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; Emergency Solutions Grants, 24 CFR 576 and is in compliance with Executive Order Number MEO-07-0001, effective March 31, 2007.