



Legislation Text

File #: 13-2442, Version: 1

Dept/ Agency: Economic & Housing Development

Action: Ratifying Authorizing Amending

Type of Service: Contract with Sub-recipient

Purpose: Physical Rehabilitation to its facility located at 441-443 Broad Street, Newark, NJ 07102

Entity Name: FOCUS Hispanic Center for Community Development, Inc.

Entity Address: 441-443 Broad Street, Newark, NJ 07102

Grant Amount: \$34,576.00

Funding Source: United States Department of Housing & Urban Development (HUD) Community Development Block Grant (CDBG) Program

Contract Period: January 1, 2014 through December 31, 2015

Contract Basis: Bid State Vendor Prof. Ser. EUS
 Fair & Open No Reportable Contributions RFP RFQ

Private Sale Grant Sub-recipient n/a

List of Property: (If applicable)

(Address/Block/Lot/Ward)

441-443 Broad Street/Block 31/ Lot 4/Central Ward

Additional Information:

Funds applied for and accepted by Resolution 7R1-J 091813

Funds appropriated by Resolution 7R1-B 111813

2012 latest financial/audit attached to file; 2013 audit scheduled for completion in May 2014 (need to submit if ready)

WHEREAS, pursuant to Resolution 7R1-J, adopted September 18, 2013, the Mayor and/or his designee, the Business Administrator, were authorized to file FY2013 (Program Year 2013-2014) One-Year Action Plan with the United States Department of Housing and Urban Development (HUD), which contained requests for funds from four grant programs: Community Development Block Grants (CDBG), \$6,752,671.00; HOME Investment Partnerships (HOME), \$1,799,805.00; Housing Opportunities for People With AIDS (HOPWA), \$6,419,016.00 (on behalf of Newark and the "Eligible Metropolitan Area"); and Emergency Shelter Grants (ESG), \$483,211.00, 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(1) (being the operation, management or administration of a social services 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 CDBG Physical Rehabilitation Services on June 27, 2013 with all proposals due on July 29, 2013; 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 27, 2013 to the date of adoption of this Resolution and authorizes its use in the future; and

WHEREAS, the proposal received from FOCUS Hispanic Center for Community Development, Inc., 441-443 Broad Street, Newark, NJ 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 and the Director of the Department of Economic & Housing Development, desire to enter into an Agreement with the Sub-Recipient, for the purpose of providing the Sub-recipient with CDBG funds in the amount of \$34,576.00 so that they may perform Physical Rehabilitation Services to their facility located at 441-443 Broad Street, Newark, NJ 07102, which consists of repairing the structural damage to the roof, sealing the perimeter of the HVAC units, roof repair, reseal the windows, repair ceilings and floor tiles, for the contract period January 1, 2014 to December 31, 2015; 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 all Statutes and Regulations governing the use of Community Development Block Grant Funds; 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 contract; 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, FOCUS Hispanic Center for Community Development, Inc., 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 and Director of the Department of Economic & Housing Development, are hereby authorized to enter into and execute an Agreement with FOCUS Hispanic Center for Community Development, Inc., 441-443 Broad Street, Newark, NJ 07102, hereinafter, "Sub-Recipient," to provide them with Community Development Block Grant ("CDBG") funds so that they may perform Physical Rehabilitation Services to their facility located at 441-443 Broad Street, Newark, NJ 07102, which consists of repairing the structural damage to the roof, sealing the perimeter of the HVAC units, roof repair, reseal the windows, repair ceilings and floor tiles, as further described in the "Scope of Services" attached hereto as Exhibit A, for the period January 1, 2014 through December 31, 2015 ("CDBG Sub-recipient Agreement").
2. The Municipal Council hereby ratifies this Agreement from January 1, 2014 through the date of adoption of this authorizing resolution.
3. The total compensation to be paid pursuant to said CDBG Sub-recipient Agreement is

\$34,576.00 and shall be paid from CDBG funding from Program Year 2013-2014.

4. The terms of the CDBG Sub-recipient Agreement may only be waived or amended in writing and signed by the parties duly authorized to execute this CDBG Sub-recipient Agreement, subject to the approval of the Newark Municipal Council by Resolution. The term of this CDBG Sub-recipient 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 and 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 June 27, 2013 to the date of adoption of this Resolution and authorizes its use in the future.
6. This CDBG Sub-recipient 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 all Statutes and Regulations governing the use of Community Development Block Grant Funds.
7. 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) that the line appropriation of the official budget which shall be charged is: Business Unit: NW027; Department: A13; Div./Proj.: EW360; Activity: A; Account: 72090; Budget Ref.; B2013.
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 and the Director of the Department of Economic & Housing Development, to enter into and execute an Agreement with FOCUS Hispanic Center for Community Development, Inc., 441-443 Broad Street, Newark, NJ 07102, hereinafter "Sub-recipient," to provide them with Community Development Block Grant ("CDBG") funds in the amount not to exceed \$34,576.00 so that they may perform Physical Rehabilitation Services to their facility located at 441-443 Broad Street, Newark, NJ 07102 (Central Ward), for the period of January 1, 2014 to December 31, 2015.