File #: 12-0448, **Version:** 1

Dept/ Agency: Administration/Office of the Business Administrator
Action: (X) Ratifying   (X) Authorizing   ( ) Amending
Type of Service: Contract with Sub-recipient
Purpose: Provide Youth Services
Entity Name: Newark School of the Arts, Inc.
Entity Address: 89 Lincoln Park, Newark, New Jersey 07102
Grant Amount: $18,928.00
Funding Source: United States Department of Housing and Urban Development (HUD)/ Community Development Block Grants (CDBG) Funds
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   (x) Grant   (x) Sub-recipient   ( ) n/a

Additional Information:
Funds accepted by Resolution # 7R1-A 090110, and funds reprogrammed by Resolution 7R1-A(S) 090111.

        WHEREAS, pursuant to Resolution 7R1-A, adopted on September 1, 2010, the Mayor and the Acting Business Administrator were authorized to accept grant funding and enter into an agreement with the U.S. Department of Housing and Urban Development ("HUD") to receive and expend Program Year 2010-2011 Community Development Block Grants ("CDBG") funds in the amount of $9,359,979.00; and

        WHEREAS, pursuant to Resolution 7R1-A(S), adopted on September 1, 2011, Resolution 7R1 -A was amended and the Mayor and Business Administrator were authorized to file a Substantial Amendment with HUD to de-obligate, reprogram and redistribute $6,782,655.37 in unexpended CDBG funds; 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 this service 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 Newark School of the Arts, Inc., 89 Lincoln Park, 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 Youth Services for the contract period January 1, 2012 to December 31, 2012, for a total contract amount of $18,928.00; 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 Community Development Block Grant, 24 CFR 135 (Section #3 reporting requirements) and 24 CFR. 570.201; 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, Newark School of the Arts, Inc., 89 Lincoln Park, Newark, New Jersey 07102, 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, are hereby authorized to enter into and execute an Agreement with Newark School of the Arts, Inc., 89 Lincoln Park, Newark, New Jersey 07102, for the period January 1, 2012 to December 31, 2012, to provide Youth Services, which is further described in the "Scope of Services" attached hereto as Exhibit A.

2. The contract between the City of Newark and sub-recipient is hereby ratified from January 1, 2012 to the date of adoption of this authorizing resolution.

3. The total compensation to be paid pursuant to said Agreement is $18,928.00 and shall be paid from CDBG funding.

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. 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 Community Development Block Grant, 24 CFR 135 (Section #3 reporting requirements) and 24 CFR 570.201.

6. 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.

7. An executed copy of said Agreement shall be filed with the Office of the City Clerk by the Business Administrator.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Business Administrator, to enter into a contract with Newark School of the Arts, Inc., 89 Lincoln Park, Newark, New Jersey 07102, utilizing CDBG funding, for the purpose of providing Youth Services, for the period of January 1, 2012 to December 31, 2012, for the total contract amount of $18,928.00. This contract 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; Community Development Block Grant, 24 CFR 570.201 and is in compliance with Executive Order Number MEO-07-0001, effective March 31, 2007.