



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 16-1572, Version: 1

**Dept/ Agency:** Health and Community Wellness

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

**Type of Service:** Professional Service Contract

**Purpose:** To obtain the services of a Medical Director Consultant, who will assist in the organization and assignments of medical staff within the City's Division of Medical Care Services, and also provide after-hours and holiday continuum of medical care on-call telephone coverage.

**Entity Name:** Valley Spring Family Medicine, Professional Corporation (providing the services of Kathyann S. Duncan, MD)

**Entity Address:** 2040 Millburn Avenue, Suite 303, Maplewood, New Jersey 07040

**Contract Amount:** \$195,000.00

**Funding Source:** 2016/2017 Budget/Health and Community Wellness

**Contract Period:** January 17, 2017 through January 16, 2018

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

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

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Additional Information:**

**WHEREAS**, the Department of Health and Community Wellness for the City of Newark ("DHCW") is in need of a Medical Director Consultant to assist in the organization and assignments of medical staff within the DHCW's Division of Medical Care Services, and also to provide after-hours and holiday continuum of medical care on-call telephone coverage; and

**WHEREAS**, DHCW advertised a Request for Proposal for Medical Director Consultant and After-Hours and Holiday Continuum of Medical Care On-Call Telephone Coverage on August 9, 2016, with a return date of September 7, 2016, in accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, no bids were received on September 7, 2016; and

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-5(1)(a)(i), allows for the awarding of contracts for professional services without public advertising for bids and bidding therefore; and

**WHEREAS**, the services of a physician qualify as a "professional service" pursuant to N.J.S.A. 40A:11-2(6); and

**WHEREAS**, the Interim Director of DHCW has determined that it would be in the best interests of the City of Newark and its residents to retain the services of Valley Spring Family Medicine, Professional Corporation, 2040 Millburn Avenue, Suite 303, Maplewood, New Jersey 07040, to provide the professional services of Kathyann S. Duncan, MD, to act as a Medical Director

Consultant for the contract period January 17, 2017 to January 16, 2018, for a total contract amount not to exceed \$195,000.00; and

**WHEREAS**, Valley Spring Family Medicine, Professional Corporation, providing the services of Kathyann S. Duncan, MD, has completed and submitted a Business Entity Disclosure Certification which certifies that Kathyann S. Duncan, MD, has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit the Medical Director Consultant from making any reportable contributions through the term of the contract; and

**WHEREAS**, this contract is being awarded in accordance with the requirements for Non-Fair and Open Contracts under the “New Jersey Local Unit Pay-to-Play” law, N.J.S.A. 19:44A-20.4, et seq.; and

**WHEREAS** this contract is being awarded as a “Professional Service” pursuant to Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, a Determination of Value is attached hereto and made a part hereof; and

**WHEREAS**, the City of Newark is currently operating under a temporary budget, and therefore may enter into contracts with only partial certifications of funds in accordance with N.J.A.C. 5:30-5.5 (a); and

**WHEREAS**, on August 1, 2012, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter “PAC), in excess of the thresholds specified in Subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement; and

**WHEREAS**, Valley Spring Family Medicine, Professional Corporation, has executed a Certification of Compliance with the City’s Pay-to-Play Reform Ordinance (a copy of which is attached hereto and made a part hereof).

**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 Interim Director of the Department of Health and Community Wellness, are hereby authorized to enter into and execute a contract on behalf of the City of Newark with Valley Spring Family Medicine, Professional Corporation, 2040 Millburn Avenue, Suite 303, Maplewood, New Jersey 07040, pursuant to which the latter will provide the professional services of Kathyann S. Duncan, MD, to the City of Newark as a Medical Director Consultant, whereby she will assist in the organization and assignments of medical staff within the DHCW’s Division of Medical Care Services, and provide after-hours and holiday continuum of medical care on-call telephone coverage (as those services are

more specifically described in the attached Contract and Scope of Services).

2. The term of the contract shall be for one (1) year, beginning January 17, 2017, and terminating on January 16, 2018.
3. The cost of the contract shall not exceed \$195,000.00.
4. The contract is hereby ratified from January 17, 2017, to the date of adoption of this authorizing resolution.
5. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of \$48,750.00 are available in the 2016 Budget, Business Unit 011, Dept. ID 120, Division/Project 1202, Account# 71280, the balance to be provided in the 2017 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract, in the Office of the City Clerk. Immediately after the City's final 2017 Budget adoption, the Interim Director of DHCW shall request the Chief Finance Officer to prepare and issue a Certification of Funds for the remaining balance of the cost of the contract, and shall cause same to be filed with the original resolution in the Office of the City Clerk.
6. The contract shall be subject to the availability and appropriation of sufficient funds as may be required to meet the obligations therein, and shall be subject to immediate termination in the absence thereof with no further obligation of the City of Newark.
7. The terms of the contract may only be waived or amended in a writing signed by the parties duly authorized to execute this contract, subject to the approval of the Newark Municipal Council by resolution.
8. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Interim Director of the Department of Health and Community Wellness.
9. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of its passage.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Interim Director of the Department of Health and Community Wellness, to enter into and execute a contract with Valley Spring Family Medicine, Professional Corporation, 2040 Millburn Avenue, Suite 303, Maplewood, New Jersey 07040, pursuant to which the latter will provide the professional services of Kathyann S. Duncan, MD, to act as a Medical Director Consultant to assist in the organization and assignments of medical staff within the City's Division of Medical Care Services and provide after-hours and holiday continuum of medical care on-call telephone coverage, for the period of January 17, 2017, through January 16, 2018, for a total contract amount not to exceed \$195,000.00.