



## Legislation Text

File #: 23-0876, Version: 1

### **..Title**

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

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

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

**Purpose:** To provide Ryan White HIV Health and Support Services for ending the HIV epidemic in the City of Newark and the Newark Eligible Metropolitan Area (NEMA).

**Entity Name:** Hyacinth AIDS Foundation, Inc.

**Entity Address:** 317 George Street, New Brunswick, Suite 201, New Jersey 08901

**Grant Amount:** Not to exceed \$342,139.00

**Funding Source:** United States Department of Health and Human Services, Health Resources and Services Administration (HRSA)

**Contract Period:** March 1, 2023 through February 29, 2024

**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:**

Ending the HIV Epidemic funds were accepted by Resolution 7R1-c adopted on April 5, 2023.

Partial Certification of Funds in the amount of \$32,879.00 is attached.

**WHEREAS**, the City of Newark (hereinafter the "City") desires to continue to provide HIV/AIDS healthcare, supportive and related services to people living with HIV and AIDS in the Newark Eligible Metropolitan Area (EMA) which is comprised of Essex, Union, Morris, Sussex and Warren Counties; and

**WHEREAS**, pursuant to Resolution 7R1-c adopted on April 5, 2023, the Municipal Council of the City authorized the Mayor and the Director of the Department of Health and Community Wellness to accept funds from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Rockville, Maryland 20857, pursuant to the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, for the provision of HIV/AIDS healthcare, supportive and related services to individuals and families living with HIV in the Newark Eligible Metropolitan Area (EMA); and

**WHEREAS**, pursuant to Resolution 7R1-c adopted on April 5, 2023, the Municipal Council authorized the Mayor and the Director of the Department of Health and Community Wellness to accept funds in the amount of Three Hundred Forty-Three Thousand, Sixty-Eight Dollars and Zero Cents (\$343,068.00), from HRSA through the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B; and

**WHEREAS**, the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B requires that the City, which is the lead agency for the Newark EMA, to provide funding for HIV/AIDS related health and support services for people living with HIV and AIDS

in Essex County; and

**WHEREAS**, the City through the Department of Health and Community Wellness, Division of Health Planning/Ryan White Unit, publicly advertised a Request For Proposals (RFPs) for medical and support services (eligible Ryan White and Initiative Services) from December 21, 2022 through December 23, 2022, and received thirteen (13) proposals on January 23, 2023; and

**WHEREAS**, the City's legal notice and RFP for FY2023 eligible Ryan White and Initiative Services was filed with Resolution 7R1-c adopted on April 5, 2023, which authorized the acceptance of grant funding for the continued provision of eligible Ryan White and Initiative Services; and

**WHEREAS**, the proposal submitted by Hyacinth AIDS Foundation Inc., 317 George Street, Suite 201, New Brunswick, New Jersey 08901 (hereinafter referred to as "Sub-Recipient"), was determined to be most advantageous to the City of Newark, based on experience and criteria listed in the RFP; and

**WHEREAS**, the Sub-Recipient has demonstrated that they have the expertise to provide HIV related health and support services to meet this requirement; and

**WHEREAS**, the City's Department of Health and Community Wellness, desires to enter into an Agreement with the Sub-Recipient to provide eligible Ryan White and Initiative Services, which is more specifically described in the "Scope of Services" (attached hereto and made a part hereof) for the period commencing on March 1, 2023 and terminating on February 29, 2024, for an award amount of **Thirty-Two Thousand, Eight Hundred Seventy-Nine Dollars and Zero Cents (\$32,879.00)** and a contract not to exceed **Three Hundred-Forty-Two Thousand, One Hundred Thirty-Nine Dollars and Zero Cents (\$342,139.00)**; and

**WHEREAS**, the Mayor and the Director of the Department of Health and Community Wellness desire to accept additional funds as they may become available from HRSA under the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B; and

**WHEREAS**, the City's Department of Health and Community Wellness shall, upon receipt of additional funding, file an amending resolution reflecting the final award amount of each Sub-Recipient, accompanied with a copy of the Notice to Proceed/Award Letter and Certification of Funds; 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's health information and insure the privacy of that information; and

**WHEREAS**, this Agreement is being awarded pursuant to the fair and open procedures of State's Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the City's Ordinance on Pay-to-Play, 2:4-22C.1; and

**WHEREAS**, this Agreement is being awarded pursuant to State Local Public Contracts Law, including N.J.S.A. 40A:11-4.1(b)(2) and/or N.J.S.A. 40A:11-5 and/or as a Professional Service pursuant to N.J.S.A. 40A:11-5(1)(a)(i) (where applicable), and the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B.

**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 Director of the Department of Health and Community Wellness, are hereby authorized to enter into and execute an Agreement with Hyacinth AIDS Foundation Inc., 317 George Street, Suite 201, New Brunswick, New Jersey 08901, for the provision of Ryan White HIV Health and Support Services for ending the HIV epidemic in the City of Newark and the Newark Eligible Metropolitan Area (NEMA), which is more specifically described in the "Scope of Services" attached hereto and made a part hereof, for the period commencing on March 1, 2023 and terminating on February 29, 2024, for an award amount of **Thirty-Two Thousand, Eight Hundred Seventy-Nine Dollars and Zero Cents (\$32,879.00)** and a contract not to exceed **Three Hundred-Forty-Two Thousand, One Hundred Thirty-Nine Dollars and Zero Cents (\$342,139.00)**.
2. The Mayor and/or his designee, the Director of the Department of Health and Community Wellness, are hereby authorized to accept and expend additional funds as they become available from the United States Department of Health and Human Services, Health Resources and Services Administration, pursuant to the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, for the period commencing on March 1, 2023 and terminating on February 29, 2024.
3. Attached hereto is a partial Certification of Funds in the amount of **Thirty-Two Thousand, Eight Hundred Seventy-Nine Dollars and Zero Cents (\$32,879.00)** from the Municipal Comptroller of the City of Newark and that the line appropriation of the official budget which shall be charged is Business Unit 051; Dept. ID G23; Division 2H23C; Account# 72090; Budget Ref. B2023.
4. The City of Newark, Department of Health and Community Wellness, shall file an Amending Resolution upon receipt of the additional funds, which shall state the contract amount for each Sub-Recipient and/or Vendor accompanied with the Notice to Proceed and the Certification of Funds.
5. The Municipal Council of the City of Newark hereby ratifies the use of competitive contracting for processing agreements under the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B from December 21, 2022 to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2023 through the date of adoption of this authorizing resolution.
7. The Sub-Recipient shall not proceed with the provision of any services beyond the twelve (12) month period of March 1, 2023 and terminating on February 29, 2024 until the issuance of a Notice to Proceed/Award Letter by the Director of the Department of Health and Community Wellness.
8. The Sub-Recipient shall execute and formalize a Business Associate Agreement with the City of Newark to protect clients' 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).

9. This Agreement was procured and 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 N.J.S.A. 40A:11-4.1(b)(2) and/or N.J.S.A. 40A:11-5 and/or as a Professional Service pursuant to N.J.S.A. 40A:11-5(1)(a)(i) (where applicable), the Ending the HIV Epidemic: A Plan for America - Ryan White HIV/AIDS Program Parts A and B, and is in compliance with the City's Ordinance on Pay-to-Play, R.O. 2:4-22C.1.
10. The legal notice/advertisement and RFP for FY2023 Ryan White HIV Health and Support Services for ending the HIV epidemic in the City of Newark and the Newark Eligible Metropolitan Area (NEMA) shall be filed with Resolution 7R1-c adopted on April 5, 2023.
11. The Director of the Department of Health and Community Wellness shall file a fully executed copy of said Agreement with the Office of the City Clerk.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Health and Community Wellness, to enter into and execute an Agreement with Hyacinth AIDS Foundation, Inc., 317 George Street, Suite 201, New Brunswick, New Jersey 08901, to provide eligible Ryan White and Initiative Services to the Newark EMA, for the period commencing on March 1, 2023 and terminating on February 29, 2024, for an award amount of **Thirty-Two Thousand, Eight Hundred Seventy-Nine Dollars and Zero Cents (\$32,879.00)** and a contract not to exceed **Three Hundred-Forty-Two Thousand, One Hundred Thirty-Nine Dollars and Zero Cents (\$342,139.00)**.