



## Legislation Text

File #: 16-1969, Version: 1

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

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

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

**Purpose:** To provide housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area (NEMSA)

**Entity Name:** City of Elizabeth

**Entity Address:** 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201

**Grant Amount:** \$967,006.00

**Funding Source:** United States Department of Housing and Urban Development (HUD)/ Housing Opportunities for Persons with AIDS (HOPWA)

**Contract Period:** January 1, 2017 through December 31, 2017

**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 adopted on February 1, 2017.

Budget Insertion Resolution 7R1-a adopted on December 21, 2016.

**WHEREAS**, the City of Newark desires to continue to act as the Sub-Grantee for disbursement of funds made available by the United States Department of Housing and Urban Development (HUD), Housing Opportunities for Persons with AIDS (HOPWA) Program, to provide housing assistance and supportive services for persons living with HIV/AIDS through sub-recipient contracts within the Newark Eligible Metropolitan Statistical Area (NEMSA), which consists of Essex, Hunterdon, Morris, Somerset, Sussex, and Union Counties in New Jersey and Pike County, Pennsylvania; and

**WHEREAS**, pursuant to Resolution 7R1-A adopted February 1, 2017, the Municipal Council of the City of Newark authorized the Mayor and/or his designee, the Business Administrator, to enter into an agreement with HUD to receive and expend grant funds in the amount of \$5,807,583.00 from HUD's HOPWA Program; and

**WHEREAS**, pursuant to the competitive contracting process of the State Local Public Contracts Law, as authorized by N.J.S.A. 40A:11-4.11b(2) (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 Proposal (RFP) for these housing assistance and supportive services on July 15, 2016, with all proposals due on August 12, 2016; and

**WHEREAS**, the Municipal Council of the City of Newark previously authorized the use of competitive contracting for processing these Housing and Urban Development Entitlement Programs

and authorized its use in the future; and

**WHEREAS**, the proposal received from the City of Elizabeth, 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201, hereinafter referred to as “Sub-recipient”, was found to be the most advantageous for the City of Newark based on experience and all other criteria listed in the RFP; and

**WHEREAS**, the Department of Health and Community Wellness desires to enter into an Agreement with the Sub-recipient, for the purpose of providing housing assistance and supportive services to persons living with HIV/AIDS within the NEMSA, for the contract period January 1, 2017 through December 31, 2017, for a total contract amount not to exceed \$967,006.00; and

**WHEREAS**, this contract awarded to the Sub-recipient is 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 Housing Opportunities for Persons with AIDS (HOPWA), 24 CFR 574.500(b); and

**WHEREAS**, the City of Newark adopted the “Contractor Pay-to-Play Reform” ordinance, codified at section 2:4-22C of the Revised General Ordinances of Newark (hereinafter “Pay-to-Play Reform Ordinance”), which requires reporting of political contributions to candidates for City of Newark elective municipal offices or City of Newark or County of Essex political committees 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 the Pay-to-Play Reform Ordinance are only applicable to Business Entities as defined therein and do not include governmental entities, and as a governmental entity the City of Elizabeth is therefore not required to submit certain disclosure statements; 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 health information and ensure the privacy of that information.

**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, is hereby authorized to enter into and execute a contract with the City of Elizabeth, 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201, for the period of January 1, 2017 through December 31, 2017, to provide certain housing assistance and supportive services for persons living with HIV/AIDS, as are further described in the “Scope of Services” attached hereto and made a part hereof.
2. The Municipal Council hereby ratifies this contract from January 1, 2017 through the date of adoption of this authorizing resolution.
3. The terms of this contract may only be waived or amended in writing and signed by the parties duly authorized to execute this contract, subject to the approval of the Newark Municipal Council by resolution. The term of this contract 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.
4. The total amount of said contract shall not exceed \$967,006.00 and shall be paid for from HOPWA funds.
  5. The Municipal Council ratifies the use of competitive contracting for processing and awarding Housing and Urban Development Entitlement Programs from July 15, 2016 to the date of adoption of this resolution and authorizes its use in the future.
  6. The Sub-recipient shall protect client health information and ensure the privacy of that information, in accordance with the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1995, and shall execute an appropriate Business Associate Agreement.
  7. 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 Housing Opportunities for Persons with AIDS, 24 CFR 574.500(b), and is in compliance with the City's Pay-to-Play Reform Ordinance.
  8. As a Grantee of federal funds, the City of Newark was required to, and did, solicit RFPs for this contract, and in entering into this contract with the Sub-recipient is compliant with Federal Laws, State Statutes, State Local Public Contracts Law, and State Pay-to-Play Law.
  9. 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, Business Unit NW051, Dept. ID G16, Div./Proj. 2H6M0, Account #72030, Budget B2016.
  10. An executed copy of said contract shall be filed with the Office of the City Clerk by the Interim Director of the Department of Health and Community Wellness for the City of Newark.

### **STATEMENT**

This resolution authorizes and ratifies the actions taken by 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 the City of Elizabeth, 50 Winfield Scott Plaza, Room G-14, Elizabeth, New Jersey 07201, utilizing HOPWA funding, for the purpose of providing housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area, for the period of January 1, 2017 through December 31, 2017, in an amount not to exceed \$967,006.00.