



## Legislation Text

File #: 23-0654, Version: 1

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

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

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

**Purpose:** To provide HIV/AIDS related health and support services to the Newark Eligible Metropolitan Area.

**Entity Name:** Broadway House for Continuing Care Foundation, Inc.

**Entity Address:** 298 Broadway, Newark, New Jersey 07104

**Grant Amount:** Not to exceed \$377,321.00

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

**Contract Period:** March 1, 2022 through February 28, 2025

**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:**

Ryan White funds were accepted by Resolution 7R5-c adopted on February 1, 2023.

This Resolution represents Contract year two (FY2023).

Contract year three (FY2024) is subject to the availability and annual appropriation of sufficient funds to meet the extended obligation.

A Partial Certification of Funds in the amount of \$143,790.00 is attached.

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

**WHEREAS**, pursuant to Resolution 7R5-c adopted on February 1, 2023, the Municipal Council of the City authorized the Mayor and the Director of the Department of Health and Community Wellness to apply for 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 Ryan White HIV/AIDS Treatment Extension Act of 2009, for the provision of HIV/AIDS healthcare, supportive and related services to infected individuals and their families in the Newark Eligible Metropolitan Area (EMA); and

**WHEREAS**, pursuant to Resolution 7R5-c adopted on February 1, 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 Eight Million, Three Hundred Thousand Fifteen Thousand, One Hundred Thirty-Three Dollars and Zero Cents (\$8,315,133.00), from HRSA through the Ryan White HIV/AIDS Treatment Extension Act of 2009; and

**WHEREAS**, the Ryan White HIV/AIDS Treatment Extension Act of 2009 requires that the City,

which is the lead agency for the Newark EMA, provide funding for HIV/AIDS related health and support services for people living with HIV and AIDS in the Newark Eligible Metropolitan Area (EMA); and

**WHEREAS**, pursuant to this requirement, the City established the Newark EMA Ryan White Continuum of Care; and

**WHEREAS**, the City through the Department of Health and Community Wellness, Division of Health Planning/Ryan White Unit, publicly advertised the FY2022 multi-year Request For Proposals (RFPs) for medical and social services, quality management, and other professional services (“Ryan White eligible services”) from October 20, 2021, through October 22, 2021, and received thirty-seven (37) proposals on November 19, 2021; and

**WHEREAS**, the funder HRSA/HIV AIDS Bureau has transitioned the Ryan White HIV/AIDS Program (RWHAP) from an annual competitive application program to a three-year funded program effective FY2022, the City of Newark RWHAP has shifted to a three-year performance period commencing on March 1, 2022, and terminating on February 28, 2025 in alignment with the funder; and

**WHEREAS**, Sub-Recipients will submit non-competing continuation (NCC) progress reports and budget documents for contract renewals in years two (FY2023) and three (FY2024) in lieu of a competitive application which is subject to availability and appropriation annually of sufficient funds to meet the extended obligation; and

**WHEREAS**, the evaluation score from the subjective (internal) and objective (external) proposal review process for applications submitted in year one of the performance period will be utilized to award sub-recipients in the second and third years providing there is funding from HRSA. In addition, the HIV Planning Council completes its annual Priority Setting and Resource Allocation processes, and Sub-Recipient contract performance meets requirements for funding; and

**WHEREAS**, the City’s legal notice and RFP for FY2022 Ryan White eligible services was filed with Resolution 7R5-A adopted on February 16, 2022, which authorized the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

**WHEREAS**, the proposal submitted by **Broadway House for Continuing Care Foundation, Inc., 298 Broadway, Newark, New Jersey 07104** (hereinafter referred to as “Sub-Recipient”), was determined to be most advantageous to the City, 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 Ryan White eligible services to the Newark EMA, which is more specifically described in the “Scope of Services” (attached hereto and made a part hereof) for the period commencing on March 1, 2022 and terminating on February 28, 2025, for an partial award amount of **One Hundred Forty-Three Thousand, Seven Hundred Ninety Dollars**

and **Zero Cents (\$143,790.00)** and a contract not to exceed Three Hundred Seventy-Seven Thousand, Three Hundred Twenty-One Dollars and Zero Cents (\$377,321.00) for FY2023; 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 Ryan White HIV/AIDS Treatment Extension Act of 2009; 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 clients 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 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; 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 Ryan White HIV/AIDS Treatment Extension Act of 2009.

**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 **Broadway House for Continuing Care Foundation, Inc., 298 Broadway, Newark, New Jersey 07104**, for the provision of Ryan White eligible services to the Newark EMA, which is more specifically described in the "Scope of Services" attached hereto and made a part hereof, for the period commencing on March 1, 2022 and terminating on February 28, 2025, for a partial award amount of **One Hundred Forty-Three Thousand, Seven Hundred Ninety Dollars and Zero Cents (\$143,790.00)** and a contract not to exceed Three Hundred Seventy-Seven Thousand, Three Hundred Twenty-One Dollars and Zero Cents (\$377,321.00) for FY2023.
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 Ryan White Treatment Extension Act of 2009, 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 **One Hundred Forty-Three Thousand, Seven Hundred Ninety Dollars and Zero Cents (\$143,790.00)** 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 2H23A; 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 Ryan White HIV/AIDS Treatment Extension Act of 2009 from October 20, 2021 to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2022 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. Sub-Recipients and Vendors will submit non-competing continuation (NCC) progress reports and budget documents for contract years two (FY2023) and three (FY2024) in lieu of a competitive application which is subject to availability and appropriation annually of sufficient funds to meet the extended obligation, subject to Municipal Council approval.
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 Ryan White HIV/AIDS Treatment Extension Act of 2009, 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 (year two) Ryan White eligible services shall be filed with Resolution 7R5-A adopted on February 16, 2022.
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 **Broadway House for Continuing Care Foundation, Inc., 298 Broadway, Newark, New Jersey 07104**, to provide Ryan White eligible services to the Newark EMA, for the period commencing on March 1, 2022 and terminating on February 28, 2025, for a partial award amount of **One Hundred Forty-Three Thousand, Seven Hundred Ninety Dollars and Zero Cents (\$143,790.00)**, and a contract not to exceed Three Hundred Seventy-Seven Thousand, Three Hundred Twenty-One Dollars and Zero Cents (\$377,321.00), (FY2023).