



## Legislation Text

File #: 19-0144, 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:** AIDS Resource Foundation for Children (ARFC)

**Entity Address:** 77 Academy Street, Newark, New Jersey 07102

**Grant Amount:** Not to exceed \$591,006.00

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

**Account Code Line:** NW051-G18-2H8U0-A-72090-B2018

**Contract Period:** March 1, 2019 through February 29, 2020

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

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

( ) Private Sale (X) Grant ( ) Sub-recipient ( ) N/A

**Additional Information:**

Partial Certification of Funds in the amount of \$97,550.00.

Ryan White funds accepted by Resolution 7R5-b adopted on December 5, 2018.

**WHEREAS**, the City of Newark desires to continue to provide Ryan White 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-b, adopted on December 5, 2018, the Municipal Council of the City of Newark 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), 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 EMA; and

**WHEREAS**, pursuant to Resolution 7R5-b, adopted on December 5, 2018, the Municipal Council authorized the Mayor and the Director of the Department of Health and Community Wellness to accept funds in the amount of Seven Million Two Hundred Sixty-One Thousand Eight Hundred Sixty-Seven Dollars and Zero Cents (\$7,261,867.00) 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 of Newark, 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 the Newark EMA; and

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

**WHEREAS**, the City of Newark, 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 social services, quality management and other professional services (“Ryan White eligible services”) from September 11, 2018 through September 13, 2018, and received thirty-seven (37) proposals on October 19, 2018; and

**WHEREAS**, the City’s legal notice and RFP for FY2019 Ryan White eligible services were filed with Resolution 7R5-b, adopted on December 5, 2018, which authorized the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

**WHEREAS**, the proposal submitted by AIDS Resource Foundation for Children (ARFC), 77 Academy Street, Newark, New Jersey 07102 (hereinafter referred to as “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, 2019 and terminating on February 29, 2020, for an award amount of Ninety-Seven Thousand Five Hundred Fifty Dollars and Zero Cents (\$97,550.00) and a contract amount not to exceed Five Hundred Ninety-One Thousand Six Dollars and Zero Cents (\$591,006.00); 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 Ryan White HIV/AIDS Treatment Extension Act of 2009; and

**WHEREAS**, the City of Newark, Department of Health and Community Wellness, upon receipt of additional funding, shall 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 1996 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

**WHEREAS**, this Agreement is being awarded pursuant to 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; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 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 Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees

regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees in excess of certain thresholds.

**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 an Agreement with the AIDS Resource Foundation for Children (ARFC), 77 Academy Street, Newark, New Jersey 07102, 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, 2019 and terminating on February 29, 2020, for an award amount of Ninety-Seven Thousand Five Hundred Fifty Dollars and Zero Cents (\$97,550.00) and a contract amount not to exceed Five Hundred Ninety-One Thousand Six Dollars and Zero Cents (\$591,006.00).
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, HRSA, pursuant to the Ryan White Treatment Extension Act of 2009, for the period commencing on March 1, 2019 and terminating on February 29, 2020.
3. Attached hereto is a partial Certification of Funds in the amount Ninety-Seven Thousand Five Hundred Fifty Dollars and Zero Cents (\$97,550.00) from the Municipal Comptroller of the City of Newark, which states that there are sufficient funds, for the purpose set forth hereinabove, from Account Code Line: NW051-G18-2H8U0-A-72090-B2018.
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 November 21, 2017 to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2019 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, 2019 through February 29, 2020, 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 HIPAA (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 Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
10. The legal notice/advertisement and RFP for FY2019 Ryan White eligible services shall be filed with Resolution 7R5-b adopted on December 5, 2018.
11. The Director of the Department of Health and Community Wellness shall file a fully executed copy of the 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 the AIDS Resource Foundation for Children (ARFC), 77 Academy Street, Newark, New Jersey 07102, to provide Ryan White eligible services to the Newark EMA for the period commencing on March 1, 2019 and terminating on February 29, 2020, for an award amount of Ninety-Seven Thousand Five Hundred Fifty Dollars and Zero Cents (\$97,550.00) and a contract amount not to exceed Five Hundred Ninety-One Thousand Six Dollars and Zero Cents (\$591,006.00).