



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Details (With Text)

**File #:** 12-1674      **Version:** 1      **Name:** Magellan Health Services EAP Contract 2012-2013  
**Type:** Resolution      **Status:** Filed  
**File created:** 9/19/2012      **In control:** Administration  
**On agenda:** 3/20/2013      **Final action:** 3/20/2013

**Title:** Dept/ Agency: Administration/Division of Personnel  
Action: ( x ) Ratifying (X) Authorizing ( X ) Amending  
Type of Service: EUS Contract  
Purpose: Providing eligible employees and their eligible household members with an employer funded Employee Assistance Program (EAP)  
Entity Name: Magellan Health Services  
Entity Address: 14100 Magellan Plaza Drive, Maryland Heights, Missouri 63043  
Contract Amount: Estimated amount not to exceed \$119,654.40  
Funding Source: City of Newark Budget  
Contract Period: January 1, 2012 through December 31, 2013  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( X ) EUS  
( ) Fair & Open ( X ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:

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### Code sections:

Date	Ver.	Action By	Action	Result
3/20/2013	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark desires to provide its eligible employees, and their eligible household members with an Employee Assistance Program (EAP); and

**WHEREAS**, pursuant to Resolution 7R1-a adopted September 6, 2012, the City of Newark entered

into an Agreement with Magellan Health Services (Magellan) for the provision of providing an EAP for the period commencing on March 1, 2011 and terminating on December 31, 2011 for an estimated amount not to exceed \$155,018.75; and

**WHEREAS**, the City of Newark desires to continue to provide its eligible employees represented by the various bargaining units with which the City negotiates and the eligible unclassified employee population along with their eligible household members with an EAP; and

**WHEREAS**, Magellan has submitted an amended proposal indicating that they will provide the EAP for an additional term from January 1, 2012 through December 31, 2013, for an estimated amount not to exceed \$119,654.40; and

**WHEREAS**, the Personnel Director has determined it is in the best interest of the City to enter into a contract with Magellan to provide the City's eligible employees and their eligible household members with EAP services for the contract period of January 1, 2012 through December 31, 2013, for an estimated amount not to exceed \$119,654.40; and

**WHEREAS**, this Contract is awarded without public bidding as an exception to Local Public Contract Law, pursuant to *N.J.S.A. 40A:11-5(1)(a)(ii)*, an Extraordinary Unspecifiable Service because the services to be provided are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor and in compliance with the non-fair and open process of State Pay-to-Play Law *N.J.S.A. 19:44A-20.5*; and

**WHEREAS** the Business Administrator and/ or the Personnel Director has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

**WHEREAS**, this contract is being awarded pursuant to a "non-fair and open" process pursuant to State Pay-to-Play Law *N.J.S.A. 19:44A-20.5*; and

**WHEREAS** Magellan has completed and submitted a Business Entity Disclosure Certification which certifies that Magellan has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract will prohibit Magellan from making any reportable contributions through the term of the contract; and

**WHEREAS**, Local Public Contracts Law *N.J.S.A. 40A:11-1 et seq.*, requires a Resolution of the Governing Body authorizing the award of contracts for Extraordinary Unspecifiable Services and further requires that the contract itself must be available for public inspection; and

**WHEREAS**, the contract is being awarded in compliance with the Mayor of the City of Newark Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), effective March 31, 2007, which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designees, the Business Administrator and the Personnel Director, are hereby authorized to ratify, enter into and execute an amended contract with Magellan Health Services, 14100 Magellan Plaza Drive, Maryland Heights, Missouri 63043, for the provision of EAP services for all eligible active employees and their eligible household members, for the period commencing on January 1, 2012 and terminating on December 31, 2013.

2. The contract is ratified from January 1, 2012 to the date of adoption of this authorizing resolution.
3. A Certification of Extraordinary Unspecifiable Services, Determination of Value and Business Entity Disclosure are attached and shall be filed with the Office of the City Clerk.
4. The estimated cost of providing the aforesaid services for the period January 1, 2012 through December 31, 2013 in an amount not to exceed \$119,654.40.
5. It shall be the responsibility of the Personnel Director to seek the certification of available funds for 2012 from the Municipal Comptroller. This contract shall be contingent on the appropriation of budget funds during subsequent years as required by N.J.A.C. 5:30-5.5(c) and pursuant to N.J.A.C. 5:30-5.5(d)(2). A certification of available funds shall be prepared for the remaining balance and filed in the Office of the City Clerk by the Personnel Director.
6. A copy of the fully-executed contract shall be filed in the Office of the City Clerk by the Personnel Director.
7. There shall be no changes or amendments to this contract without prior approval of the Municipal Council.
8. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
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, authorizes and amends the Mayor and/or his designees, the Business Administrator or the Personnel Director, to enter into and execute an amended contract with Magellan Health Services, 14100 Magellan Plaza Drive, Maryland Heights, MO 63043, for the provision of providing an Employee Assistance Program for the period of January 1, 2012 through December 31, 2013, for an amount not to exceed \$119,654.40.