



Legislation Details (With Text)

File #: 13-1987 **Version:** 1 **Name:** HOPWA - Positive Health Care, Incorporated
Type: Resolution **Status:** Filed
File created: 10/10/2013 **In control:** Administration
On agenda: 2/5/2014 **Final action:** 2/6/2014
Title: Dept/ Agency: Administration/Office of the Business Administrator
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Contract with 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: Positive Health Care, Inc.
Entity Address: 333 Washington Street, Newark, New Jersey 07102
Grant Amount: \$367,431
Funding Source: United States Department of Housing and Urban Development (HUD)/Housing Opportunities for Persons with AIDS (HOPWA)
Contract Period: January 1, 2014 through December 31, 2014
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS
☒ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ
☐ Private Sale ☒ Grant ☒ Sub-recipient ☐ n/a

Additional Information:
Funds accepted by Resolution 7R1-J adopted September 18, 2013
Sponsors: Council of the Whole
Indexes:
Code sections:

| Date | Ver. | Action By | Action | Result |
|----------|------|-------------------|--------|--------|
| 2/6/2014 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the City of Newark desires to continue to act as the 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, Sussex, Morris and Union Counties in New Jersey and Pike County, Pennsylvania; and

WHEREAS, pursuant to Resolution 7R1-J, adopted September 18, 2013, the Municipal Council of the City of Newark authorized the Mayor and the Business Administrator to enter into an agreement to receive and expend grant funds in the amount of \$6,419,016.00 from HUD's HOPWA Program; and

WHEREAS, pursuant 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 June 27, 2013 with all proposals due on July 29, 2013; and

WHEREAS, the Municipal Council of the City of Newark hereby ratifies the use of competitive contracting for processing these Housing and Urban Development Entitlement Programs from June 27, 2013 to the date of adoption of this resolution and authorizes its use in the future; and

WHEREAS, the proposal received from Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, hereinafter referred to as "sub-recipient", was found to be the most advantageous for the City of Newark to accept, based on experience and all other criteria listed in the RFP; and

WHEREAS, the Department of Administration 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, 2014 through December 31, 2014, in an amount not to exceed \$367,431; 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 Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; 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 Business Administrator, is hereby authorized to enter into and execute an Agreement on behalf of the City of Newark with Positive Health Care, Inc., 333

Washington Street, Newark, New Jersey 07102, for the period of January 1, 2014 through December 31, 2014, to provide the services described in the "Scope of Services," a copy of which is attached hereto and made a part hereof.

2. The Municipal Council hereby ratifies this contract from January 1, 2014 through the date of adoption of this authorizing resolution.
3. The terms of this Agreement may only be waived or amended in writing and signed by the parties duly authorized to execute this Agreement, subject to the approval of the Newark Municipal Council by resolution. The term of this Agreement 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 \$367,431, and shall be paid for by HOPWA funds.
5. The Municipal Council ratifies the use of competitive contracting for processing and awarding Housing and Urban Development Entitlement Programs from June 27, 2013 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.
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 (HOPWA), 24 CFR 574.500(b), and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007.
8. As a Grantee of federal funds, the City of Newark was required to and did solicit RFPs for this contract; and in entering 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.
10. An executed copy of said contract shall be filed with the Office of the City Clerk by the Business Administrator for the City of Newark.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Business Administrator, to enter into and execute a contract with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, 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, 2014 through December 31, 2014, in an amount not to exceed \$367,431.