



## Legislation Details (With Text)

**File #:** 13-1875      **Version:** 1      **Name:** ESG - New Jersey AIDS  
**Type:** Resolution      **Status:** Filed  
**File created:** 10/3/2013      **In control:** Administration  
**On agenda:** 3/5/2014      **Final action:** 3/5/2014  
**Title:** Dept/ Agency: Administration/Office of the Business Administrator  
Action: ( X ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Contract with Sub-recipient  
Purpose: Shelter Operations (Facility Costs Only) Services  
Entity Name: New Jersey AIDS Services, Inc.  
Entity Address: 44 South Street, Morristown, New Jersey 07960  
Grant Amount: \$54,000.00  
Funding Source: U.S. Department of Housing and Urban Development (HUD)/ Emergency Solutions Grants (ESG) Program  
Contract Period: January 1, 2014 through December 31, 2014  
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  
List of Property: (Not Applicable)  
(Address/Block/Lot/Ward)  
  
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
3/5/2014	1	Municipal Council	Adopt	Pass

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**WHEREAS**, pursuant to Resolution 7R1-J, adopted September 18, 2013, the Mayor and/or his designee, the Business Administrator, were authorized to file FY2013 (Program Year 2013-2014) One-Year Action Plan with the U.S. Department of Housing and Urban Development (HUD), which contained requests for funds from four grant programs: Community Development Block Grants (CDBG), \$6,752,671.00; HOME Investment Partnerships (HOME), \$1,799,805.00; Housing Opportunities for People With AIDS (HOPWA), \$6,419,016.00 (on behalf of Newark and the "Eligible Metropolitan Area"); and Emergency Solutions Grants (ESG), \$483,211.00, and were further authorized to accept these grant funds and enter into a grant agreement with HUD for these funds, with no municipal funds required; and

**WHEREAS**, pursuant to the competitive contracting process of the State Local Public Contracts Law, as authorized by N.J.S.A. 40A:11-4.1b(2) (being the operation, management or administration of a social service 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 Proposals (RFP) for Shelter Operation 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 New Jersey AIDS Services, Inc., 44 South Street, Morristown, New Jersey 07960, hereinafter, "Sub-Recipient" was the most advantageous to the City of Newark, based on experience and all other criteria listed in the RFP; and

**WHEREAS**, the Business Administrator desires to enter into an Agreement with the Sub-Recipient, for the purpose of providing Shelter Operations (Facility Costs Only) Services, for the contract period January 1, 2014 to December 31, 2014, for a total contract amount of \$54,000.00; and

**WHEREAS**, this Agreement is awarded to the Sub-Recipient, 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 Emergency Solutions Grants (ESG), 24 CFR 576; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number ME0-07-0001 (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**, reporting requirements pursuant to N.J.S.A. 19:44A-20.5, et seq. and MEO-07-0001 are only applicable to Business Entities as defined therein and do not include non-profit organizations. As a non-profit organization, New Jersey AIDS Services, Inc., is therefore not required to submit certain disclosure statements.

**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, are hereby authorized to enter into and execute an Agreement with New Jersey AIDS Services, Inc., 44 South Street, Morristown, New Jersey 07960, for the period January 1, 2014 to December 31, 2014, to provide Shelter Operations (Facility Costs Only) Services, which are further described in the "Scope of Services" attached hereto.
2. The contract between the City of Newark and sub-recipient is hereby ratified from January 1, 2014 to the date of adoption of this authorizing resolution.
3. The total compensation to be paid pursuant to said Agreement is \$54,000.00 and shall be paid from ESG funding.
4. The terms of the 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 and signed by both parties.
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 authorizing resolution and authorizes its use in the future.
6. 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 Emergency Solutions Grants ESG, 24 CFR 576.
7. 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.
8. An executed copy of said Agreement shall be filed with the Office of the City Clerk by the Business Administrator.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Business Administrator, to enter into a contract with New Jersey AIDS Services, Inc., 44 South Street, Morristown, New Jersey 07960, for Shelter Operation (Facilities Costs Only) Services for the period January 1, 2014 to December 31, 2014, for the total contract amount of \$54,000.00.