



## Legislation Details (With Text)

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**Type:** Resolution      **Status:** Filed  
**File created:** 1/28/2015      **In control:** Administration  
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**Title:** Dept/ Agency: Administration/ Office of the Business Administrator  
Action: ☒ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Contract with Grant Sub-recipient  
Purpose: Provide CDBG General Services  
Entity Name: The Arc of Essex County, Inc.  
Entity Address: 123 Naylor Avenue, Livingston, New Jersey 07039  
Grant Amount: \$10,000.00  
Funding Source: U.S. Department of Housing and Urban Development (HUD)/ Community Development Block Grants (CDBG) Funds  
Contract Period: January 1, 2015 through December 31, 2015  
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-K adopted January 7, 2015.

**Sponsors:** Anibal Ramos, Jr., Eddie Osborne

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/4/2016	1	Municipal Council	Adopt	Pass

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**WHEREAS,** pursuant to Resolution 7R1-K, adopted January 7, 2015, the Mayor and/or his designee, the Business Administrator, were authorized to file FY2015 (Program Year 2014-2015) 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), \$6,569,453.00; HOME Investment Partnerships (HOME), \$1,466,755.00; Housing Opportunities for People With AIDS (HOPWA), \$6,473,182.00 (on behalf of Newark and the "Eligible Metropolitan Area"); and Emergency Shelter Grants (ESG), \$548,578.00, 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:11-4.1(b)(2) (being the operation, management or administration of a social services 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 CDBG General Services on June 20, 2014 with all proposals due on July 21, 2014; and

**WHEREAS**, the Municipal Council of the City of Newark previously ratified the use of competitive contracting for processing these Housing and Urban Development Entitlement Programs and authorized its use in the future; and

**WHEREAS**, the proposal received from The Arc of Essex County, Inc., 123 Naylor Avenue, Livingston, New Jersey 07039, hereinafter referred to as "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 CDBG General Services for the contract period January 1, 2015 to December 31, 2015, for a total contract amount of \$10,000.00; 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 Community Development Block Grant, 24 CFR 135 (Section #3 reporting requirements) and 24 CFR. 570.201; and

**WHEREAS**, the City of Newark adopted the "Contractor Pay-to-Play Reform" ordinance, codified at Section 2:4-22C of the Revised General Ordinances of Newark (hereinafter "Pay-to-Play Reform Ordinance"), which requires reporting of political contributions to candidates for City of Newark elective municipal offices or City of Newark or County of Essex political committees 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 the Pay-to-Play Reform Ordinance are only applicable to Business Entities as defined therein and do not include non-profit organizations, and as a non-profit organization, The Arc of Essex County, 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 The Arc of Essex County, Inc., 123 Naylor Avenue, Livingston, New Jersey 07039, for the period January 1, 2015 to December 31, 2015, to provide CDBG General Services, which are further described in the "Scope of Services" attached hereto as Exhibit A.
2. The contract between the City of Newark and Sub-recipient is hereby ratified from January 1, 2015 to the date of adoption of this authorizing resolution.
3. The total compensation to be paid pursuant to said Agreement is \$10,000.00 and shall be paid for from CDBG funding.

4. The terms of this 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 20, 2014 to the date of adoption of this 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 Community Development Block Grant, 24 CFR 135 (Section #3 reporting requirements) and 24 CFR 570.201.
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 contract shall be filed with the Office of the City Clerk by the Business Administrator.

#### **STATEMENT**

This resolution authorizes and ratifies the actions taken by the Mayor and/or his designee, the Business Administrator, to enter into a contract with The Arc of Essex County, Inc., 123 Naylor Avenue, Livingston, New Jersey 07039, utilizing CDBG funding, for the purpose of providing CDBG General Services, for the period of January 1, 2015 to December 31, 2015, for the total contract amount of \$10,000.00.