Legislation Details (With Text)

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Type:	Resolution		**Status:**	Adopted
File created:	6/8/2017		**In control:**	Health and Community Wellness
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Title: 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: Veterans Bio-Medical Research Institute and Veterans Affairs NJ Healthcare System
Entity Address: 385 Tremont Avenue, East Orange, New Jersey 07018
Grant Amount: Not to Exceed $175,080.00
Funding Source: United States Department of Health and Human Services/ Health Resources and Services Administration
Contract Period: March 1, 2017 through February 28, 2018
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
Additional Information:
Partial Certification of Funds in the amount of $70,599.00.
Ryan White funds accepted by Resolution 7R5-a adopted on March 1, 2017.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
8/2/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark desires to continue to provide 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-A, adopted on March 1, 2017, the Municipal Council of the City of Newark authorized the Mayor and the Acting 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, 5600 Fishers Lane, Rockville, Maryland 20857, 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 Eligible Metropolitan Area (EMA); and

WHEREAS, pursuant to Resolution 7R5-A, adopted on March 1, 2017, the Municipal Council authorized the Mayor and the Acting Director of the Department of Health and Community Wellness to accept funds in the amount of five million, seven hundred forty-five thousand, seven hundred eighty-eight dollars and zero cents ($5,745,788.00), from the United States Department of Health and Human Services 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, which is the lead agency for the Newark EMA, provide funding for HIV/AIDS related health and support services for people living with HIV and AIDS in the Newark Eligible Metropolitan Area (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 November 8, 2016 through November 10, 2016, and received 40 (forty) proposals on December 2, 2016; and

WHEREAS, the City’s legal notice and RFP for FY2017 Ryan White eligible services shall be filed with Resolution 7R5-A, adopted on March 1, 2017, which authorizes the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

WHEREAS, the proposal submitted by Veterans Bio-Medical Research Institute and Veterans Affairs NJ Healthcare System, 385 Tremont Avenue, East Orange, New Jersey 07018 (hereinafter referred to as the “Sub-Recipient”), was determined to be most advantageous to the City of Newark, based on experience and criteria listed in the RFP; and

WHEREAS, the Sub-Recipient has demonstrated that they have the expertise to provide HIV related health and support services to meet the requirements of the Ryan White HIV/AIDS Treatment Extension Act of 2009 and the aforementioned RFP; and

WHEREAS, the City of Newark, Department of Health and Community Wellness, desires to enter into an agreement (hereinafter, “Agreement”) with 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, 2017, and terminating on

February 28, 2018, for an award amount of seventy thousand, five hundred ninety-nine dollars and zero cents ($70,599.00) and a contract not to exceed one hundred seventy-five thousand, eighty dollars and zero cents ($175,080.00); and

WHEREAS, the Mayor and the Acting Director of the Department of Health and Community Wellness desire to accept additional funds as they may become available from the United States Department of Health and Human Services under the Ryan White HIV/AIDS Treatment Extension Act of 2009; and

WHEREAS, the City of Newark, Department of Health and Community Wellness shall, upon receipt of additional funding, 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 1995 requires that all Sub-Recipients complete a formalized Business Associate Agreement to protect the privacy and security of clients' health 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 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), and the Ryan White HIV/AIDS Treatment Extension Act of 2009; and

WHEREAS,. the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C et seq., 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 Acting Director of the Department of Health and Community Wellness, are hereby authorized to enter into and execute an Agreement with Veterans Bio-Medical Research Institute and Veterans Affairs NJ Healthcare System, 385 Tremont Avenue, East Orange, New Jersey 07018, 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, 2017, and terminating on February 28, 2018, for an award amount of seventy thousand, five hundred ninety-nine dollars and zero cents ($70,599.00) and a contract not to exceed one hundred seventy-five thousand, eighty dollars and zero cents ($175,080.00).

2. The Mayor and/or his designee, the Acting Director of the Department of Health and

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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, Health Resources and Services Administration, pursuant to the Ryan White Treatment Extension Act of 2009, for the period commencing on March 1, 2017, and terminating on February 28, 2018.

3. Attached hereto is a partial Certification of Funds in the amount of seventy thousand, five hundred ninety-nine dollars and zero cents ($70,599.00) from the Municipal Comptroller of the City of Newark and that the line appropriation of the official budget which shall be charged is Business Unit NW051; Dept. ID G17; Division/Proj. 2H7K0; Account# 72090; Budget Ref. B2017.

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 8, 2016, to the date of adoption and authorizes its use in the future.

6. This Agreement is hereby ratified from March 1, 2017 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 month period of March 1, 2017 through February 28, 2018, until the issuance of a Notice to Proceed/Award Letter by the Acting 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 the privacy and security of clients' health information, in accordance with the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1995 (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 et seq.

10. The legal notice/advertisement and RFP for FY2017 Ryan White eligible services shall be filed with Resolution 7R5-A, adopted on March 1, 2017.

11. The Acting Director of the Department of Health and Community Wellness shall file a fully executed copy of said Agreement with the Office of the City Clerk.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Acting Director of the

Department of Health and Community Wellness, to enter into and execute an Agreement with Veterans Bio-Medical Research Institute and Veterans Affairs NJ Healthcare System, 385 Tremont Avenue, East Orange, New Jersey 07018, to provide Ryan White eligible services to the Newark EMA, for the period commencing on March 1, 2017, and terminating on February 28, 2018, for an award amount of Seventy Thousand, Five Hundred Ninety-Nine Dollars and Zero Cents ($70,599.00) and a contract not to exceed One Hundred Seventy-Five Thousand, Eighty Dollars and Zero Cents ($175,080.00).