



Legislation Details (With Text)

File #: 18-0586 **Version:** 1 **Name:** FY18 Positive Healthcare
Type: Resolution **Status:** Adopted
File created: 4/19/2018 **In control:** Health and Community Wellness
On agenda: 9/6/2018 **Final action:** 9/6/2018
Title: Dept/ Agency: Health and Community Wellness
Action: (X) Ratifying (X) Authorizing () Amending
Type of Service: Contract with Sub-Recipient
Purpose: Provide Ryan White HIV/AIDS Related Health and Support Services to the Newark Eligible Metropolitan Area
Entity Name: Positive Health Care, Inc.
Entity Address: 333 Washington Street, Newark, New Jersey 07102
Grant Amount: Not to Exceed \$235,523.00
Funding Source: United States Department of Health and Human Services, Health Resources and Services Administration
Contract Period: March 1, 2018 through February 28, 2019
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
() 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 \$23,980.00.
Ryan White funds accepted by Resolution 7R5-b (as) adopted on March 27, 2018.
Sponsors: Council of the Whole
Indexes:
Code sections:

Date	Ver.	Action By	Action	Result
9/6/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark desires to continue to provide Ryan White 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-b (as) adopted on March 27, 2018, the Municipal Council of the City of Newark authorized the Mayor and the 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, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885 for the provision of Ryan White HIV/AIDS healthcare, supportive and related services to HIV/AIDS-infected individuals and their families residing in the City of Newark and the Newark Eligible Metropolitan Area (EMA); and

WHEREAS, pursuant to Resolution 7R5-b (as) adopted on March 27, 2018, the Municipal Council authorized the Mayor and the Director of the Department of Health and Community Wellness to accept funds in the amount of two million, five hundred eighty-seven thousand, three dollars and zero cents (\$2,587,003.00), from the United States Department of Health and Human Services through the Ryan White HIV/AIDS Treatment Extension Act of 2009, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885; and

WHEREAS, the Ryan White HIV/AIDS Treatment Extension Act of 2009, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885 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 21, 2017 through November 23, 2017, and received 40 (forty) proposals on December 8, 2017; and

WHEREAS, the City's legal notice and RFP for FY2018 Ryan White eligible services shall be filed with Resolution 7R5-b (as) adopted on March 27, 2018, which authorizes the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

WHEREAS, the proposal submitted by Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, 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, Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, has demonstrated that they have the expertise to provide HIV related health and support services to meet this requirement; and

WHEREAS, the City of Newark, Department of Health and Community Wellness desires to enter into an Agreement with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey

07102, hereinafter referred to as “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, 2018 and terminating on February 28, 2019, for an award amount of twenty-three thousand, nine hundred and eighty dollars and zero cents (\$23,980.00) and a contract amount not to exceed two hundred and thirty-five thousand, five hundred and twenty-three dollars and zero cents (\$235,523.00); and

WHEREAS, the Mayor and the 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, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885; 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, 110 Stat. 1936 requires that all Sub-Recipients complete a formalized Business Associate Agreement to protect clients’ health information and insure the privacy of that 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, 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, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter “PAC”), in excess of certain specified thresholds within one (1) calendar year immediately preceding the date of the contract or agreement.

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 Director of the Department of Health and Community Wellness, are hereby authorized to enter into and execute an Agreement with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, 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, 2018, and terminating on February 28, 2019, for an award amount of twenty-three thousand,

nine hundred eighty dollars and zero cents (\$23,980.00) and a contract not to exceed two hundred thirty-five thousand, five hundred twenty-three dollars and zero cents (\$235,523.00).

2. The Mayor and/or his designee, the Director of the Department of Health and 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, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885 for the period commencing on March 1, 2018 and terminating on February 28, 2019.
3. Attached hereto is a partial Certification of Funds in the amount of twenty-three thousand, nine hundred eighty dollars and zero cents (\$23,980.00) 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 051; Dept. ID G18; Division/Project 2H8N0; Account# 72090; Budget Ref. B2018.
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, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885 from November 21, 2017, to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2018 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, 2018 through February 28, 2019 until the issuance of a Notice to Proceed/Award Letter by the 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 clients' health information and ensure the privacy of that information, in accordance with the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1995, 110 Stat. 1936 (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, Pub. L. 111-87, Oct. 30, 2009, 123 Stat. 2885 and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
10. The legal notice/advertisement and RFP for FY2018 Ryan White eligible services shall be filed with Resolution #7R5-B (AS) adopted on March 27, 2018.
11. The 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 Director of the Department of Health and Community Wellness, to enter into and execute an Agreement with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, to provide Ryan White eligible services to the Newark EMA, for the period commencing on March 1, 2018, and terminating on February 28, 2019, for an award amount of twenty-three thousand, nine hundred eighty dollars and zero cents (\$23,980.00) and a contract amount not to exceed two hundred thirty-five thousand, five hundred twenty-three dollars and zero cents (\$235,523.00).