



## Legislation Details (With Text)

**File #:** 18-0520      **Version:** 1      **Name:** Positive Health Care ESG 2018  
**Type:** Resolution      **Status:** Adopted  
**File created:** 4/11/2018      **In control:** Health and Community Wellness  
**On agenda:** 11/8/2018      **Final action:** 11/8/2018  
**Title:** Dept/ Agency: Health and Community Wellness  
Action: ☒ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Contract with Grant Sub-Recipient  
Purpose: Emergency Shelter Services in the City of Newark  
Entity Name: Positive Health Care, Inc.  
Entity Address: 333 Washington Street, Newark, New Jersey 07102  
Grant Amount: \$20,375.00  
Funding Source: United States Department of Housing and Urban Development (HUD)  
Contract Period: January 1, 2018 through December 31, 2018  
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☒ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ  
☐ Private Sale ☒ Grant ☒ Sub-Recipient ☐ N/A  
Additional Information:  
Grant Funds accepted by Resolution 7R1-a(s) adopted on January 30, 2018.  
Temporary Emergency Appropriation by Resolution 7R1-c adopted on March 7, 2018.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/8/2018	1	Municipal Council	Adopt	Pass

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**Additional Information:**  
Grant Funds accepted by Resolution 7R1-a(s) adopted on January 30, 2018.  
Temporary Emergency Appropriation by Resolution 7R1-c adopted on March 7, 2018.

**WHEREAS**, pursuant to Resolution 7R1-a(s), adopted January 30, 2018, the Mayor and/or his designee, the Business Administrator, were authorized to file FY2017 (Program Year 2017-2018) One-Year Action Plan with the United States Department of Housing and Urban Development (HUD), which contained requests for funds from four grant programs: Community Development Block Grants

(CDBG), \$6,490,035.00, HOME Investment Partnerships (HOME), \$1,845,576.00, Housing Opportunities for People With AIDS (HOPWA), \$5,863,058.00 (on behalf of Newark and the “Eligible Metropolitan Area”) and Emergency Solutions Grants (ESG), \$685,579.00, 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 (hereinafter “City”) publicly advertised a Request for Proposals (RFP) for shelter operations and essential services on June 26, 2017, with all proposals due on July 26, 2017; and

**WHEREAS**, the Municipal Council of the City previously authorized the use of competitive contracting for processing these Housing and Urban Development Entitlement Programs and authorized said use for 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 most advantageous to the City of Newark based on experience and all other criteria listed in the RFP; and

**WHEREAS**, the Department of Health and Community Wellness desires to enter into a contract with the Sub-recipient, for the purpose of providing emergency shelter services to the homeless and those at risk of being homeless in the City for the contract period January 1, 2018 through December 31, 2018, for a total contract amount not to exceed Twenty Thousand, Three Hundred and Seventy-Five Dollars and Zero Cents (\$20,375.00); and

**WHEREAS**, this contract awarded to the Sub-Recipient is in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-4.1(b)(2) and/or N.J.S.A. 40A:11-5, as well as the federal Emergency Solutions Grants (ESG) program regulations, 24 CFR 576 et seq.; and

**WHEREAS**, the City adopted the “Contractor Pay-to-Play Reform” ordinance, codified at Section 2:4-22C et seq. 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 within one year prior to the date of the contract and prohibits a business entity from making any political contributions from the first communication with the City through 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, Sub-recipient 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 Director of the Department of Health and Community Wellness, is hereby authorized to enter into and execute a contract with

Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, for the period January 1, 2018 through December 31, 2018, to provide emergency shelter services to the homeless and those at risk of being homeless in the City as further described in the "Scope of Services" attached hereto and made a part hereof.

2. The Municipal Council ratifies this contract from January 1, 2018, through the date of adoption of this authorizing resolution.
3. The total compensation to be paid pursuant to said contract shall not exceed Twenty Thousand, Three Hundred and Seventy-Five Dollars and Zero Cents (\$20,375.00), and shall be paid for 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) six-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 a writing 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 26, 2017, to the date of adoption of this authorizing resolution and authorizes said use in the future.
6. This contract is being awarded pursuant to the Emergency Solutions Grants Program, 24 CFR 576.1 et seq., and is in compliance with 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 the City's Pay-to-Play Reform Ordinance.
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. Business Unit NW051, Dept. G18, Div./Proj. 2H8A0, Account# 72030, Budget B2018.
8. The Director of the Department of Health and Community Wellness for the City of Newark shall file the fully executed copy of said contract with the Office of the City Clerk and said contract shall be made available for public inspection.

### **STATEMENT**

This resolution authorizes and ratifies the actions taken by the Mayor and/or his designee, the Director of the Department of Health and Community Wellness, to enter into and execute a contract with Positive Health Care, Inc., 333 Washington Street, Newark, New Jersey 07102, utilizing ESG funding, for the provision of emergency shelter services to the homeless and those at risk of being homeless in the City of Newark, for the period January 1, 2018 through December 31, 2018, in an amount not to exceed Twenty Thousand, Three Hundred and Seventy-Five Dollars and Zero Cents (\$20,375.00).