Legislation Details (With Text)

File #:	18-1971	**Version:** 1	**Name:**	2019 County of Essex HOPWA
Type:	Resolution		**Status:**	Adopted
File created:	12/20/2018		**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 housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area (NEMSA)
Entity Name: County of Essex
Entity Address: 50 South Clinton Street, Suite 3201, East Orange, New Jersey 07018
Grant Amount: $377,618.00
Funding Source: United States Department of Housing and Urban Development (HUD)/Housing Opportunities for Persons with AIDS (HOPWA)
Account Code Line: NW051-G18-2H8T0-72030-B2018/Department of Health and Community Wellness
Contract Period: January 1, 2019 through December 31, 2019
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:
Funds accepted by Resolution 7R1-A adopted on November 8, 2018
Budget insertion by Resolution 7R1-J adopted on December 5, 2018

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/9/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark (hereinafter "City") desires to continue to act as the Grantee/Sub-Grantor for disbursement of funds made available by the United States Department of Housing and Urban Development (HUD), Housing Opportunities for Persons with AIDS (HOPWA) Program, to provide housing assistance and supportive services for persons living with HIV/AIDS through sub-recipient contracts within the Newark Eligible Metropolitan Statistical Area (NEMSA), which consists of Essex, Hunterdon, Morris, Somerset, Sussex, and Union Counties in New Jersey and Pike County, Pennsylvania; and

WHEREAS, pursuant to Resolution 7R1-A adopted on November 8, 2018, the Municipal Council of the City of Newark authorized the Mayor and/or his designee, the Business Administrator, to enter into an agreement with HUD to receive and expend grant funds in the amount of Five Million Eight Hundred Sixty-Seven Thousand One Hundred Seventy-Five Dollars and Zero Cents ($5,867,175.00) from HUD's HOPWA Program; and

WHEREAS, pursuant to State Local Public Contracts Law, N.J.S.A. 40A:11-4.1(b)(2), the competitive contracting process may be used for the operation, management or administration of social service programs; and

WHEREAS, pursuant to the Fair and Open Process of State Pay-to-Play Law, N.J.S.A. 19-44A -20.5, the City publicly advertised a Request for Proposal (RFP) for housing assistance and supportive services with all proposals due on September 19, 2018; and

WHEREAS, the Municipal Council of the City of Newark previously authorized the use of competitive contracting for processing these HUD Entitlement Programs and authorized its use in the future; and

WHEREAS, the proposal received from the County of Essex, 50 South Clinton Street, Suite 3201, East Orange, New Jersey 07018 (hereinafter referred to as "Sub-Recipient"), was found to be the most advantageous for the City based on experience and all other criteria listed in the RFP; and

WHEREAS, the Department of Health and Community Wellness desires to enter into an Agreement with the Sub-Recipient, for the purpose of providing housing assistance and supportive services to persons living with HIV/AIDS within the NEMSA, for the period January 1, 2019 through December 31, 2019, for a total contract amount not to exceed Three Hundred Seventy-Seven Thousand Six Hundred Eighteen Dollars and Zero Cents ($377,618.00); and

WHEREAS, this contract awarded to the Sub-Recipient is in compliance with 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 HOPWA program regulations, 24 CFR 574.3; 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 during the duration of the contract; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq. and the Pay-to-Play Reform Ordinance, reporting requirements 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; and

WHEREAS, the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 requires that all sub-recipients complete a formalized Business Associate Agreement, which is incorporated by reference and made a part of the agreement, to protect client health information and ensure the privacy of that information.

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 a contract on behalf of the City of Newark with the County of Essex, 50 South Clinton Street, Suite 3201, East Orange, New Jersey 07018, for the period January 1, 2019 through December 31, 2019, to provide certain housing assistance and supportive services to persons with HIV/AIDS, as is further described in the “Scope of Services” (attached hereto and made a part hereof).

2. The Municipal Council ratifies this contract from January 1, 2019 through the date of adoption of this authorizing resolution.

3. 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) 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 writing signed by both parties.

4. The total compensation to be paid pursuant to said contract shall not exceed Three Hundred Seventy-Seven Thousand Six Hundred Eighteen Dollars and Zero Cents ($377,618.00) and shall be paid for from HOPWA funding.

5. The Municipal Council ratifies the use of competitive contracting for processing and awarding contracts with Housing and Urban Development Entitlement Programs from January 1, 2019 to the date of adoption of this resolution and authorizes its use in the future.

6. The Sub-Recipient shall protect client health information and ensure the privacy of that information, in accordance with the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.

7. 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; and 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 Housing Opportunities for Persons with AIDS, 24 CFR 574.3, and is in compliance with the City’s Pay-to-Play Reform Ordinance.

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8. As a Grantee of federal funds, the City of Newark was required to, and did, solicit RFPs for this contract, and in entering into this contract with the Sub-Recipient is compliant with Federal Laws, State Statutes, State Local Public Contracts Law, and State Pay-to-Play Law.

9. 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, from Account Code Line: NW051-G18-2H8T0-72030-B2018.

10. The Director of the Department of Health and Community Wellness 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 the County of Essex, 50 South Clinton Street, Suite 3201, East Orange, New Jersey 07018, utilizing HOPWA funding, for the purpose of providing housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area, for the period January 1, 2019 through December 31, 2019, in an amount not to exceed Three Hundred Seventy-Seven Thousand Six Hundred Eighteen Dollars and Zero Cents ($377,618.00).

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