



Legislation Details (With Text)

File #: 18-1987 **Version:** 1 **Name:** 2019 Positive Health ESG
Type: Resolution **Status:** Adopted
File created: 12/28/2018 **In control:** Health and Community Wellness
On agenda: 1/29/2019 **Final action:** 1/29/2019
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: \$20,000.00
Funding Source: United States Department of Housing and Urban Development (HUD)
Account Code Line: NW051-G18-2H8S0-72030-B2018
Contract Period: January 1, 2019 through December 31, 2019
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-a adopted on November 8, 2018
Budget Insertion by Resolution 7R1-I adopted on December 5, 2018

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/29/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, pursuant to Resolution 7R1-a, adopted on November 8, 2018 , the Mayor and/or his designee, the Business Administrator, were authorized to file FY2018 (Program Year 2018-2019)

One-Year Action Plan with the United States Department of Housing and Urban Development (HUD), which contained requests for funds from four grant programs: (1) Community Development Block Grants (CDBG), \$7,175,818.00; (2) HOME Investment Partnerships (HOME), \$2,662,579.00; (3) Housing Opportunities for People With AIDS (HOPWA), \$5,867,175.00 (on behalf of Newark and the “Eligible Metropolitan Area”); and (4) Emergency Solutions Grants (ESG), \$584,249.00; 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 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 of Newark (hereinafter “City”) publicly advertised a Request for Proposal (RFP) for shelter operations and essential services with all such proposals due on September 19, 2018; and

WHEREAS, the Municipal Council of the City previously authorized the use of competitive contracting for processing these HUD 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 one of the 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, 2019 through December 31, 2019, for a total contract amount not to exceed Twenty Thousand Dollars and Zero Cents (\$20,000.00); 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, 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.

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 authorized to enter into and execute a contract with Positive Health Care, Inc. 333 Washington Street, Newark, New Jersey 07102, 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) for the period January 1, 2019 through December 31, 2019.
2. The Municipal Council ratifies this contract from January 1, 2019, 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 Dollars and Zero Cents (\$20,000.00), 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, 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 August 20, 2018, 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 from Account Code Line: NW051-G18-2H8S0-72030-B2018.
8. 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 ratifies and authorizes 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, 2019 through December 31, 2019, in an amount not to exceed Twenty Thousand Dollars and Zero Cents (\$20,000.00).