



## Legislation Details (With Text)

**File #:** 22-0307      **Version:** 1      **Name:** FY2022 Ryan White - AIDS Resource Foundation for Children

**Type:** Resolution      **Status:** Adopted

**File created:** 3/4/2022      **In control:** Health and Community Wellness

**On agenda:** 5/4/2022      **Final action:** 5/4/2022

**Title:** Dept/ Agency: Health and Community Wellness  
Action: ☒ Ratifying ☒ 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: AIDS Resource Foundation for Children  
Entity Address: 77 Academy Street, Newark, New Jersey 07102  
Grant Amount: Not to exceed \$568,932.00  
Funding Source: United States Department of Health and Human Services, Health Resources and Services Administration (HRSA)  
Contract Period: March 1, 2022 through February 28, 2025  
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☒ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ  
☐ Private Sale ☒ Grant ☒ Sub-recipient ☐ N/A  
Additional Information:  
Partial Certification of Funds in the amount of \$79,427.00.  
Ryan White funds accepted by Resolution 7R5-a adopted on February 16, 2022.  
Contract years two (FY2023) and three (FY2024) are subject to availability and appropriation annually of sufficient funds to meet the extended obligation.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/4/2022	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Health and Community Wellness  
**Action:** ☒ Ratifying ☒ 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:** AIDS Resource Foundation for Children  
**Entity Address:** 77 Academy Street, Newark, New Jersey 07102  
**Grant Amount:** Not to exceed \$568,932.00  
**Funding Source:** United States Department of Health and Human Services, Health Resources and Services Administration (HRSA)  
**Contract Period:** March 1, 2022 through February 28, 2025  
**Contract Basis:** ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☒ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ  
☐ Private Sale ☒ Grant ☒ Sub-recipient ☐ N/A  
**Additional Information:**  
Partial Certification of Funds in the amount of \$79,427.00.

Ryan White funds accepted by Resolution 7R5-a adopted on February 16, 2022.

Contract years two (FY2023) and three (FY2024) are subject to availability and appropriation annually of sufficient funds to meet the extended obligation.

**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 February 16, 2022, 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 (HRSA), 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 February 16, 2022, the Municipal Council authorized the Mayor and the Director of the Department of Health and Community Wellness to accept funds in the amount of Eight Million, One Hundred Thirty Eight Thousand, One Hundred Seventy Three and Zero Cents (\$8,138,173.00), from HRSA 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 THE FY2022 multi-year Request For Proposals (RFPs) for medical and social services, quality management and other professional services ("Ryan White eligible services") from October 20, 2021 through October 22, 2021, and received thirty-seven (37) proposals on November 19, 2021; and

**WHEREAS**, The funder HRSA/HIV AIDS Bureau has transitioned the Ryan White HIV/AIDS Program (RWHAP) from an annual competitive application program to a three-year funded program effective FY2022, the City of Newark RWHAP has shifted to a three-year performance period commencing on March 1, 2022 and terminating on February 2025 in alignment with the funder; and

**WHEREAS**, Sub-Recipients will submit non-competing continuation (NCC) progress reports and budget documents for contract years two (FY2023) and three (FY2024) in lieu of a competitive application which is subject to availability and appropriation annually of sufficient funds to meet the extended obligation; and

**WHEREAS**, the evaluation score from the subjective (internal) and objective (external) proposal review process for applications submitted in year one of the performance period will be

utilized to award sub-recipients in the second and third years providing there is funding from HRSA. In addition, the HIV Planning Council completes its annual Priority Setting and Resource Allocation processes, and Sub-Recipient contract performance for FY2022 meets requirements for funding; and

**WHEREAS**, the City's legal notice and RFP for FY2022 Ryan White eligible services was filed with Resolution 7R5-A adopted on February 16, 2022, which authorized the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

**WHEREAS**, the proposal submitted by AIDS Resource Foundation for Children, 77 Academy Street, Newark, New Jersey 07102 (hereinafter referred to as "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 this requirement; and

**WHEREAS**, the City of Newark, Department of Health and Community Wellness, desires to enter into an Agreement with the 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, 2022 and terminating on February 28, 2025 for a **partial award amount of Seventy-Nine Thousand, Four Hundred Twenty-Seven Dollars and Zero Cents (\$79,427.00) and a contract not to exceed Five Hundred Sixty-Eight Thousand, Nine Hundred Thirty-Two Dollars and Zero Cents (\$568,932.00) for FY 2022**; 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 HRSA 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 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 is in compliance with the City's Ordinance on Pay-to-Play, R.O. 2:4-22C; 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.

**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 AIDS Resource Foundation for Children, 77 Academy 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 for the period commencing on March 1, 2022 and terminating on February 28, 2025, for a **partial award amount of Seventy-Nine Thousand, Four Hundred Twenty-Seven Dollars and Zero Cents (\$79,427.00) and a contract not to exceed Five Hundred Sixty-Eight Thousand, Nine Hundred Thirty-Two Dollars and Zero Cents (\$568,932.00)** for FY 2022.
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, for the period commencing on March 1, 2022 and terminating on February 28, 2023.
3. Attached hereto is a **partial Certification of Funds in the amount of Seventy-Nine Thousand, Four Hundred Twenty-Seven Dollars and Zero Cents (\$79,427.00)** 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 G22; Division 2H22C; Account# 72090; Budget Ref. B2022.
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 October 20, 2021 to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2022 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 (12) month period of March 1, 2022 and terminating on February 28, 2023 until the issuance of a Notice to Proceed/Award Letter by the Director of the Department of Health and Community Wellness. Sub-Recipients and Vendors will submit non-competing continuation (NCC) progress reports and budget documents for contract years two (FY2023) and three (FY2024) in lieu of a competitive application which is subject to availability and appropriation annually of sufficient funds to meet the extended obligation, subject to Municipal Council approval.
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 (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 City's Ordinance on Pay-to-Play, R.O. 2:4-22C.

10. The legal notice/advertisement and RFP for FY2022 Ryan White eligible services shall be filed with Resolution 7R5-A adopted on February 16, 2022.
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 AIDS Resource Foundation for Children, 77 Academy Street, Newark, New Jersey 07102, to provide Ryan White eligible services to the Newark EMA, for the period commencing on March 1, 2022 and terminating on February 28, 2025, for a **partial award amount of Seventy-Nine Thousand, Four Hundred Twenty-Seven Dollars and Zero Cents (\$79,427.00) and a contract not to exceed Five Hundred Sixty-Eight Thousand, Nine Hundred Thirty-Two Dollars and Zero Cents (\$568,932.00), (FY2022).**