



Legislation Details (With Text)

File #: 22-1313 **Version:** 1 **Name:** Resolution: Exception to Public Bidding - Greenway Health, LLC
Type: Resolution **Status:** Adopted
File created: 9/14/2022 **In control:** Health and Community Wellness
On agenda: 12/7/2022 **Final action:** 12/7/2022

Title: Dept/ Agency: Health and Community Wellness
Action: (X) Ratifying (X) Authorizing () Amending
Type of Service: Exception to Public Bidding
Purpose: To provide for the hosting, support, upgrades, maintenance of proprietary software and for existing electronic medical records system, Greenway Health, Inc., a Federally Qualified Health Center.
Entity Name: Greenway Health, LLC
Entity Address: 4301 West Boy Scout Boulevard, Suite 800, Tampa, Florida, 33607
Contract Amount: Not to exceed \$576,000.00
Funding Source: 2022 Budget/Department of Health and Community Wellness/NW026-46540-B2022
Contract Period: Not to exceed twenty-four (24) consecutive months, beginning January 1, 2022 and terminating on December 31, 2023
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
(X) Non-Fair & Open (X) No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient (X) Exception to Prior Bidding
Additional Information:
A Partial Certification of Funds is provided in the amount of \$288,000.00, from January 1, 2022 through December 31, 2022 (Year 1).
The balance of \$288,000.00, for the period of January 1, 2023 through December 31, 2023 will be provided within the 2023 Adopted Budget.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/7/2022	1	Municipal Council	Adopt	Pass

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Additional Information:

A Partial Certification of Funds is provided in the amount of \$288,000.00, from January 1, 2022 through December 31, 2022 (Year 1).

The balance of \$288,000.00, for the period of January 1, 2023 through December 31, 2023 will be provided within the 2023 Adopted Budget.

WHEREAS, the City of Newark (the “City”) wishes to enter into a contract with Greenway Health, LLC, 4301 West Boy Scout Boulevard, Suite 800, Tampa, Florida 33607, to provide an electronic medical records management system, which offers for support, maintenance and enhancement software, for the benefit of the Department of Health and Community Wellness, for a period not to exceed twenty-four (24) consecutive months, in an amount not to exceed Two Hundred Eighty-Eight Thousand Dollars and Zero Cents (\$288,000.00), for the period January 1, 2022 through December 31, 2022 (Year 1) and Two Hundred Eighty-Eight Thousand Dollars and Zero Cents (\$288,000.00) for the period of January 1, 2023 through December 31, 2023 (Year 2); and

WHEREAS, Greenway Health, LLC offers support, maintenance and managed services essential for the City’s Department of Health and Community Wellness, and its’ co-affiliate Mary Eliza Mahoney Health Centers, a Federally Qualified Health Center to maintain the electronic medical records management system for use by the medical providers in their clinics; and

WHEREAS, Greenway Health, LLC owns the rights to electronic medical records system and is engaged in the business of providing proprietary software, pursuant to N.J.S.A. 40A:11-2 (39); and

WHEREAS, Greenway Health, LLC has represented they are qualified, by their training and experience, to provide the required services and have the exclusive right to make and sell these goods and services, which the Department of Health and Community Wellness certifies is essential and necessary to conduct its affairs, pursuant to N.J.S.A. 40A:11-2(39); and

WHEREAS, pursuant to Local Public Contracts Law, N.J.S.A.40A:11-5(1)(dd), such a contract for a proprietary computer system, may be awarded as an exception to public bidding because the provision or performance of goods and services is for the support and maintenance of proprietary computer hardware and software; and

WHEREAS, the Department of Health and Community Wellness has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

WHEREAS, this contract is being awarded pursuant to a “Non-Fair and Open” Process, pursuant to State Pay-to-Play Law, N.J.S.A.19:44A-20.5; and

WHEREAS, Greenway Health, LLC has completed and submitted a Business Entity Disclosure Certification, which certifies that Greenway Health, LLC has not made any contributions to a political or candidate committee in the previous one (1) year, and that the contract will prohibit Greenway Health, LLC from making any contributions through the term of this contract; and

WHEREAS, the Municipal Council adopted New Jersey Municipal Code §2:4-22C.1, which adopted the State of New Jersey’s Pay-to-Play statutory requirements pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts; and

WHEREAS, Greenway Health, LLC, the Business Entity, and its subcontractors, if any, have certified that it is in compliance with the aforementioned Municipal and State Pay-to-Play requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Health and Community Wellness, is hereby authorized on behalf of the City of Newark, to enter into and execute a contract with Greenway Health, LLC, 4301 West Boy Scout Boulevard, Suite 800, Tampa, Florida 33607, to provide support and maintenance proprietary software, "Greenway Health" management system, and associated services for a period not to exceed twenty-four (24) consecutive months, in an amount not to exceed Two Hundred Eighty-Eight Thousand Dollars and Zero Cents (\$288,000.00) for the period January 1, 2022 through December 31, 2022 (Year 1) and Two Hundred Eighty-Eight Thousand Dollars and Zero Cents (\$288,000.00), for the period January 1, 2022 through December 31, 2023 (Year 2), for a total not to exceed amount of Five Hundred Seventy-Six Thousand Dollars and Zero Cents (\$576,000.00), for both years.
2. Attached hereto is the Chief Finance Officer's Certification, which states a Partial Certification of Funds in the amount of Two Hundred Eighty-Eight Thousand Dollars and Zero Cents (\$288,000.00), are available in the 2022 Budget, NW026, Account #46540, the balance to be provided in the 2023 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
3. This contract is being awarded pursuant to and in compliance with the Non-Fair and Open Procedures of the Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq. and the Contractor-Pay-to-Play Ordinance, 2:4-22C.1, and as an exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5 (dd), as the goods and services are for the support or maintenance of proprietary software and associated services.
4. Greenway Health, LLC has represented they are qualified, by their training and experience, to provide the required services and have the exclusive right to make and sell these services, which the Department of Health and Community Wellness certifies is essential and necessary to conduct its affairs, pursuant to N.J.S.A. 40A:11-2(39).
5. The contract is ratified from January 1, 2022 to the date of adoption of this authorizing Resolution.
6. The contract will contain language prohibiting any contributions in violation of any state or local law.
7. The Business Entity Disclosure Certification and the Determination of Value be placed on file with this Resolution.
8. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.

STATEMENT

This Resolution hereby ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Health and Community Wellness, on behalf of the City of Newark, to enter into and execute a contract with Greenway Health, LLC, 4301 West Boy Scout Boulevard, Suite 800, Tampa, Florida 33607, to provide proprietary system support, maintenance and enhancement software for the benefit of the City's use of the electronic medical records system known as, "Greenway Health" management system, in order to maintain the software's operational health and functionality, and associated services, for a period not to exceed twenty-four (24) consecutive months, beginning on January 1, 2022 and terminating on December 31, 2023, for \$288,000.00, per year, at an amount not to exceed \$576,000.00, for both years.