



## Legislation Details (With Text)

**File #:** 24-0411      **Version:** 1      **Name:** HOPWA 2024 - Positive Healthcare  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/14/2024      **In control:** Administration  
**On agenda:** 4/24/2024      **Final action:** 4/24/2024  
**Title:** Dept/ Agency: Administration/Office of the Business Administrator  
Action: ☒ Ratifying   ☒ 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: Positive Healthcare, Inc.  
Entity Address: 395-403 University Avenue, Newark, New Jersey 07102  
Grant Amount: Not to exceed \$500,000.00  
Funding Source: United States Department of Housing and Urban Development (HUD)/Housing Opportunities for persons with AIDS (HOPWA)  
Account Code Line: 2024 Budget/NW051; Dept. ID G24; Project M24A0; Activity A; Account 72030; Budget Ref. B2024  
Contract Period: January 1, 2024 through December 31, 2024  
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-j adopted on December 6, 2023.  
Budget Insertion by Resolution 7R1-h adopted on February 7, 2024.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/24/2024	1	Municipal Council		

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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-j adopted on December 6, 2023, the Municipal Council 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 Twenty Eight Thousand Four Hundred Forty Dollars and Zero Cents (\$5,828,440.00) 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 for persons with HIV/AIDS within the NEMSA, with all proposals due on December 18, 2023; and

**WHEREAS**, the Municipal Council 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 Positive Healthcare, Inc., 395-403 University Avenue, Newark, New Jersey 07102 (hereinafter referred to as “Sub-Recipient”), was found to be one of the most advantageous for the City based on experience and all other criteria listed in the RFP; and

**WHEREAS**, the Office of Homeless Services 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 January 1, 2024 through December 31, 2024, for a total contract amount not to exceed Five Hundred Thousand Dollars and Zero Cents (\$500,000.00); 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), as well as the federal HOPWA program regulations, 24 CFR 574; and

**WHEREAS**, the award is in compliance with the City’s Ordinance, R.O. 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**, 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 Homelessness Czar of the Office of Homeless Services, are hereby authorized to enter into and execute a contract on behalf of the City of Newark ("City") with Positive Healthcare, Inc., 395-403 University Avenue, Newark, New Jersey 07102 ("Sub-Recipient"), for the period of January 1, 2024 through December 31, 2024, to provide certain housing assistance and supportive services to persons with HIV/AIDS within the Newark Eligible Metropolitan Statistical Area (NEMSA), 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, 2024 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 Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) and shall be paid for from the Housing Opportunities for persons with AIDS 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, 2024 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 Housing Opportunities for Persons with AIDS, 24 CFR 574, and is in compliance with the City's Pay-to-Play Reform Ordinance.
8. As a Grantee of federal funds, the City was required to, and did, solicit Requests for Proposals 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, which states that there are sufficient funds for the purpose set forth hereinabove, from NW051; Dept. ID G24; Project M24A0; Activity A; Account 72030; Budget Ref. B2024.
10. The Homelessness Czar of the Office of Homeless Services 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 Homelessness Czar, of the Office of Homeless Services, to enter into and execute a contract with Positive Healthcare, Inc., 395-403 University Avenue, Newark, New Jersey 07102, utilizing Housing Opportunities for persons with AIDS 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 of January 1, 2024 through December 31, 2024, in an amount not to exceed Five Hundred Thousand Dollars and Zero Cents (\$500,000.00).