



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 14-0737, Version: 1

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**Dept/ Agency:** Child and Family Well-Being

**Action:** ( x ) Ratifying (X) 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:** Positive Health Care, Inc. (PHCI)

**Entity Address:** 333 Washington Street, Newark, New Jersey 07102

**Grant Amount:** \$305,734.00

**Funding Source:** United States Department of Health and Human Services, Health Resources & Services Administration

**Contract Period:** March 1, 2014 through February 28, 2015

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( x ) RFP ( ) RFQ

( ) Private Sale ( x ) Grant ( x ) Sub-recipient ( ) n/a

**Additional Information:**

Partial Certification of Funds in the amount of \$33,000.00 Ryan White funds accepted by Resolution 7R2-b March 19, 2014.

**No Action Taken, June 18, 2014**

**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, Warren and Sussex Counties; and

**WHEREAS**, pursuant to Resolution 7R2-b March 19, 2014, the Municipal Council of the City of Newark authorized the Mayor and the Director of the Department of Child and Family Well-Being to apply for funds from the United States Department of Health and Human Services, Health Resources and Services Administration, 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 and affected individuals and families in the Newark Eligible Metropolitan Area (EMA); and

**WHEREAS**, pursuant to Resolution 7R2-b March 19, 2014, the Municipal Council authorized the Mayor and the Director of the Department of Child and Family Well-Being to accept a partial grant award in the amount of three million, six hundred eighty-two thousand, fifteen dollars and no cents (\$3,682,015.00), from the United States Department of Health and Human Services 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 Child and Family Well-Being, Division of Health Planning/Ryan White Unit, publicly advertised a Request For Proposals (RFPs) for medical, social service, quality management, professional and fiduciary services ("Ryan White eligible services") from November 18, 2013 through November 20, 2013, and received 42 (forty two) proposals on January 9, 2014; and

**WHEREAS**, the City's legal notice and RFP for FY2014 Ryan White eligible services shall be filed with Resolution 7R2-b adopted on March 19, 2014 which authorizes the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

**WHEREAS**, the proposal submitted by the **Positive Healthcare, Inc. (PHCI), 333 Washington Street, Newark, New Jersey 07102**, was determined to be most advantageous to the City of Newark, based on experience and criteria listed on the RFP; and

**WHEREAS**, the Sub-Recipient has demonstrated that they have the expertise to provide HIV/AIDS related health and support services to meet this requirement; and

**WHEREAS**, the City of Newark, Department of Child and Family Well-Being desires to enter into an Agreement with the **Positive Healthcare, Inc. (PHCI), 333 Washington Street, Newark, New Jersey 07102**, hereinafter referred to as "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, 2014 and terminating on February 28, 2015, for an award amount of three hundred five thousand, seven hundred thirty-four dollars and no cents (\$305,734.00); and

**WHEREAS**, the Mayor and the Director of the Department of Child and Family Well-Being desire to accept additional funds as they may become available from the United States Department of Health and Human Services under the Ryan White HIV/AIDS Treatment Extension Act of 2009; and

**WHEREAS**, the City of Newark, Department of Child and Family Well-Being 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 and Certification of Funds; and

**WHEREAS**, the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1995 requires that all Service Providers 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

**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; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

**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 Child and Family Well-Being, are hereby authorized to enter into and execute an Agreement with **Positive Healthcare, Inc. (PHCI), 333 Washington 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 March 1, 2014 and terminating on February 28, 2015, for an amount not to exceed thirty-three thousand dollars and no cents (\$33,000.00), contract not to exceed three hundred five thousand, seven hundred thirty-four dollars and no cents (\$305,734.00).
2. The Mayor and/or his designee, the Director of the Department of Child and Family Well-Being, 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, 2014 and terminating on February 28, 2015.
3. Attached hereto is a partial Certification of Funds in the amount of thirty-three thousand dollars and no cents (\$33,000.00) 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 **NW051**; Dept. ID G14; Division/Proj. 2H420; Account # 72090; Budget Ref. B2014.
4. The City of Newark, Department of Child and Family Well-Being shall file an Amending Resolution upon receipt of the additional funds, which shall state the contract amount for each Sub-Recipient 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 November 18, 2013 to the date of adoption and authorizes its use in the future.
6. This Agreement is hereby ratified from March 1, 2014 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 month period of March 1, 2014 through February 28, 2015 until the issuance of a Notice to Proceed/Award Letter by the Director of the Department of Child and Family Well-Being.

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 Newark Executive Order MEO-07-0001, effective March 31, 2007.
10. The legal notice/advertisement and RFP for FY 2014 Ryan White eligible services shall be filed with Resolution 7R2-b adopted on March 19, 2014 (see Memorandum dated May 28, 2014 attached hereto);
11. The Director of the Department of Child and Family Well-Being 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 Child and Family Well-Being, to enter into and execute an Agreement with **Positive Healthcare, Inc. (PHCI), 333 Washington Street, Newark, New Jersey 07102**, for the period commencing on March 1, 2014 and terminating on February 28, 2015, for an amount not to exceed three hundred five thousand, seven hundred thirty-four dollars and no cents (\$305,734.00).