



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-0581, **Version:** 1

Dept/ Agency: Child and Family Well-Being

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: Newark AIDS Consortium d/b/a Broadway House for Continuing Care

Entity Address: 298 Broadway, Newark, New Jersey 07104

Grant Amount: \$437,542.00

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 (☒) RFP (☐) RFQ

(☐) Private Sale (☒) Grant (☒) Sub-recipient (☐) n/a

Additional Information:

Partial Certification of Funds in the amount of \$76,019.00 Ryan White funds accepted by Resolution 7R2-b adopted on March 19, 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 adopted on 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 adopted on 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 ("Extension Act") 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 the requirement of the Extension Act, 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 **Newark AIDS Consortium d/b/a Broadway House for Continuing Care, 298 Broadway, Newark, New Jersey 07104**, was determined to be most advantageous to the City of Newark, based on experience and criteria listed on the RFP; and

WHEREAS, Newark AIDS Consortium d/b/a Broadway House for Continuing Care, 298 Broadway, Newark, New Jersey 07104, hereinafter referred to as 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 Newark AIDS Consortium d/b/a Broadway House for Continuing Care, 298 Broadway, Newark, New Jersey 07104, 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 four hundred thirty-seven thousand, five hundred forty-two dollars and no cents (\$437,542.00) 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 **Newark AIDS Consortium d/b/a Broadway House for Continuing Care, 298 Broadway, Newark, New Jersey 07104**, 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 of seventy-six thousand, nineteen dollars and no cents (\$76,019.00), contract not to exceed four hundred thirty-seven thousand, five hundred forty-two dollars and no cents (\$437,542.00).
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 seventy six thousand, nineteen dollars and no cents (\$76,019.00) 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. 2014.
4. The City of Newark, Department of Child and Family Well-Being shall file an Amending Resolution upon receipt of any additional funds, which shall state the additional 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 (12) 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 29, 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 Newark AIDS Consortium d/b/a Broadway House for Continuing Care, 298 Broadway, Newark, New Jersey 07104, to provide Ryan White eligible services to the Newark EMA, for the period commencing on March 1, 2014 and terminating on February 28, 2015, for a contract amount not to exceed four hundred thirty-seven thousand, five hundred forty-two dollars and no cents (\$437,542.00).