Legislation Text

File #: 19-0310, **Version:** 1

Dept/ Agency: Health and Community Wellness
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: François-Xavier Bagnoud Center, School of Nursing, Rutgers the State University of New Jersey
Entity Address: Stanley S. Bergen Building (SSB), 65 Bergen Street, 8th Floor, Newark, New Jersey 07107
Grant Amount: Not to exceed $257,307.00
Funding Source: United States Department of Health and Human Services, Health Resources and Services Administration (HRSA)
Account Code Line: NW051-G18-2H8U0-A-72090-B2018
Contract Period: March 1, 2019 through February 29, 2020
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS
(X) 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 $116,153.00.
Ryan White funds accepted by Resolution 7R5-b adopted on December 5, 2018.

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-b, adopted on December 5, 2018, 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), 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 EMA; and

WHEREAS, pursuant to Resolution 7R5-b, adopted on December 5, 2018, the Municipal Council authorized the Mayor and the Director of the Department of Health and Community Wellness to accept funds in the amount of Seven Million, Two Hundred Sixty-One Thousand Eight Hundred Sixty-Seven Dollars and Zero Cents ($7,261,867.00), 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 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 a Request for Proposals (RFPs) for medical and social services, quality management and other professional services ("Ryan White eligible services") from September 11, 2018 through September 13, 2018, and received thirty-seven (37) proposals on October 19, 2018; and

WHEREAS, the City's legal notice and RFP for FY2019 Ryan White eligible services was filed with Resolution 7R5-b, adopted on December 5, 2018, which authorized the application and acceptance of grant funding for the continued provision of Ryan White eligible services; and

WHEREAS, the proposal submitted by François-Xavier Bagnoud Center, School of Nursing, Rutgers the State University of New Jersey, Stanley S. Bergen Street Building (SSB), 65 Bergen Street, 8th Floor, Newark, New Jersey 07101 (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, 2019 and terminating on February 29, 2020 for an award amount of One Hundred Sixteen Thousand One Hundred Fifty-Three Dollars and Zero Cents ($116,153.00) and a contract not to exceed Two Hundred Fifty-Seven Thousand Three Hundred Seven Dollars and Zero Cents ($257,307.00); 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, upon receipt of additional funding, shall 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 1996 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

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 Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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 François-Xavier Bagnoud Center, School of Nursing, Rutgers the State University of New Jersey, Stanley S. Bergen Building (SSB), 65 Bergen Street, 8th Floor, Newark, New Jersey 07107, 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, 2019 and terminating on February 29, 2020, for an award amount of One Hundred Sixteen Thousand One Hundred Fifty-Three Dollars and Zero Cents ($116,153.00) and a contract not to exceed Two Hundred Fifty-Seven Thousand Three Hundred Seven Dollars and Zero Cents ($257,307.00).

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, 2019 and terminating on February 29, 2020.

3. Attached hereto is a partial Certification of Funds in the amount of One Hundred Sixteen Thousand One Hundred Fifty-Three Dollars and Zero Cents ($116,153.00) from the Municipal Comptroller of the City of Newark, which states there are sufficient funds, for the purpose hereinabove, from Account Code Line: NW051-G18-2H8U0-A-72090-B2018.

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 September 11, 2018 to the date of adoption and authorizes its use in the future.

6. This Agreement is hereby ratified from March 1, 2019 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, 2019 through February 29, 2020, until the issuance of a Notice to Proceed/Award Letter by the Director of the Department of Health and Community Wellness.

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 HIPAA (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 Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

10. The legal notice/advertisement and RFP for FY2019 Ryan White eligible services shall be filed with Resolution 7R5-b, adopted on December 5, 2018.

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 François-Xavier Bagnoud Center, School of Nursing, Rutgers the State University of New Jersey, Stanley S. Bergen Building (SSB), 65 Bergen Street, 8th Floor, Newark, New Jersey 07107, to provide Ryan White eligible services to the Newark EMA, for the period commencing on March 1, 2019 and terminating on February 29, 2020, for an award amount of One Hundred Sixteen Thousand One Hundred Fifty-Three Dollars and Zero Cents ($116,153.00) and a contract not to exceed Two Hundred Fifty-Seven Thousand Three Hundred Seven Dollars and Zero Cents ($257,307.00).

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