



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-1025, Version: 1

Dept./ Agency: Administration/ Office of the Business Administrator

Action: (X) Ratifying (X) Authorizing () Amending

Type of Service: Exception to Public Bidding - Agreement with Governmental Entity

Purpose: To enter into and execute a Shared Services Agreement with the Township of Livingston for a Health Officer.

Entity Name: Township of Livingston

Entity Address: 357 South Livingston Avenue, Livingston, New Jersey 07039

Contract Amount: Not to exceed \$150,000.00

Funding Source: 2020 Budget

Contract Period: August 18, 2020 through February 17, 2021

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

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

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

Additional Information:

Shared Services Agreement for interim Health Officer Services for up to six (6) months or until such time as the City retains a licensed Health Officer.

The period of shared service can be renewed upon written agreement of extension by the parties.

WHEREAS, the City of Newark (the "City"), is required, by the applicable New Jersey statutes and/or rules and regulations, to have a full-time licensed Health Officer, pursuant to N.J.S.A. 26:1, et. seq.; and

WHEREAS, as of July 31, 2020, following a retirement, the City has been without a full-time licensed Health Officer and is in need of same particularly during the COVID-19 Public Health Emergency and Public Health Crisis; and

WHEREAS, this Shared Services Agreement (hereinafter "Agreement"), is between the City of Newark (hereinafter the "Recipient" or "City"), a municipal corporation of the State of New Jersey with the principal place of business at 920 Broad Street, Newark, New Jersey 07102, and the Township of Livingston, a municipal corporation of the State of New Jersey with the principal place of business at 357 S. Livingston Avenue, Livingston, New Jersey, 07039 (hereinafter the "Provider"); and

WHEREAS, this Agreement shall be for the purpose of ensuring that the City has coverage of a duly licensed Health Officer therefore maintaining a Public Health Program in accordance with N.J.A.C. 8:52 Public Health Practice Standards of Performance for Local Boards of Health in New Jersey and any other applicable administrative rules and/or statutes promulgated by the State of New Jersey; and

WHEREAS, the Provider currently employs two (2) licensed Health Officers and agrees to make available its licensed Health Officers to provide Health Officer coverage for the City consistent with N.J.A.C. 8:52; and

WHEREAS, the Provider's Health Officers shall report to and serve as consultants for the City's Director of the Department of Health and Community Wellness while conducting public health activities for the City during the term of this Agreement; and

WHEREAS, the Provider shall at all times remain the employer of the Health Officers, and the Health Officers shall take employment direction from the Provider and shall receive all compensation, benefits and services from the Provider; and

WHEREAS, the Provider has agreed to share the services of its licensed Health Officers with the City for a period up to six (6) months or until such time as a licensed Health Officer is retained by the City of Newark. The period of shared service may be renewed upon the execution of a written agreement of extension by both the City and the Provider; and

WHEREAS, on August 17, 2020, a resolution authorizing this Shared Services Agreement for the provision of interim Health Officer Services was presented to and approved by the Municipal Council for the Township of Livingston; and

WHEREAS, this Agreement is authorized by the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., which permits local units of the State of New Jersey to enter into contracts with other local units to provide or receive any service that each local unit participating in the Agreement is empowered to provide or receive in its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, this Agreement is exempt from the public bidding requirement pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5 (2).

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 Business Administrator are hereby authorized to enter into and execute a Shared Services Agreement with the Township of Livingston located at 357 S. Livingston, Livingston, Essex County, New Jersey 07039 for the purpose of ensuring that the City of Newark has coverage of a duly licensed Health Officer to maintain a Public Health program in accordance to N.J.A.C. 8:52.
2. This Agreement is hereby ratified from August 18, 2020, the effective date of the Agreement, through the date of adoption of this authorizing resolution.
3. This Agreement is authorized pursuant to the terms of the Shared Services Act (N.J.S.A. 40A:11-5 (2)) as it is an agreement among municipalities.
4. The City will pay the Provider a sum of Ten Thousand Five Hundred Dollars and Zero Cents (\$10,500.00) per month for the term of the Agreement, a total amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00). This payment is based upon the agreed upon understanding that the Provider's services are anticipated to

average 17.5 hours per week through a combination of remote and on-site services at the City's offices.

5. The Provider shall provide Health Officer will provide on-site services at the City's offices and remote services.
6. The term of this Agreement shall be for a period of up to six (6) months, or until such time as a licensed Health Officer is retained by the City of Newark. The term may be renewed upon the execution of a written agreement of extension by the parties.
7. The Business Administrator shall filed a fully executed copy of this Agreement in the Office of the City Clerk.
8. A fully executed copy of this Agreement shall be submitted to the New Jersey Department of Health and the New Jersey Department of Community Affairs, Division of Local Government Services.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Business Administrator, to enter into and execute a Shared Service Agreement with the Township of Livingston located at 357 S. Livingston Avenue, Livingston, New Jersey 07039, for a period of up to six (6) months with the option to extend, for an amount not to exceed \$10,500.00 per month, a total amount not to exceed \$150,000.00.