



Celso Ortiz (May 17, 2022 16:46 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION: (1) AMENDING AND EXTENDING THE TERM OF THE AS-NEEDED CONTRACT WITH THE BEAUTIFICATION COUNCIL BY FOURTEEN (14) MONTHS FROM APRIL 30, 2023, TO JUNE 30, 2024; (2) INCREASING THE CONTRACT AMOUNT BY ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$1,280,000) FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF TWO MILLION EIGHT HUNDRED EIGHTY THOUSAND DOLLARS (\$2,880,000); AND (3) WAIVING FURTHER ADVERTISING AND COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION SELECTION AND LOCAL BUSINESS/SMALL LOCAL BUSINESS PARTICIPATION REQUIREMENTS**

**WHEREAS**, in 2020, the City Council approved Resolution No. 88079 C.M.S., authorizing the City Administrator to enter into agreements to provide waste removal services at homeless encampments in the City of Oakland (City), and

**WHEREAS**, Beautification Council is dedicated to combatting the pernicious issues plaguing underserved communities, by developing innovative practices to uplift justice system-involved and unhoused individuals through on-the-job, job readiness training and life skills training; and

**WHEREAS**, in May 2021, the City entered into an agreement with Beautification Council to recruit, hire and train persons needed to facilitate the cleaning of encampments for an on-call two-year contract; and

**WHEREAS**, Beautification Council has demonstrated higher than satisfactory performance in Fiscal Year 2021-22 in managing teams of unsheltered individuals to abate litter and illegal dumping from public rights of way and encampments; and

**WHEREAS**, this agreement advances City racial equity outcomes through valuable job readiness training and employment and improved health outcomes for unsheltered residents; and

**WHEREAS**, the City desires to amend its on-call agreement with Beautification Council for cleaning services on Caltrans property within the City including: (1) litter pickup;

(2) bulky waste collection and disposal; (3) weed removal; and (4) additional related work to be assigned on a task order basis; and

**WHEREAS**, the activities included in the amended agreement with Beautification Council will be funded by Caltrans' Clean California grant in Fund 2140 – California Department of Transportation; and

**WHEREAS**, Oakland Municipal Code (OMC) Sections 2.04.040 B 5 and 2.04.051 A, respectively, require the City to conduct a formal advertising and competitive Request For Qualifications/Proposals (RFQ/RFP) selection process for professional services agreements over \$25,000.00; and

**WHEREAS**, OMC Section 2.04.051 B authorizes the City Council to waive the advertising and competitive RFQ/RFP selection requirement if it finds that it is in the City's best interests to do so; and

**WHEREAS**, Ordinances number 13101 C.M.S., number 13640 C.M.S. and number 13647 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and,

**WHEREAS**, the City Council may waive the City's LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

**WHEREAS**, neither the proposed contractor nor staff have been able to identify any or a limited availability of LBE/SLBEs that can provide the products or perform the materials and services that are required under this contract; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, the City Council finds and determines that the performance of these contracts shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, staff recommends that it is in the City's best interests for the City Council to waive the advertising and competitive RFQ/RFP process, and the LBE/SLBE participation requirements for this contract because Beautification Council is uniquely qualified to provide this group of services, which is supported by state grant funding and includes job readiness training and development programs for homeless and justice-system-involved individuals; and

**WHEREAS**, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, the City Council finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** pursuant to OMC Section 2.04.051 B, the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising, competitive RFQ/RFP selection and the LBE/SLBE participation requirements of the OMC based on the reasons set forth in this Resolution and the Report accompanying this Resolution, and so does hereby waive these requirements; and be it

**FURTHER RESOLVED:** That the City Council hereby awards, and the City Administrator is hereby authorized to amend the Beautification Council agreement by fourteen (14) months for a total term of a three-years, two-month agreement from May 1, 2021, through June 30, 2024, to coincide with the Caltrans grant funding and to appropriate an additional one million two hundred eighty thousand dollars (\$1,280,000) for a total not to exceed contract amount of two million eight hundred eighty thousand dollars (\$2,880,000) with Beautification Council to provide litter and bulky waste removal, weeding and encampment cleaning and related services; and, be it

**FURTHER RESOLVED:** That all expenditures related to this proposed contract shall be allocated in the California Department of Transportation Fund (2140); Organization KOCB: Illegal Dumping (30674); and Keep Oakland Clean and Beautiful Program (NB35); and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized and empowered to approve any subsequent amendments to, or extensions of said agreement, except for those related to an increase in compensation or the allocation of additional funds, provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California