



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works

SUBJECT: Amendment to Beautification Council
Contract

DATE: June 20, 2022

City Administrator Approval 

Date: Jul 7, 2022

RECOMMENDATION

Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator To: (1) Amend And Extend The Term Of The As-Needed Contract With The Beautification Council By Fourteen (14) Months From April 30, 2023, To June 30, 2024; (2) Increase 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) Waive Further Advertising And Competitive Request For Proposal/Qualification Selection And Local Business/Small Local Business Participation Requirements.

EXECUTIVE SUMMARY

At the June 21, 2022, City Council meeting, the City Council approved Resolution No. 89279 C.M.S. (**Attachment A**) to accept and appropriate up to \$1.28 million in Clean California grant funds over the next two years and to execute a two-year, Clean California Maintenance Agreement (CCMA) between California's Department of Transportation (Caltrans) and the City of Oakland (City) to provide litter, bulky waste, and homeless encampment debris removal services in Caltrans' rights of way in Oakland.

The City Council further directed Oakland Public Works (OPW) staff to return with a staff report to provide additional information on the Beautification Council, the local community-based non-profit recommended to perform the CCMA's scope of work and other items. This report provides: (1) the status of Beautification Council's work performance on its current contract; (2) the non-profit's capacity to include the CCMA's additional scope of work; (3) identification of the locations that will be cleaned through the CCMA; and (4) clarification from Alameda County regarding the Beautification Council's contract status with the County.

Staff recommends the City Council approve a resolution to amend the Beautification Council's contract by increasing its contract amount by the Clean California grant award of up to \$640,000 per year for two-years (\$1,280,000) and to extend the contract term by 14 months to align with the CCMA's expiration date.

City Council
July 19, 2022

BACKGROUND / LEGISLATIVE HISTORY

As a part of Governor Gavin Newsom's California Comeback Plan, the Clean California initiative invests \$1.1 billion in state and local governments to remove litter, debris, and graffiti; create jobs; and beautify public areas along highways, streets, and roads especially those in underserved rural and urban communities throughout the state (Clean California Litter Program). Clean California's goal is to remove an additional 1.2 million cubic yards, or 21,000 tons of trash from the state system by June 2024.

Through the Clean California Litter Program, Caltrans District 4 (San Francisco Bay Area) is tasked to distribute some \$7.5M (\$2.5M per year for three years) amongst participating Bay Area municipalities based on need and competitive proposals. Caltrans staff approached the City in late 2021 via the Caltrans Working Group, an interdepartmental team coordinated by the City Administrator's Office, to discuss opportunities to use Clean California state funds allocated to Caltrans District 4, which includes Oakland.

OPW staff submitted a proposal in early April 2022 to provide cleaning services which was approved by Caltrans. The City was invited to execute the CCMA (see **Attachment B**) and receive grant funds up to \$640,000 per year for the remaining two years of the Litter Program. The approved proposal consists of the City cleaning specific Caltrans sites in Oakland.

ANALYSIS AND POLICY ALTERNATIVES

In accordance with the City's adopted Budget, City activities are structured to support the following priorities: (1) Holistic community safety; (2) Housing, economic, and cultural security; (3) Vibrant, sustainable infrastructure; (4) Responsive, trustworthy government. The proposed contract extension with the Beautification Council to implement the Caltrans grant agreement furthers all four of the City's priorities for the reasons discussed below.

The CCMA will extend the City's capacity to clean areas of Oakland that are not cleaned by City crews. Caltrans will contract with the City to clean on-ramps and off-ramps, underpasses and other areas under Caltrans' jurisdiction, contributing to safer communities and more sustainable infrastructure. Twenty-three (23) locations totaling fifty-seven (57) sites were identified by Caltrans and vetted by the City for worker safety. These locations are shown in **Attachment C**.

OPW recommends contracting with the Beautification Council to perform the work on Caltrans property. Currently, OPW contract with the Beautification Council to follow after OPW homeless encampment crews at certain locations to gather and bag remaining litter and debris, broom clean and sanitize near and in active homeless encampments. The Beautification Council is uniquely qualified to perform this work. The organization has demonstrated the ability to engage unsheltered residents in detailed micro-cleaning at encampments, consistently performing above standard.

The Beautification Council crews will be tasked to provide comprehensive litter, bulky waste, and homeless encampment debris abatement and disposal from Caltrans' rights of way in Oakland. The Beautification Council will secure their own weekly dumpster service from Waste Management for this project to track their abatement efforts for reporting purposes.

The City can, by amending the contract with Beautification Council, amplify the community-based organization's ability to hire more unhoused and justice-system-involved individuals to perform the work in Oakland. Participants will be paid above living wage and given job readiness skills to transition to stable employment, which improves economic security for this population and the community at large.

Extending and increasing the Beautification Council's contract in lieu of issuing a new request for proposals/qualifications (RFP/Q) will achieve the goals of maximizing available grant funds from the State Litter Program and cleaning more areas of Oakland as soon as possible, while providing more jobs to underserved populations. OPW seeks Council approval to extend the Beautification Council's contract term from April 30, 2023, to June 30, 2024, and increase contract amount by \$1.28 million, waiving further advertising and competitive bidding and competitive RFP/Q selection and local business/small local business participation requirements to provide the work outlined in the CCMA's scope of work.

Beautification Council: Performance & Capacity

The Beautification Council received its first contract with the City in October 2020 through the CARES Act project. At the height of COVID-19, when the methods by which the virus spreads were unknown, the Beautification Council team developed a set of protocols that enabled them to safely and consistently engage unhoused residents and incentivize them to clean up and sanitize their own encampments to prevent the spread of the disease. Their impressive performance, as reflected in the non-profit's Final CARES Act Report (see **Attachment D**), led OPW to establish a two-year, as-needed contract with the Beautification Council, called the "Homeless Encampment Micro-cleaning & Sanitization (HEMS) Contract" (see **Attachment E**) to continue work after the CARES Act project ended.

In the 13 months since the as-needed contract took effect, the Beautification Council demonstrated the ability to deliver a high level of work safely and consistently. **Attachment F** contain photos showing multiple locations throughout Oakland before the Beautification Council cleaned the area and after. The Beautification Council has been able to produce high quality work consistently with a vulnerable population of individuals battling various mental and physical health challenges. Staff also completed an evaluation of the Beautification Council's performance during the first year of their contract (see **Attachment G**). The non-profit receives overall ratings of "Outstanding" or "Satisfactory" in all performance measures. OPW Keep Oakland Clean & Beautiful Division supervisors report that coordination with the Beautification Council is smooth and the nonprofit's work supplements and enhances the work by Keep Oakland Clean & Beautiful homeless encampment crews.

The Beautification Council is prepared to add a minimum of two new crews to their operation, one dedicated to encampment debris clean-ups and another to general litter abatement, should their contract be amended to perform the CCMA work on Caltrans property. The Beautification

Council informs OPW staff that vetted unhoused participants are at the ready to perform the work.

Staff was asked to follow up with Alameda County to clarify whether the Beautification Council has a contract with the agency, and how the County viewed the non-profit's performance. Staff contacted Alameda County's General Services Agency – Procurement, where County staff confirmed there are no active Purchase Orders for the non-profit in the County's procurement system. Staff also contacted County Supervisor Keith Carson's Office and was advised that there is no contract with the Beautification Council at this time. However, they are in the process of crafting a contract with the non-profit. A letter from Supervisor Carson's office clarifying the Supervisor's support for Beautification Council's work was sent to the City Council on June 24, 2022. A copy of the letter is attached as **Attachment H**.

Alternatives

Alternatives to the proposed amendment and extension of the Beautification Council's contract are:

- **Issue a new RFP/Q** – Caltrans approached the City via the Caltrans Working Group to discuss opportunities to compete for Clean California state funds in late 2021, approximately six months into the State Litter Program's three-year term. Caltrans representatives recommended City staff put forth only projects where existing contractors are in place to perform the work given the limited grant period. Additionally, as grant funds were awarded on a "first come, first served" basis, staff recognized there was not enough time to issue a new RFP/Q and secure City Council approval on a new contractor before grant funds become depleted.

The City Council may direct staff to conduct a new RFP/Q instead of amending and extending the Beautification Council's contract. However, doing so will delay OPW's ability to begin cleaning Caltrans' rights of way by approximately five (5) months. A delay of this duration may result in the City forfeiting a portion of the \$640,000 annual grant funds for the period of time the City is not performing clean-up work.

- **Deploy City Crews to Perform Clean-Up** – The City may execute the CCMA but elect to deploy Keep Oakland Clean & Beautiful crews to perform the trash removal. However, this is not a preferred alternative because: (1) the Clean California grant is a one-time funding source and thus cannot support ongoing personnel costs beyond June 2024; (2) City crews are already operating at capacity, using overtime to remove trash and debris from homeless encampment in areas under the City's jurisdiction; and (3) the Beautification Council is uniquely qualified to hire and manage unsheltered residents to clean in and around active homeless encampments and have demonstrated their ability to perform above standard, consistently and reliably.

FISCAL IMPACT

There is no fiscal impact to the City if the proposed resolution is approved by City Council. The costs associated with the contract amount increase and contract extension will be funded by the Clean California grant at up to \$640,000 per year for two years for a total of \$1.28 million, which at the June 21, 2022, City Council meeting, the City Council approved to accept and appropriate in Fund (2140) California Department of Transportation, Organization (30674) – Illegal Dumping, Project - to be determined.

PUBLIC OUTREACH / INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

Staff worked with the City Attorney's Office, the Department of Human Resources – Risk Division, the Budget Office, and the City Administrator's Office in preparing this report.

SUSTAINABLE OPPORTUNITIES

Economic: The cost of illegal dumping to Oakland taxpayers continues to grow. In Fiscal Year 20-21 alone, the City spent over \$12 million to abate debris dumped on Oakland streets. Although the City deployed enforcement officers and resources to catch more dumpers, the need to remove trash continues. Amending the Beautification Council's contract to perform the CCMA's scope of work will extend the City's capacity to clean areas of the city not under its jurisdiction. Approval of this resolution will also enable the Beautification Council to hire more unsheltered individuals to perform the additional work, providing participants living wages and job readiness skills to advance to regular employment. Finally, cleaner streets and underpasses will promote a safer, healthier, pedestrian-friendly environment that encourages shopping and recreating in Oakland, which will benefit neighborhood businesses.

Environmental: Illegal dumping is a crime against the environment. Illegally dumped materials can be washed into storm drains, contaminating Oakland's waterways and harming wildlife. Debris can clog storm drains and culverts, causing flooding. Large garbage piles increase the likelihood of fires. Dump piles serve as an ideal breeding ground for mosquitoes, flies, rats, and other disease-carrying vectors. Amending the Beautification Council's contract to perform the CCMA's scope of work will allow OPW to maintain an overall cleaner, safer Oakland.

Race & Equity: Clean streets – ones free of discarded household goods and clothing, broken furniture, and appliances, and/or commercial waste – will have a measurably positive effect on the health and safety of Oaklanders, especially for those living and working in historically

underserved and disadvantaged communities below Interstate 580 where illegal dumping is concentrated, and chronic hot spots are most prevalent. With the passage of the proposed resolution, the City Council will continue its commitment to invest resources into traditionally underserved and racially marginalized neighborhoods. With Beautification Council's partnership, the City can increase its efforts to keep underprivileged communities clean.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator To: (1) Amend And Extend The Term Of The As-Needed Contract With The Beautification Council By Fourteen (14) Months From April 30, 2023, To June 30, 2024; (2) Increase 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) Waive Further Advertising And Competitive Request For Proposal/Qualification Selection And Local Business/Small Local Business Participation Requirements.

For questions regarding this report, please contact Victoria Chak, Administrative Services Manager at (510) 615-5446.

Respectfully submitted,



G. HAROLD DUFFEY
Director, Oakland Public Works

Reviewed by:
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Prepared by:
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Attachments (8):

- A: Resolution No. 89279 C.M.S.*
- B: Clean California Maintenance Agreement (Draft)*
- C: Map of Caltrans Approved Clean-Up Locations*
- D: Final CARES Act Report: Beautification Council*
- E: Homeless Encampment Micro-cleaning & Sanitization (HEMS) Contract*
- F: Photos of Beautification Council work on current contract*
- G: Beautification Council Performance Evaluation for Period May 2021 – April 2022*
- H: Supervisor Keith Carson Letter of Support dated 6-24-22*

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