

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2021 APR -8 PM 2:33

APPROVED AS TO FORM AND LEGALITY

Michael J. Scott

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 88588 C.M.S.

RESOLUTION:

1. ACCEPTING AND APPROPRIATING A SUMMER FOOD SERVICE PROGRAM (SFSP) GRANT FROM THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE) IN THE AMOUNT OF \$426,870; AND
2. AWARDING PROFESSIONAL SERVICES AGREEMENTS (PSAS) TO UPTON'S, INC. (DBA SCHOOL FOODIES) IN THE AMOUNT OF \$281,250 AND TO FLO'S FRIENDLY FOODS IN THE AMOUNT OF \$229,950, TO PROVIDE FOOD SERVICES FROM JUNE 7, 2021 THROUGH AUGUST 6, 2021; AND
3. AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE ADDITIONAL SFSP GRANT MONIES THAT BECOME AVAILABLE FROM THE CDE AND DONATIONS FROM PRIVATE SOURCES DURING THE PERIOD OF JUNE 7, 2021 THROUGH AUGUST 6, 2021, WITHOUT RETURNING TO COUNCIL; AND
4. AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PSAS WITH UPTON'S, INC. AND FLO'S FRIENDLY FOODS TO INCREASE THE AMOUNTS DURING THE TERM OF JUNE 7, 2021 THROUGH AUGUST 6, 2021, WITHOUT RETURNING TO COUNCIL; AND
5. AUTHORIZING CARRYFORWARD OF THE APPROPRIATIONS FROM THE FISCAL YEAR (FY) 2020-2021 ADOPTED BUDGET IN MEASURE HH FUND 1030 IN THE APPROVED PROJECTS IDENTIFIED FOR THE SFSP TO FY 2021-2022.

WHEREAS, the City of Oakland (City) desires to apply for and accept, by and through a per meal reimbursement process, a Summer Food Service Program (SFSP) Grant in the amount of \$426,870 from the California Department of Education, Nutrition Services Division; and

WHEREAS, the City uses the SFSP grant funds to reimburse the City's own SFSP for the provision of an estimated 45,000 free breakfasts and 85,000 free lunches, to Oakland children, as well as the delivery of the meals to City and community sites during the grant period from June 7, 2021 to August 6, 2021; and

WHEREAS, if the City is awarded the SFSP Grant, it wishes to negotiate and execute Professional Services Agreements with Upton's, Inc. (dba School Foodies) (Upton's), and also with Flo's Friendly Foods (Flo's), for the SFSP program term June 7, 2021 through August 6, 2021; and

WHEREAS, both Upton's and Flo's are certified by the California Department of Education, Child Nutrition Division to provide food services to the City's SFSP for Children and successfully competed in a City Request for Proposals (RFP) process as to needed SFSP services; and

WHEREAS, The City Administrator has determined that the aforementioned Professional Services Agreements with Upton's and Flo's are of a professional and temporary nature and shall not result in the loss of salary or employment by anyone having permanent status in competitive civil service; and

WHEREAS, the Fiscal Year (FY) 2020-2021 Adopted Budget for the SFSP for Children includes funding for these professional agreements; and

WHEREAS, in the FY 2020-2021 Adopted Budget, the amount of \$426,870 has been appropriated to the Department of Agriculture Fund (2102), Year Round Lunch Program Organization (78241); and

WHEREAS, the amount of \$426,870 has been appropriated to HSD Summer Food Program Project (1004170), Award (23405), and Strengthening Children, Youth and Families Program (YS13) to offset food vendor costs and internal service charges of \$24,889 for the purpose of operating the Summer Food Service Program for Children; and

WHEREAS, the appropriation in the amount of \$259,346 for SFSP personnel costs and overhead costs covers the part-time food coordinator and monitor costs of 4.0 FTE and is included in the Adopted Budget in Measure HH (Fund 1030), Year Round Lunch Program (78241), Administrative Project (1003817), and Award (23469) and the amount of \$42,646 for internal service charges is included in the appropriation in the Adopted Budget in Measure HH (Fund 1030), Year Round Lunch Program (1004172) Award (23469); and

WHEREAS, the appropriation in the amount of \$152,115 in the Adopted Budget in Measure HH (Fund 1030), Year Round Lunch Program (78241), HSD Administration (1000017) Award (23469) covers additional costs of contracted food vendors and operating costs for auto rentals and City car expenses; now, therefore, be it

RESOLVED: That the City, by and through the City Administrator or his designated representative, is hereby authorized to apply for, and the City hereby accepts and appropriates, SFSP grant funds in the amount of \$426,870 from the California Department of Education, Nutrition Services Division for the purpose of allocating said funds for the City's own SFSP for the period beginning June 7, 2021 and ending August 6, 2021; and be it

FURTHER RESOLVED: That the State SFSP funds will be deposited in Department of Agriculture Fund (2102) Year Round Lunch Program Organization (78241) FY 2020 – 2021 Summer Food Program Project (1004170), and Award (23405); and be it

FURTHER RESOLVED: That the City Council hereby awards a Professional Services Agreement to Upton's in the amount of \$281,250, to provide food services for the City's SFSP from June 7, 2021 to August 6, 2021; and be it

FURTHER RESOLVED: That the City Council hereby awards a Professional Services Agreement to Flo's in the amount of \$229,950, to provide food services for the City's SFSP from June 7, 2021 to August 6, 2021; and be it

FURTHER RESOLVED: That based on information provided by the City Administrator, the Council finds that these professional services agreements are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to accept and appropriate any additional grant and donation funding intended for the City's SFSP that becomes available from the CDE and private sources during the period of June 7, 2021 through August 6, 2021, without returning to Council; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to amend the professional services agreements with Upton's and Flo's to increase the amounts of the agreements during the term of June 7, 2021 through August 6, 2021, subject and limited to, City-appropriated funding for SFSP from the California Department of Education, and private donations or grants, without returning to Council; and be it

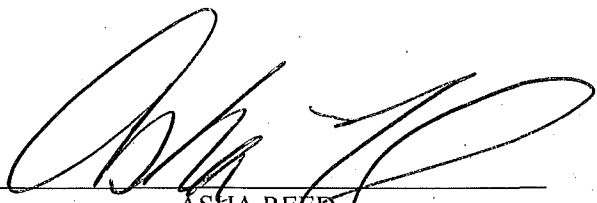
FURTHER RESOLVED: That the City Administrator is hereby authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payment requests, and related actions, which may be necessary for the completion of the SFSP grant; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve carryforward of the appropriations in FY 2020-2021 Adopted Budget in Measure HH Fund 1030 in the Approved Projects Identified for the SFSP to FY 2021-2022; and be it

FURTHER RESOLVED: That said agreements and any amendments thereto authorized under this resolution shall be reviewed and approved as to form and legality by the Office of the City Attorney and executed copies of same filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, **APR 20 2021**
PASSED BY THE FOLLOWING VOTE:
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS *-8*

NOES - *0*
ABSENT - *0*
ABSTENTION - *0*

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