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City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. ~~87696~~ 87696 C.M.S.

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RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE SUMMER FOOD SERVICE PROGRAM (SFSP) GRANT FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION IN AN AMOUNT NOT TO EXCEED \$294,000; 2) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AGREEMENTS WITH UPTONS, INC. DBA SCHOOL FOODIES IN AN AMOUNT NOT TO EXCEED \$232,686 AND WITH REVOLUTION FOODS IN AN AMOUNT NOT TO EXCEED \$73,350 TO PROVIDE FOOD SERVICES FOR THE PERIOD JUNE 10, 2019 THROUGH AUGUST 9, 2019; 3) AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE ADDITIONAL SFSP GRANT MONEY THAT BECOMES AVAILABLE AND AMEND THE AGREEMENTS TO INCREASE THE GRANT AMOUNT WITHIN THE GRANT TERM OF JUNE 10, 2019 THROUGH AUGUST 9, 2019; 4) ADJUSTING THE FY 2018-2019 ADOPTED BUDGET TO TRANSFER SALARY SAVINGS IN THE AMOUNT OF APPROXIMATELY \$158,057 TO FUND OPERATIONS AND MAINTENANCE; AND 5) AUTHORIZING A CONTRIBUTION FROM THE GENERAL PURPOSE FUND IN AN ESTIMATED AMOUNT OF \$133,307 TO OFFSET OVERHEAD CHARGES

**WHEREAS**, the City of Oakland desires to apply for and accept a Summer Food Service Program (SFSP) Grant in an estimated amount of \$294,000, from the California Department of Education Nutrition Services Division; and

**WHEREAS**, the City uses the SFSP grant to reimburse the City's Summer Food Service Program for the provision of an estimated 60,000 free lunches and 60,000 free snacks to Oakland children and the delivery of the meals to City and community sites during the grant period from June 10, 2019 to August 9, 2019; and

**WHEREAS**, if the City is awarded the SFSP Grant, it wishes to negotiate and execute professional service agreements with School Foodies and Revolution Foods to provide food services for the SFSP program term June 10, 2019 through August 9, 2019; and

**WHEREAS**, School Foodies and Revolution Foods are certified by the California Department of Education Child Nutrition Division to provide food services to the SFSP for Children and successfully competed in a City Request for Proposal (RFP) process; and

**WHEREAS**, the City Administrator has determined that the above named Professional Service Agreements 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) 2018-2019 Adopted Budget for the SFSP for children includes funding for this agreement; and

**WHEREAS**, in the FY 2018-2019 Adopted Budget, the amount of \$294,000 has been appropriated to the Department of Agriculture Fund (2102), Year Round Lunch Program Organization (78241), FY 2018-2019 Summer Food Program Project (1004170), Award (23405), and Strengthening Children, Youth and Families Program (YS13) for the purpose of operating the Summer Food Service Program for Children; and

**WHEREAS**, in order to align the adopted budget with program expenditures, staff requests authorization to reallocate appropriations in the amount of \$158,057 from personnel expenditure savings to operations and maintenance (O&M) costs; and

**WHEREAS**, the City wishes to offset all central services overhead charges and program costs in an estimated amount of \$133,307 associated with this grant, as has been done in all of the past years; now, therefore, be it

**RESOLVED:** That the City Administrator is hereby authorized to apply for and accept SFSP grant funds in the amount of \$294,000 from the California Department of Education Nutrition Services Division for the purpose of allocating said funds for the SFSP for the period beginning June 10, 2019 and ending August 9, 2019; and be it

**FURTHER RESOLVED:** That the SFSP agreement funds will be deposited in Department of Agriculture Fund (2102) Year Round Lunch Program Organization (78241) FY 2018 – 2019 Summer Food Program Project (1004170), and Award (23405); and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to enter into a professional service agreement with Uptons Inc., dba School Foodies in an amount not to exceed \$232,686 to provide food services for the SFSP from June 10, 2019 to August 9, 2019; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to enter into a professional service agreement with Revolution Foods in an amount not to exceed \$73,350 to provide food services for the SFSP from June 10, 2019 to August 9, 2019; 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 without returning to City Council, including amending the aforementioned agreements to increase the grant amounts so long as the total amount of the two agreements does not exceed the state SFSP grant amount; and be it

**FURTHER RESOLVED:** That based on information provided by the City Administrator, the Council finds that these professional service 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 all Central Service Overhead charges associated with this grant in an estimated amount \$21,779 will be offset through a contribution of the General Purpose Fund as approved in the FY 2018-2019 Adopted Budget; and be it

**FURTHER RESOLVED:** That the FY 2018-2019 Adopted Budget in the Department Of Agriculture Fund (2102), Year Round Lunch Program Organization (78241), FY 2018-2019 Summer Food Program Project (1004170) be adjusted to shift approximately \$158,057 of personnel appropriations to operations and maintenance, including vendor contracts, auto rentals, office supplies and advertising, in order to align with projected expenditures; and be it

**FURTHER RESOLVED:** That if additional funding becomes available from the grantor California Department of Education Nutrition Services Division for the same purpose the City Administrator is authorized to accept and appropriate these funds for the SFSP without returning to Council within the duration of the grant term June 10, 2019 to August 9, 2019; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to amend the above-referenced agreements to increase the amounts for the same purpose and same grant year, if additional grant funds become available without returning to Council; and be it

**FURTHER RESOLVED:** That said agreements shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

**MAY 21 2019**

PASSED BY THE FOLLOWING VOTE:

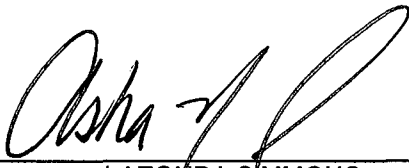
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN ✓

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

  
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LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California