

2017 NOV 21 PM 3:57

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 86998 C.M.S.

Introduced by Councilmember _____

RESOLUTION 1) WAIVING THE REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENT; AND 2) AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICE AGREEMENTS WITH BIRITE RESTAURANT SUPPLY CO., INC. TO INCREASE THE COMPENSATION FOR A TOTAL AMOUNT NOT TO EXCEED \$100,000 AND ALLIED POULTRY CO., INC. TO INCREASE THE COMPENSATION FOR A TOTAL AMOUNT NOT TO EXCEED \$75,000 TO PROVIDE FOOD COMMODITIES SERVICES FOR THE HEAD START/EARLY HEAD START PROGRAM THROUGH JUNE 30, 2018

WHEREAS, in compliance with Head Start Program Standards, Head Start grantees (i.e. City of Oakland Head Start) are required to provide fresh, healthy and nutritious meals, daily, for children enrolled in the Head Start/Early Head Start Program; and

WHEREAS, Head Start grantees may contract with food commodities service providers pursuant to their own local purchasing guidelines; and

WHEREAS, the City conducted a Request for Proposal (“RFP”) process for Head Start Food Commodities Services in May of 2017 (*RFP 42391 for 2017-18, Food Commodities Package*) and received only one response to the RFP, from LeBlanc Dairy, a provider of dairy products; and

WHEREAS, on July 12, 2017, the Oakland Head Start/Early Head Start Program requested review and consideration from the City Administrator to waive the RFP Process for two additional contracts, not to exceed \$50,000 each, with providers of dry, canned and packaged goods and meat, poultry, and seafood; and

WHEREAS, the waiver would allow the program to contract with two local, small food vendors to provide needed Food Commodities Services for Head Start/Early Head Start children and families by the start of program services in August, 2017; and

WHEREAS, on July 18, 2017, the City Administrator waived the RFP/Q process for FY 2017-2018 Food Commodities Professional Services Agreements in amounts not to exceed \$50,000 each; and

WHEREAS, the Oakland Head Start/Early Head Start Program entered into contracts with two local, small food vendors, BiRite Restaurant Supply Co., Inc. for an amount not to exceed \$50,000 and Allied Poultry Co., Inc. for an amount not to exceed \$50,000, through June 30, 2018; and

WHEREAS, the Oakland Head Start/Early Head Start Program now wishes to amend the current contracts with BiRite Restaurant Supply Co., Inc. in an additional amount up to \$50,000 for a total contract amount not to exceed \$100,000, and Allied Poultry Co., Inc., in an additional amount up to \$25,000 for a total contract amount not to exceed \$75,000, through June 30, 2018; and

WHEREAS, OMC section 2.04.051.A requires the City Administrator to conduct a RFP/Q process for Professional Services Agreements that exceed \$50,000 and OMC section 2.04.051.B allows City Council to waive the RFP/Q requirements upon a finding by the City Council that it is in the best interest of the City to do so; and

WHEREAS, City staff recommends that it is in the best interest of the City to waive the RFP/Q requirements for the Professional Services Agreements with BiRite Restaurant Supply Co., Inc. and Allied Poultry Co., Inc. because as a grantee of both, federal Head Start funding and Child and Adult Care Food Program (CACFP) funding, the City of Oakland is mandated to ensure that fresh, health and nutritious food is provided to all Head Start/Early Head Start children enrolled in the program, on a daily basis; and

WHEREAS, a program could risk losing both federal Head Start and CACFP funding, if it were not able to comply with this mandate; and

WHEREAS, it was previously indicated that the results of the 2017-18 RFP/Q process placed the Oakland Head Start/Early Head Start Program in jeopardy of not having adequate food commodities for the 2017-18 program year, with services starting in August 2017; and

WHEREAS, City staff also recommends that the City Council authorize the City Administrator to amend the Professional Services Agreements with BiRite Restaurant Supply Co., Inc. to an amount not to exceed \$100,000 and Allied Poultry Co., Inc., to an amount not to exceed \$75,000.; and

WHEREAS, the City Administrator has determined that these contracts 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

WHEREAS, the funds for the amended contract amounts totaling \$75,000 will be fully funded through the FY 2017-18 funds previously approved under the Child and Adult Care Food Program (CACFP) and available from the Department of Agriculture Fund (2102); HS Classroom and Seasonal Org (78231); Head Start FY17-18 Project (1003681); Strengthening Children, Youth & Families Program (YS13); now therefore, be it

RESOLVED: That pursuant to OMC section 2.04.051.B and for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds that it is in the best interests of the City to waive the RFP/Q requirements for this agreement and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to amend the Professional Services Agreement with BiRite Restaurant Supply Co., Inc. to increase the compensation amount by up to \$50,000 for a total contract amount not to exceed \$100,000 to provide food commodities services for Head Start/Early Head Start children and families during the second half of the 2017-18 program year, through June 30, 2018; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to amend the professional service agreement with Allied Poultry Co., Inc. to increase the compensation amount by up to \$25,000, for a total contract amount not to exceed \$75,000 to provide food commodities services for Head Start/Early Head Start children and families during the second half of the 2017-18 program year, through June 30, 2018; and be it

FURTHER RESOLVED: That based on information provided by the City Administrator, the Council finds that these 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 said agreements shall be approved as to form and legality by the Office of the City Attorney and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 18 2017**

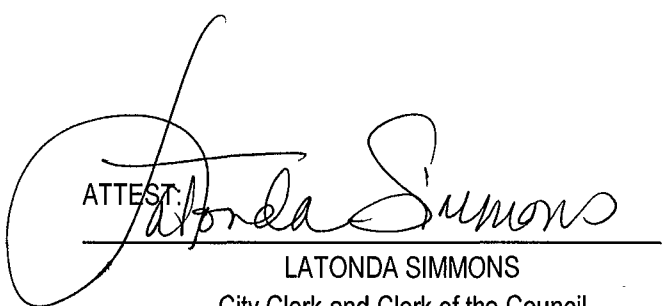
AYES - ~~XXXXX~~, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID → 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

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

Date of Attestation: 12/21/2017