

Michael J. Smith
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88153 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

A RESOLUTION:

- 1. INCREASING THE CONTRACT PURCHASE ORDER AWARD AMOUNT TO BIRITE FOOD SERVICE DISTRIBUTORS (BIRITE), FOR THE PURCHASE OF FOOD AND NON-FOOD ITEMS, BY THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$355,000), FOR A TOTAL NOT-TO-EXCEED CONTRACT AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) THROUGH JULY 31, 2021; AND**
- 2. AUTHORIZING AMENDMENT OF SAID CONTRACT PURCHASE ORDER WITH BIRITE IN THE AMOUNT SET FORTH ABOVE**

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.020 authorizes the City Administrator to bind the City by written contract or purchase order for the purchase of supplies, services or a combination for up to \$250,000.00 in any single transaction or term agreement; and

WHEREAS, OMC Section 2.04.030 requires City Council award of any purchase orders or contracts for the purchase of same in excess of \$250,000 in any single transaction or term agreement; and

WHEREAS, in April 2019, the City's Controller Bureau's Purchasing Section issued a formal Request for Quotes ("RFQ") No. 141478 for a Broadline Food and Non-Food Distributor, Specification No. 19-961-00; and

WHEREAS, a contract was awarded to, and a related purchase order was issued as to, BiRITE Foodservice Distributors ("BiRITE") for a not-to-exceed contract amount of Two Hundred Forty-Five Thousand Dollars (\$245,000) pursuant to the City Administrator's delegated authority, for a two-year period of August 30, 2019 through July 31, 2021; and

WHEREAS, as a result of the closure of Smart & Final's downtown Oakland location in September 2019, the City's spending on the original BiRITE contract quickly exceeded anticipated expenditures; and

WHEREAS, as of April 10, 2020, the City has spent a total of Two Hundred Forty-Four Thousand Nine Hundred Thirty-Eight Dollars (\$244,938) on the original BiRITE contract, which is approximately 99 percent of the total contract amount, although there are (13) months remaining in the contract term period (i.e., through July 31, 2021); and

WHEREAS, increasing the total not-to-exceed contract amount with BiRITE will allow the Department of Parks & Recreation (OPR), Oakland Public Library (OPL) and the Human Services Department (HSD) to procure food and non-food products for City programs that prepare meals or distribute food, drinks, snacks and other supplies, as needed, to the residents of Oakland; and

WHEREAS, this procurement contract is for citywide use and contract expenditures will be made by individual departments from existing appropriations, no increase in spending authority is required, and the City's Purchasing Section anticipates that the approval of this resolution and related BiRITE contract amendment will allow for continued City cost savings in the procurement of food and non-food products; now, therefore, be it

RESOLVED: That the City Council hereby increases the contract purchase order award amount to BiRITE, for the purchase of food and non-food items, by Three Hundred Fifty-Five Thousand Dollars (\$355,000), for a total contract not-to-exceed amount of Six Hundred Thousand Dollars (\$600,000) through July 31, 2021; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to amend said contract with BiRITE to increase the contract purchase order amount by Three Hundred Fifty-Five Thousand Dollars (\$355,000), for a total contract not-to-exceed amount of Six Hundred Thousand Dollars (\$600,000) through July 31, 2021; and be it

FURTHER RESOLVED: That the Council hereby appoints the City Administrator to conduct all negotiations; to execute, submit and process all documents, including but not limited to contract amendments, modifications, payment requests, and invoices; and to take all related actions which may be necessary for the aforementioned award, contract, amendment and procurement; and be it

FURTHER RESOLVED: That the contract amendment shall be approved for form and legality by the City Attorney and copies shall be filed with the Office of the City Clerk.

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

JUN 16 2020

ATTEST:



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