

**OAKLAND CITY COUNCIL**

  
City Attorney

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RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION WAIVING THE ADVERTISING AND BIDDING PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO 1) ENTER INTO CONTRACTS WITH THE ALAMEDA COUNTY COMMUNITY FOOD BANK FOR THE PROCUREMENT OF BULK FOODS FOR THE CITY'S HUNGER PROGRAM IN THE AMOUNT OF \$100,000 EACH YEAR FOR FISCAL YEARS 2014-2015, 2015-2016, AND 2016-2017; AND 2) ACCEPT AND APPROPRIATE FUNDS THAT MAY BE DONATED TO THE HUNGER PROGRAM IN FISCAL YEARS 2014-2015, 2015-2016, AND 2016-2017 AND AMEND THE CONTRACTS WITH THE ALAMEDA COUNTY COMMUNITY FOOD BANK FOR ADDITIONAL FUNDS**

**WHEREAS**, the City of Oakland Hunger Program was established in 1985 to provide brown bags of groceries to needy families throughout Oakland using churches and community groups to distribute the food; and

**WHEREAS**; the City of Oakland purchases bulk food products from the Alameda County Community Food Bank (the "Food Bank") in an amount up to \$100,000 per year to distribute to the homeless as part of the Hunger Program; and

**WHEREAS**, due to the non-profit status of the Food Bank it is legally entitled to receive bulk food donations from producers and manufacturers and provide these food donations to the City of Oakland Hunger Program free of charge; and

**WHEREAS**, due to the non-profit status of the Food Bank and its ability to donate some foods free of charge, other for-profit providers of bulk food are unable to compete to provide an equal amount of food; and

**WHEREAS**, Oakland Municipal Code (OMC) section 2.04.050.A requires the City Administrator to conduct advertising and bidding and award to the lowest responsible, responsive bidder for the purchase of products or goods, and OMC section 2.04.050.I.5 allows Council to waive advertising and bidding requirements upon a finding by the Council that it is in the best interest of the City to do so; and

**WHEREAS**, City staff recommends waiving the advertising and bidding requirements for this contract for the reasons discussed above and in the City Administrator's report accompanying this resolution; and

**WHEREAS**, the City of Oakland Hunger Program received base line renewal of its Hunger Program in the General Purpose Fund in the amount of \$100,000 for FY 2014-2015 and staff expects that the Program will receive \$100,000 for FY 2015-2016 and FY 2016-2017 as it has every year since 2001; and

**WHEREAS**, the City desires to execute contracts with the Food Bank for the procurement of bulk food for the City's Hunger Program in the amount of \$100,000 each year for Fiscal Years 2014-2015, 2015-2016, and 2016-2017; and

**WHEREAS**, the City may receive donations to the Hunger program and staff is seeking authorization to accept these donations in Fiscal Years 2014-2015, 2015-2016, and 2016-2017 and amend the contracts with the Food Bank to increase the funds and amount of food without returning to Council; now, therefore, be it

**RESOLVED:** That the City Administrator or his designee is hereby authorized to enter into contracts with the Food Bank for procurement of bulk food for the City's Hunger Program in the amount of \$100,000 each year for Fiscal Years 2014-2015, 2015-2016, and 2016-2017; and be it

**FURTHER RESOLVED:** That pursuant to OMC 2.04.050.I.5 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 interest of the City to waive advertising and bidding requirements for this contract and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to accept and appropriate funds that may be donated to the Hunger Program in Fiscal Years 2014-2015, 2015-2016, and 2016-2017 without returning to Council; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to amend the contracts with the Food Bank to increase the funds available to purchase food without returning to Council; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is hereby authorized to negotiate, submit and execute all documents, including, but not limited to, applications, contracts, grant agreements, amendments, payment requests, reports, and related actions for the completion of the Hunger Programs for Fiscal Years 2014-2015 – 2016-2017 without returning to Council; and be it

**FURTHER RESOLVED:** That the contracts shall be reviewed and approved by the Office of the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 19 2015

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, AND PRESIDENT GIBSON MCELHANEY - 7


NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Reid- 1

ATTEST:

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