

AMENDED RESOLUTION

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 SEP 16 PM 4:39

Approved as to Form and Legality

OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) WAIVE THE COMPETITIVE PROCESS AND ENTER INTO AN AGREEMENT WITH THE ALAMEDA COUNTY COMMUNITY FOOD BANK IN AN AMOUNT NOT TO EXCEED \$100,000 FROM THE GENERAL PURPOSE FUND FOR THE PROCUREMENT OF BULK FOODS AND THE ACCEPTANCE OF DONATED FOODS FOR THE CITY OF OAKLAND HUNGER PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH JUNE 30, 2011; AND (2) RENEW THE FOOD BANK AGREEMENT ANNUALLY THEREAFTER WITHOUT RETURNING TO COUNCIL FOR AS LONG AS CITY APPROPRIATES FUNDS TO SUPPORT THE HUNGER PROGRAM THROUGH THE BUDGET PROCESS; AND (3) ALLOCATE TO THE FOOD BANK AGREEMENT ANY ADDITIONAL FUNDS THAT MIGHT BE DONATED TO THE HUNGER PROGRAM FROM OUTSIDE SOURCES; AND (4) GRANDFATHER IN CURRENT PROCUREMENT PRACTICES FOR SPOT PURCHASES OF FOOD COMMODITIES UNTIL FULL COMPLIANCE WITH REQUIREMENTS OF THE PURCHASING ORDINANCE CAN BE IMPLEMENTED

WHEREAS, the City of Oakland Hunger Program currently purchases bulk food products from the Alameda County Community Food Bank (ACCFB) in amount up to \$100,000 per year; and

WHEREAS, due to the non-profit status of the ACCFB 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 ACCFB and its ability to provide donated foods free of charge other for-profit providers of bulk foods are unable to compete with the ACCFB on an equal basis; and

WHEREAS, the Council therefore finds that it is in the best interests of the City to designate the ACCFB as a sole-source vendor for supply of bulk food items to the City of Oakland Hunger Program; and

WHEREAS, the City of Oakland has appropriated General Fund contributions to the Hunger Program on an annual basis since Fiscal Year 2001; and

**AMENDED RESOLUTION**

**WHEREAS**, the City of Oakland has appropriated \$100,000 in its General Purpose Fund to the City of Oakland Hunger Program for Fiscal Year 2010/2011 for hunger relief purposes and said funds are available in the General Purpose Fund (1010), Community Housing Services Organization (78111), and Hunger Program Project (G359710); and

**WHEREAS**, the City wishes to enter into a grant agreement with the ACCFB for an amount up to \$100,000 for the provision of bulk foods to the Hunger Program; and

**WHEREAS**, the Council finds that the sole-source designation of the ACCFB as a supplier to the Hunger Program is unlikely to change in the future and the ACCFB will continue to qualify as a sole-source provider of bulk foods for as long as City funding is appropriated through the budget process; and

**WHEREAS**, other outside organizations or individuals may choose to donate funds to the City of Oakland Hunger Program for the purpose of supporting the City of Oakland Hunger Program; and

**WHEREAS**, the City desires to apply such donations to the ACCFB grant agreement; and

**WHEREAS**, the Department of Human Services is required to comply with the City Purchasing Ordinance unless specifically excepted by order of the Oakland City Council; and

**WHEREAS**, procurement on a spot purchase basis from for-profit vendors is necessary for certain commodities including fresh produce and some protein items; and

**WHEREAS**, the Department of Human Services has requested a six month grace period from the City Council to allow for the development of a Purchasing Specification that will bring procurement of certain bulk food items into compliance with the Purchasing Ordinance; now, therefore, be it

**RESOLVED:** That the services to be provided by the ACCFB will not result in the loss of employment or salary by any person having permanent status in the competitive service; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.051B, the City Council finds and determines that it is in the best interests of the City to waive the competitive request for proposal/qualifications process for a grant agreement with the ACCFB, and so waives the requirement; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to enter into a grant agreement with the Alameda County Community Food Bank, for the period of September 1, 2010 through June 30, 2011, in the amount of up to \$100,000 for procurement of bulk foods for the Hunger Program; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to renew the grant agreement with the ACCFB grant agreement annually for as long as the Council continues to appropriate hunger relief funds through the budget process; and be it

**AMENDED RESOLUTION**

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to accept donations from any outside agencies or sources and apply those donations to the ACCFB grant agreement; and be it

**FURTHER RESOLVED:** That the City Council waives the competitive bidding process as required by the Purchasing Ordinance for a period of up to six months to allow the Department of Human Services to bring Hunger procurement activities into compliance with the Purchasing Ordinance; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payment requests, and related action which may be necessary to execute the Alameda County Community Food Bank agreement; and be it

**FURTHER RESOLVED:** That said agreements shall be reviewed as to form and legality by the Office of the City Attorney and copies will be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND RODRIGUEZ, DE LA FUENTE, AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
**LATONDA SIMMONS**  
City Clerk and Clerk of the Council  
of the City of Oakland, California