

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: (1) EXTEND THE TERM OF THE CONTRACT WITH THE BEAUTIFICATION COUNCIL BY ONE-YEAR FROM JUNE 30, 2024, TO JUNE 30, 2025; (2) INCREASE THE CONTRACT AMOUNT BY FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF THREE MILLION NINE HUNDRED THIRTY THOUSAND DOLLARS (\$3,930,000); AND (3) WAIVE FURTHER ADVERTISING AND COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION SELECTION REQUIREMENTS

WHEREAS, in 2020, the City Council approved Resolution No. 88079 C.M.S., authorizing the City Administrator to enter into agreements to provide waste removal services at homeless encampments in the City of Oakland (City), and

WHEREAS, in May 2021, the City entered into an agreement with Beautification Council to recruit, hire and train persons needed to facilitate the cleaning of encampments for a two-year contract; and

WHEREAS, Beautification Council is a local nonprofit dedicated to combatting the pernicious issues plaguing underserved communities by developing innovative practices to uplift justice-involved and unhoused individuals through on-the-job training, and life skills training; and

WHEREAS, Beautification Council has demonstrated higher than satisfactory performance in managing teams of unsheltered individuals to abate litter and illegal dumping from public rights of way and encampments; and

WHEREAS, this agreement advances City racial equity outcomes through valuable job training and employment and improved health outcomes for unsheltered residents; and

WHEREAS, the City desires to amend its agreement with Beautification Council for cleaning services on Caltrans property within City limits to include: (1) litter pickup; (2) bulky waste collection and disposal; (3) light weed removal; and (4) additional related work to be assigned on a task order basis; and

WHEREAS, the activities included in the amended agreement with Beautification Council will be funded by Caltrans' Clean California grant in Fund 2140 – California Department of Transportation; and

WHEREAS, Oakland Municipal Code (OMC) Sections 2.04.040 B 5 and 2.04.051 A, respectively, require the City to conduct a formal advertising and competitive Request For Qualifications/Proposals (RFQ/RFP) selection process for professional services agreements over \$50,000.00; and

WHEREAS, OMC Section 2.04.051 B authorizes the City Council to waive the advertising and competitive RFQ/RFP selection requirement if it finds that it is in the City's best interests to do so; and

WHEREAS, Ordinances number 13101 C.M.S., number 13640 C.M.S. and number 13647 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and,

WHEREAS, the Department of Workplace and Employment Standards certified Beautification Council as a Not-for-Profit Local Business Enterprise (NFPLBE) with the City of Oakland's Local and Small Local Business Enterprise Program on February 9, 2024; and

WHEREAS, the City lacks sufficient equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance, and that this contract is of a professional, scientific or technical nature; and

WHEREAS, staff recommends that it is in the City's best interests for the City Council to waive the advertising and competitive RFQ/RFP process for this contract because Beautification Council is uniquely qualified to provide this group of services, which is supported by state grant funding and includes job training and development programs for homeless and justice-system-involved individuals; and

WHEREAS, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the City Council finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

RESOLVED: pursuant to OMC Section 2.04.051 B, the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising, competitive RFQ/RFP selection based on the reasons set forth in this Resolution and the Report accompanying this Resolution, and so does hereby waive this requirement; and be it

FURTHER RESOLVED: that the City Council hereby awards, and the City Administrator is hereby authorized to amend Beautification Council’s agreement by twelve (12) months for a total term of a four-years, two-months from May 1, 2021, through June 30, 2025, to coincide with the Caltrans grant funding and to appropriate an additional four hundred fifty thousand dollars (\$450,000) for a total not to exceed contract amount of three million nine hundred thirty thousand dollars (\$3,930,000) with Beautification Council to provide litter and bulky waste removal, light weeding and encampment cleaning and related services; and, be it

FURTHER RESOLVED: that all expenditures related to this proposed contract shall be allocated to the California Department of Transportation Fund (2140); Organization KOCB: Illegal Dumping (30674); and Project (1006798) Clean CA Maintenance Agreement; and be it

FURTHER RESOLVED: that the City Administrator or designee is hereby authorized and empowered to approve any subsequent amendments to, or extensions of said agreement, except for those related to an increase in compensation or the allocation of additional funds, provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk’s Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, RAMACHANDRAN, JENKINS,
AND PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the City
of Oakland, California