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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY
Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90053 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) INCREASE BEAUTIFICATION COUNCIL'S CONTRACT AMOUNT BY SIX HUNDRED THOUSAND DOLLARS (\$600,000) FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF THREE MILLION FOUR HUNDRED EIGHTY THOUSAND DOLLARS (\$3,480,000); AND (2) WAIVE FURTHER ADVERTISING BIDDING, COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION SELECTION AND LOCAL BUSINESS/SMALL LOCAL BUSINESS PARTICIPATION 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, Beautification Council is dedicated to combatting the pernicious issues plaguing underserved communities, by developing innovative practices to uplift justice system-involved and unhoused individuals through on-the-job, job readiness training and life skills training; and

WHEREAS, in May 2021, the City entered into a two-year agreement with Beautification Council to recruit, hire and train unhoused individuals to facilitate the cleaning of homeless encampments throughout Oakland; and

WHEREAS, in the Spring of 2022, following a competitive process, California's Department of Transportation (Caltrans) awarded Oakland a \$1.28 million Clean California grant to provide litter, bulky waste, and homeless encampment debris removal at designated Caltrans rights of way throughout the city under a two-year, Clean California Maintenance Agreement (CCMA); and

WHEREAS, to perform the CCMA scope of work without limiting Oakland Public Works' ability to deliver its normal services, staff proposed to amend Beautification Council's existing contract to accommodate the additional services; and

WHEREAS, on June 21, 2022, the City Council approved Resolution No.89279 C.M.S. authorizing the City Administrator to increase the value of Beautification Council's contract by \$1.28 million to incorporate the Clean California grant award and extend the contract term by 14 months to June 30, 2024, to align with CCMA's contract expiration; and

WHEREAS, although work continues on the CCMA scope of work, funds for the original scope of work for homeless encampment cleanings were fully expended by the end of the initial two-year contract period in May 2023;

WHEREAS, the Beautification Council contract advances City racial equity outcomes through valuable job readiness training and employment and improved health outcomes for unsheltered residents; and

WHEREAS, the City now desires to increase Beautification Council's contract by six hundred thousand dollars (\$600,000) for a total contract amount of three million four hundred eighty thousand dollars (\$3,480,000) so that the contractor can resume clean-up work at homeless encampments through its contract expiration date of June 30, 2024; and

WHEREAS, this contract amendment request is a stop-gap measure to continue critical encampment cleaning services while staff are simultaneously developing an Request for Proposals/Qualifications (RFP/Q) for a longer-term contract for these services;

WHEREAS, the activities included in the amended agreement with the Beautification Council will be funded by Fund (1010) General Fund: General Purpose, Organization (30674) Illegal Dumping, Project (1005963) Homeless Encampment Cleanup; and

WHEREAS, Oakland Municipal Code (OMC) section 2.04.040 B 2. requires advertising and bidding where the cost of services, supplies, or combination for purchase orders or contracts required by the City exceeds fifty thousand dollars (\$50,000.00); and

WHEREAS, OMC Sections 2.04.040 B 5 and 2.04.051 A, respectively, require the City to conduct a formal advertising and competitive RFP/Q selection process for professional services agreements over \$25,000.00; and

WHEREAS, OMC Section 2.04.050 I. 5 and 2.04.051 B, respectively, authorizes the City Council to waive the advertising, bidding, and competitive RFP/Q selection requirements if it finds that it is in the City's best interests to do so; and

WHEREAS, Ordinances No.13101 C.M.S., No.13640 C.M.S., and No.13647 C.M.S. require 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 City Council may waive the City's LBE/SLBE requirements for the purchase of commodities, goods, services, supplies, or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, the City lacks the specialized personnel to perform the necessary work, that the performance of this contract is in the public interest because of the economy or better performance and that this contract is of a professional, scientific, or technical nature; 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 and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, staff recommends that it is in the City's best interests for the City Council to waive the advertising and competitive RFP/Q process, and the LBE/SLBE participation requirements for this contract because the Beautification Council is uniquely qualified to provide this group of services, which includes job readiness training and development programs for homeless and justice-system-involved individuals; now, therefore be it

RESOLVED: pursuant to OMC Section 2.040.050 I. 5 and 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, bidding, competitive RFP/Q selection and the LBE/SLBE participation requirements of the OMC based on the reasons set forth in this Resolution and the Report accompanying this Resolution, and so does hereby waive these requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to increase the Beautification Council's agreement by six hundred thousand dollars (\$600,000) to resume providing homeless encampment cleaning and related services; and be it

FURTHER RESOLVED: That all expenditures related to this proposed contract shall be allocated in Fund (1010) General Fund: General Purpose, Organization (30674) Illegal Dumping, Project (1005963) Homeless Encampment Cleanup.; 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.

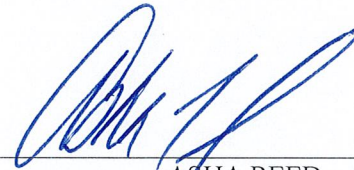
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 19 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, ~~RAMO~~, AND
PRESIDENT FORTUNATO BAS - 7

NOES 0
ABSENT 0
ABSTENTION 0
7 Excused-Reid

ATTEST: _____



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