

DRAFT

City Attorney's Office

## OAKLAND CITY COUNCIL

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

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**RESOLUTION:**

- 1. ACCEPTING AND APPROPRIATING A SUMMER FOOD SERVICE PROGRAM (SFSP) GRANT FROM THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE) IN THE AMOUNT OF \$426,870; AND**
- 2. AWARDING PROFESSIONAL SERVICES AGREEMENTS (PSA) TO UPTONS, INC. (DBA SCHOOL FOODIES) IN AN AMOUNT NOT TO EXCEED \$227,500 AND TO FLO'S FRIENDLY FOODS IN AN AMOUNT NOT TO EXCEED \$304,800 TO PROVIDE FOOD SERVICES FROM MAY 30, 2022 THROUGH JULY 29, 2022; AND**
- 3. ACCEPTING AND APPROPRIATING ADDITIONAL SFSP GRANT MONIES THAT BECOME AVAILABLE FROM THE CDE AND DONATIONS FROM PRIVATE SOURCES FOR THE PERIOD OF MAY 30, 2022 THROUGH JULY 29, 2022; AND**
- 4. AUTHORIZING AMENDMENTS TO THE ABOVE PSAS TO INCREASE THE NOT TO EXCEED AMOUNTS WITHIN THE TERM OF MAY 30, 2022 THROUGH JULY 29, 2022.**

**WHEREAS**, the City of Oakland (City) has applied for and desires to accept, by and through a per meal reimbursement process, a Summer Food Service Program (SFSP) Grant in the amount of \$426,870 from the California Department of Education, Nutrition Services Division; and

**WHEREAS**, the City intends to use the SFSP grant funds to reimburse the City's own SFSP for the provision of an estimated 30,000 free breakfasts and 65,000 free lunches to Oakland children, as well as the delivery of the meals to City and community sites during the grant period from May 30, 2022 to July 29, 2022; and

**WHEREAS**, if the City is awarded the SFSP Grant, it wishes to negotiate and execute Professional Services Agreements with Upton's, Inc. (dba School Foodies) (Upton's) and Flo's Friendly Foods (Flo's) for the SFSP program term of May 30, 2022 to July 29, 2022; and

**WHEREAS**, Upton's and Flo's were selected through the Human Services Department Request for Qualifications process; and

**WHEREAS**, both Upton's and Flo's are certified by the California Department of Education, Child Nutrition Division to provide food services to the City's SFSP for Children and successfully competed in a City Request for Proposals (RFP) process as to needed SFSP services; and

**WHEREAS**, the City Administrator has determined that the aforementioned Professional Services Agreements with Upton's and Flo's are of a professional and temporary nature and shall not result in the loss of salary or employment by anyone having permanent status in competitive civil service; and

**WHEREAS**, the Fiscal Year (FY) 2022-2023 Budget for the SFSP for Children includes funding for these professional agreements; and

**WHEREAS**, in the FY 2022-2023 Adopted Budget, the amount of \$426,870 has been appropriated to the Department of Agriculture Fund (2102), Year Round Lunch Program Organization (78241) has been appropriated to HSD Summer Food Program Project (1004170), Award (23405) to offset food vendor costs and internal service charges for the purpose of operating the Summer Food Service Program for Children; and

**WHEREAS**, the appropriation in the amount of \$304,041 for SFSP personnel costs and overhead costs covers the part-time food coordinator and monitor costs of 4.0 FTE and operating costs for auto rentals and City car expenses and is included in the Budget in Measure HH (Fund 1030), Year Round Lunch Program (78241), Measure HH Healthy Kids Program Project (1003817); and

**WHEREAS**, the appropriation in the amount of \$5,000 for vendor service costs is included in the Budget in Fund 2128, Alameda County – Oakland Community Action Program (78362), CAP CSBG 2023 Program Project (1005643); and

**WHEREAS**, the appropriation in the amount of \$152,115 in the Adopted Budget in Measure HH Sugar Sweetened Beverage Tax Distribution (Fund 1030), Year Round Lunch Program (78241), HSD Administration (1000017) covers additional costs of contracted food vendors; and

**WHEREAS**, the appropriation in the amount of \$21,802 from private donations in the Adopted Budget is included in Fund 2994, Year Round Lunch Program (78241), Administrative Project (1001396); now, therefore, be it

**RESOLVED:** That the City hereby accepts and appropriates SFSP grant funds in the amount of \$426,870 from the California Department of Education, Nutrition Services Division for the purpose of allocating said funds for the City's own SFSP for the period beginning May 30, 2022 to July 29, 2022; and be it

**FURTHER RESOLVED:** That the State SFSP funds will be deposited in Department of Agriculture Fund (2102) Year Round Lunch Program Organization (78241) FY 2022 – 2023 Summer Food Program Project (1004170); and be it

**FURTHER RESOLVED:** That the City Council hereby awards a Professional Services Agreement to Upton’s in the amount of \$227,500, to provide food services for the City’s SFSP from May 30, 2022 to July 29, 2022; and be it

**FURTHER RESOLVED:** That the City Council hereby awards a Professional Services Agreement to Flo’s in the amount of \$304,800, to provide food services for the City’s SFSP from May 30, 2022 to July 29, 2022; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to accept and appropriate any additional grant and donation funding intended for the City’s SFSP that becomes available from the CDE and private sources for the period of May 30, 2022 to July 29, 2022; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to amend the Professional Services Agreements with Upton’s and Flo’s to increase the amounts of the agreements during the term of May 30, 2022 to July 29, 2022, so long as the total agreement amounts do not exceed the total amounts of funds accepted and appropriated for SFSP from the California Department of Education and private donations.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

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