


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION WAIVING THE LOCAL/SMALL LOCAL ENTERPRISE BUSINESS REQUIREMENT AND AWARDED PROFESSIONAL SERVICE AGREEMENTS TO FOUR (4) PROVIDERS IDENTIFIED IN TABLE 1 FOR THE PROVISION OF HYGIENE SERVICES AT HOMELESS ENCAMPMENTS AND OTHER PROGRAM SITES IN AN AMOUNT NOT TO EXCEED \$750,000 PER SERVICE PROVIDER AND NOT TO EXCEED \$3,000,000 TOTAL FOR FISCAL YEAR (FY) 2022-23 USING GENERAL PURPOSE FUNDS AND STATE OF CALIFORNIA HOMELESS, HOUSING, ASSISTANCE AND PREVENTION (HHAP) FUNDS

WHEREAS, on December 21, 2021, the City Council passed Resolution No. 88949 C.M.S., which, among other things, appropriated HHAP Round 2 and HHAP Round 3 funds for the provision of emergency homeless interventions; and

WHEREAS, \$2,250,000 of these HHAP-3 funds are available for hygiene funding and are appropriated in the State of California Fund (2159), Community Homelessness Organization (78411), Projects (1006326), Homeless Services & Support (NB41); and

WHEREAS, on June 21, 2021, the City Council passed Resolution No. 88717 C.M.S., which, among other things, adopted the Biennial Budget for FY 2021-23 and allocated \$1,080,000 per year for the provision of sanitation services for an additional 60 encampment sites; and

WHEREAS, \$750,000 of these funds are available and are appropriated in Fund (1010) Project (1000002), Expenditure type (various), Community Homelessness Organization (78411), Homeless Services & Support (NB41); and

WHEREAS, the City desires to sustain its interim homeless interventions and hygiene services to unhoused residents; and

WHEREAS, staff now seeks authorization to enter into agreements for hygiene services with homeless intervention service providers through June 30, 2023 using accepted and appropriated HHAP and General Purpose Funds (Fund 1010) as stated in Table 1; and

WHEREAS, the City Administrator has determined that the agreements are professional, scientific or technical and temporary in nature, and the performance of the agreements shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the capacity of portable toilet vendors and shower providers to meet their contracted service deliverables varies over the course of a year and limited capacity results in poor services to people who are unsheltered; and

WHEREAS, staff have a need to flexibly move funds between providers of hygiene (portapotties, wash stations, and shower) services, as provider capacity fluctuates, to ensure an even level of service is provided to unsheltered people; and

WHEREAS, the maximum amount of each contract would be \$750,000 and contract totals will be adjusted based on performance and need; and

WHEREAS, the Human Services Department requires vendors to provide and service portable toilet units at encampments; and

WHEREAS, the Human Services Department included this scope of work in a Request for Qualifications process; and

WHEREAS, on March 31, 2021, the City received two (2) responsive and qualified proposals submitted in response to a competitive RFQ process pursuant to OMC Section 2.04.051 to provide and service portable toilet units at encampments; and

WHEREAS, the bid from TBS was significantly less per month than the other bidder, which will allow the City to provide this service to more unsheltered people; and

WHEREAS, the Human Services Department desires to waive any Local and Small Local Business Enterprise Program (L/SLBE) program requirements in order to contract with TBS Site Services, an African American woman owned small business serving San Francisco and Alameda Counties, which is certified by the State of California as a Minority Business Enterprise (MBE), Women Business Enterprise (WBE), and Disadvantaged Business Enterprise (DBE) in an amount up to \$750,000 in FY 2022-23, for the provision of portable toilets and wash stations in encampments; now, therefore, be it

RESOLVED: That the City Council finds that it is in the best interest of the City to waive the Local and Small Local Business Enterprise Program (L/SLBE) requirements and award a professional services agreement to TBS Site Services for FY 2022-23, for the reasons set forth herein and in the accompanying staff report, and hereby waives this requirement; and be it

FURTHER RESOLVED: That the City Council awards professional service agreements to the providers identified in Table 1 below for hygiene services in an amount not to exceed \$750,000 per service provider and not to exceed \$3,000,000 in total for July 1, 2022 through June

30, 2023, using any combination of accepted and appropriated HHAP funds and General Purpose Funds, subject to any applicable funding regulations and requirements:

Table 1: Agreements with term of July 1, 2022 through June 30, 2023

| Provider | Professional Services Agreement (PSA) | Service Provided | Not To Exceed Amount |
|---|--|-----------------------------|-----------------------------|
| Roots Health Center | Mobile Showers | Minimum of 35 sessions/week | Up to \$750,000 |
| Urban Alchemy | Mobile Showers | | Up to \$750,000 |
| Dignity on Wheels; | Mobile Showers | | Up to \$750,000 |
| TBS | Portable toilets and wash stations | Minimum of 45 sites/month | Up to \$750,000 |
| For A Total Combined Amount Not To Exceed Amount | | | Up to \$3,000,000 |

; and be it

FURTHER RESOLVED: That based on information provided by the City Administrator, the City Council finds that these agreements are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

FURTHER RESOLVED: That the City Administrator or their designee is authorized to amend the aforementioned agreements to adjust the amount of the agreements, as needed, to ensure quality of service, up to the total combined amount of \$3,000,000 for FY 2022-23.

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