


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) AND LOCAL/SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) REQUIREMENTS AND AWARDING A PROFESSIONAL SERVICES AGREEMENT TO COOK AND RUN, INC. IN AN AMOUNT NOT TO EXCEED \$96,000 FOR PROVIDING FOOD SERVICES FROM JUNE 6, 2022 THROUGH JULY 29, 2022

WHEREAS, on May 17, 2022, the Oakland City Council passed Resolution No. 89196 C.M.S., accepting, 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, Resolution No. 89196 C.M.S. also awarded professional service agreements to Uptons, Inc. (DBA School Foodies) and to Flo's Friendly Foods from May 30, 2022 through July 29, 2022; and

WHEREAS, on May 17, 2022, City Council directed the City Administrator's Office and Human Services Department staff to return with a plan to increase the number of vendors and sites for the 2022 SFSP; and

WHEREAS, in response to this Council direction, Cook and Run, Inc. (Cook and Run) was identified and added to the program in the first week of June; and

WHEREAS, because Cook and Run was added after the program began, it was anticipated that their contribution would not exceed \$50,000; however, due to increased demand and the addition of sites, their services exceeded that amount; and

WHEREAS, given the urgent timing, Cook and Run was selected by the Human Services Department to provide food services without a Request for Proposal/Qualifications (RFP/Q) process; and

WHEREAS, Cook and Run is an organization based in Oakland and was selected following staff outreach to local vendors, but has not yet been certified as a Local or Small Local Business Enterprise under Oakland's Local and Small Local Business Enterprise Program guidelines; and

WHEREAS, Cook and Run is certified by the California Department of Education to provide food services for the City’s SFSP; and

WHEREAS, the City Administrator has determined that the professional services agreement with Cook and Run is 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, Section 2.04.051(B) of the Oakland Municipal Code (OMC), authorizes the City Council to waive the competitive RFP/Q selection requirements of OMC section 2.04.051(A) upon a finding that it is in the best interests of the City to do so; and

WHEREAS, the Council may waive the City’s Local/Small Local Business Enterprise (L/SLBE) requirements for professional services contracts 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 Administrator recommends that it is in the best interests of the City to waive the L/SLBE and RFP/Q requirements because Cook and Run was able to rapidly provide expanded SFSP services per Council direction, was selected through a local vendor outreach process with limited local vendor availability, and has already assisted the City for the 2022 year; now, therefore, be it

RESOLVED: That for the reasons stated herein and in the report that accompanies this Resolution, the City Council hereby finds and determines that there was limited certified vendor availability and that it is in the best interests of the City to waive the L/SLBE and RFP/Q requirements, pursuant to OMC section 2.04.051(B) and Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S., and hereby awards a Professional Services Agreement to Cook and Run, Inc. in the amount of \$96,000 for food services provided for the City’s SFSP from June 6, 2022 to July 29, 2022.

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