



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION TO:

- 1) **ACCEPT AND APPROPRIATE A SUMMER FOOD SERVICE PROGRAM (SFSP) GRANT FROM THE CALIFORNIA DEPARTMENT OF EDUCATION (DOE) IN THE AMOUNT OF \$426,870; AND**
- 2) **AWARD PROFESSIONAL SERVICES AGREEMENTS (PSAS) TO UPTONS, INC. (DBA SCHOOL FOODIES) IN AN AMOUNT NOT TO EXCEED \$909,736, AND TO FLO'S FRIENDLY FOODS IN AN AMOUNT NOT TO EXCEED \$309,240, TO PROVIDE FOOD SERVICES FROM MAY 4, 2020 THROUGH AUGUST 15, 2020; AND**
- 3) **ACCEPT AND APPROPRIATE ADDITIONAL SFSP GRANT MONIES THAT BECOME AVAILABLE FROM THE DOE AND DONATIONS FROM PRIVATE SOURCES DURING THE PERIOD OF MAY 4, 2020 THROUGH AUGUST 15, 2020, WITHOUT RETURNING TO COUNCIL; AND**
- 4) **AUTHORIZE AMENDMENTS TO THE ABOVE PSAS TO INCREASE THE NOT TO EXCEED AMOUNTS WITHIN THE TERM OF MAY 4, 2020 THROUGH AUGUST 15, 2020, WITHOUT RETURNING TO COUNCIL; AND**
- 5) **AUTHORIZE CARRYFORWARD OF THE APPROPRIATIONS FROM THE FY 2019-2020 ADOPTED BUDGET IN MEASURE HH FUND 1030 IN THE APPROVED PROJECTS IDENTIFIED FOR THE SFSP TO FY 2020-2021.**

WHEREAS, The City of Oakland (City) desires to apply for and 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 uses the SFSP grant funds to reimburse the City's own SFSP for the provision of an estimated 32,000 free breakfasts and 64,000 free lunches, and 24,750 breakfasts and 24,750 lunches at subsidized costs, to Oakland children, as well as the delivery of the meals to City and community sites during the grant period from May 4, 2020 to August 15, 2020; and

WHEREAS, the proposed services will provide breakfast and lunch to children through Summer Food Service sites including to Head Start families due to the COVID-19 health crisis; and

WHEREAS, if the City is awarded the SFSP Grant, it wishes to negotiate and execute Professional Services Agreements with Uptons, Inc. (dba School Foodies) ("Uptons"), and also with Flo's Friendly Foods ("Flo's"), for the SFSP program term May 4, 2020 through August 15, 2020; and

WHEREAS, both Uptons 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 Uptons 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) 2019-2020 Adopted Budget for the SFSP for Children includes funding for these professional agreements; and

WHEREAS, in the FY 2019-2020 Adopted Budget, the amount of \$426,870 has been appropriated to the Department of Agriculture Fund (2102), Year Round Lunch Program Organization (78241); and

WHEREAS, the amount of \$426,870 has been appropriated to HSD Summer Food Program Project (1004170), Award (23405), and Strengthening Children, Youth and Families Program (YS13) to offset food vendor costs in the amount of \$406,115 and internal service charges of \$20,755 for the purpose of operating the Summer Food Service Program for Children; and

WHEREAS, the appropriation for SFSP personnel costs, including part-time food coordinator and monitor costs, of 4.0 FTE is included in the Adopted Budget in Measure HH (Fund 1030), Administrative Project (1003817), and Award (23469) in the amount of \$220,781; and

WHEREAS, the amount of \$248,296 that has been appropriated to the 19-20 Head Start/Early Head Start General Purpose Fund Operating Subsidy Projects (1004470/1004476), Award (23375), and Strengthening Children, Youth and Families Program (YS13) will be used to offset food vendor costs for the purpose of providing meals to Head Start Children through the SFSP distribution infrastructure; and

WHEREAS, the appropriation in the amount of \$400,000 in the Adopted Budget in Measure HH (Fund 1030), HSD Administration (1000017) and Award (23469) covers additional costs of contracted food vendors to enhance portion size and meal quality of reimbursable meals and non-reimbursable snack meals and is estimated at \$266,165, and covers additional operating costs totaling \$47,643 for auto rentals for program monitors, office supplies, and City car expenses; now, therefore, be it

RESOLVED, That the City, by and through the City Administrator or his designated representative, is hereby authorized to apply for, and 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 4, 2020 and ending August 15, 2020; 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 2019 – 2020 Summer Food Program Project (1004170), and Award (23405); and be it

FURTHER RESOLVED, That the City Council hereby awards a Professional Services Agreement to Uptons in an amount not to exceed \$909,736, to provide food services for the City's SFSP from May 4, 2020 to August 15, 2020; and be it

FURTHER RESOLVED, That the City Council hereby awards a Professional Services Agreement to Flo's in an amount not to exceed \$309,240, to provide food services for the City's SFSP from May 4, 2020 to August 15, 2020; and be it

FURTHER RESOLVED, that based on information provided by the City Administrator, the Council finds that these professional services 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 hereby accepts and appropriates any additional grant and donation funding intended for the City's SFSP that becomes available from the CDE and private sources during the period of May 4, 2020 through August 15, 2020, without returning to Council; and be it

FURTHER RESOLVED, That the City Administrator is hereby authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payment requests, and related actions, which may be necessary for the completion of the SFSP grant, including amending the aforementioned professional services agreements to increase their not to exceed amounts for the period May 4, 2020 to August 15, 2020 by using, and subject and limited to, City-appropriated funding for SFSP from the California Department of Education, City-appropriated funding from eligible and allowable Head Start/Early Head Start Grants, and private donations or grants, all without returning to Council; and be it

FURTHER RESOLVED, That the City Administrator is hereby authorized to approve carryforward of the appropriations in FY 2019-2020 Adopted Budget in Measure HH Fund 1030 in the Approved Projects Identified for the SFSP to FY 2020-2021; and be it

FURTHER RESOLVED: That said agreements and any amendments thereto authorized under this resolution shall be reviewed and approved as to form and legality by the Office of the City Attorney and copies filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California