

Farrak Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ 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 FOUR MILLION FIVE HUNDRED THIRTY THOUSAND DOLLARS (\$4,530,000); 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 with whom to provide waste removal services at homeless encampments in the City of Oakland (City), and

WHEREAS, Beautification Council is a local non-profit 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, 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, 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 in the amount of the Clean California grant award (\$1.28 million) and extend the contract term by 14 months to align with the CCMA's expiration date of June 30, 2024; 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; and

WHEREAS, on December 19, 2023, the City Council adopted Council Resolution No. 90053 C.M.S. to increase Beautification Council's contract amount by \$600,000 so that the non-profit could resume micro-cleaning and sanitizing homeless encampments throughout Oakland; and

WHEREAS, Caltrans' interest in extending the CCMA by one year resulted in the City Council adopting Resolution No. 90306 C.M.S. to accept and appropriate an additional grant in the amount of \$450,000 and extend the contract to June 30, 2025; and

WHEREAS, City Council adopted Resolution No. 90307 C.M.S. to increase Beautification Council's contract capacity by \$450,000; and extend its expiration date to June 30, 2025; and

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, City Council allocated \$600,000 to Oakland Public Works (OPW) in its Fiscal Year 2024-2025 Midcycle Budget to further increase Beautification Council's contract capacity to continue providing encampment clean-up work through the end of Fiscal Year 2024-25, 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 four million five hundred thirty thousand dollars (\$4,530,000) so that the contractor may continue homeless encampment cleaning and sanitizing through the contract's final expiration date of June 30, 2025; 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 new citywide contract for these services;

WHEREAS, the activities included in the amended agreement with Beautification Council will be funded through Fund (2244) Measure Q - Parks & Recreation Preservation, Litter Reduction, and Homelessness Support Act, Organization (30674) Illegal Dumping, Project (1006075) EE & Beautification Resource; 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 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 continue providing homeless encampment cleaning and related services through the end of Fiscal Year 2024-2025; and be it

FURTHER RESOLVED: That all expenditures related to this proposed contract shall be allocated in Fund (2244) Measure Q - Parks & Recreation Preservation, Litter Reduction, and Homelessness Support Act, Organization (30674) Illegal Dumping, Project (1006075) EE & Beautification Resource; 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:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT
FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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