

2023 MAY -4 AM 10: 06

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Micaia Shafiq
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89745 C.M.S.

RESOLUTION:

1. **ACCEPT AND APPROPRIATE A SUMMER FOOD SERVICE PROGRAM (SFSP) GRANT FROM THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE) IN THE AMOUNT OF \$426,870 (FOUR HUNDRED TWENTY-SIX THOUSAND EIGHT HUNDRED SEVENTY DOLLARS); AND**
2. **AWARD PROFESSIONAL SERVICES AGREEMENTS (PSAS) TO UPTONS, INC. (DBA SCHOOL FOODIES) IN AN AMOUNT NOT TO EXCEED \$168,750 (ONE HUNDRED SIXTY EIGHT THOUSAND SEVEN HUNDRED FIFTY DOLLARS); TO FLO'S FRIENDLY FOODS IN AN AMOUNT NOT TO EXCEED \$180,800 (ONE HUNDRED EIGHTY THOUSAND EIGHT HUNDRED DOLLARS); TO COOK AND RUN, INC IN AN AMOUNT NOT TO EXCEED \$185,000 (ONE HUNDRED EIGHTY FIVE THOUSAND DOLLARS); TO ALAMEDA COUNTY DEPUTY SHERIFF'S ACTIVITIES LEAGUE IN AN AMOUNT NOT TO EXCEED \$87,500 (EIGHTY SEVEN THOUSAND FIVE HUNDRED DOLLARS); AND TO GOLDEN SAFARI RESTAURANT & BAKERY, INC IN AN AMOUNT NOT TO EXCEED \$75,000 (SEVENTY FIVE THOUSAND DOLLARS), TO PROVIDE FOOD SERVICES FROM MAY 30, 2023 THROUGH JULY 28, 2023; AND**
3. **ACCEPT AND APPROPRIATE ADDITIONAL SFSP GRANT MONIES THAT BECOME AVAILABLE FROM THE CDE AND DONATIONS FROM PRIVATE SOURCES DURING THE PERIOD OF MAY 30, 2023 THROUGH JULY 28, 2023, WITHOUT RETURNING TO COUNCIL; AND**
4. **AUTHORIZE AMENDMENTS TO THE ABOVE PSAS TO INCREASE AMOUNTS WITHIN THE TERM OF MAY 30, 2023 THROUGH JULY 28, 2023, WITHOUT RETURNING TO COUNCIL**

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 40,000 free breakfasts and 82,500 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, 2023 to July 28, 2023; 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), Flo's Friendly Foods (Flo's), Cook and Run, Inc (Cook and Run), Alameda County Deputy Sheriff's Activities League (Dig Deep Farms) and Golden Safari Restaurant & Bakery, Inc (Golden Safari) for the SFSP program term of May 30, 2023 to July 28, 2023; and

WHEREAS, the Request for Qualifications produced six qualified bidders; and

WHEREAS, five of the six bidders were chosen by City staff based on price, meal quality and past performance; and

WHEREAS, Upton's, Flo's, Cook and Run, Dig Deep Farms and Golden Safari 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, Flo's, Cook and Run, Dig Deep and Golden Safari 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); and

WHEREAS, the amount of \$426,870 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 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), Administrative Project (1001396); and

WHEREAS, the appropriation in the amount of \$152,115 in the Adopted Budget in Measure HH (Fund 1030), Year Round Lunch Program (78241), HSD Administration (1000017) covers additional costs of contracted food vendors; now, therefore, be it

RESOLVED: That the City, by and through the City Administrator or their 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 30, 2023 to July 29, 2023; 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 \$168,750, to provide food services for the City's SFSP from May 30, 2023 to July 28, 2023; and be it

FURTHER RESOLVED: That the City Council hereby awards a Professional Services Agreement to Flo's in the amount of \$180,800, to provide food services for the City's SFSP from May 30, 2023 to July 28, 2023; and be it

FURTHER RESOLVED: That the City Council hereby awards a Professional Services Agreement to Cook and Run in the amount of \$185,000, to provide food services for the City's SFSP from May 30, 2023 to July 28, 2023; and be it

FURTHER RESOLVED: That the City Council hereby awards a Professional Services Agreement to Dig Deep Farms in the amount of \$87,500, to provide food services for the City's SFSP from May 30, 2023 to July 28, 2023; and be it

FURTHER RESOLVED: That the City Council hereby awards a Professional Services Agreement to Golden Safari in the amount of \$75,000, to provide food services for the City's SFSP from May 30, 2023 to July 28, 2023; 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 Council authorizes the City Administrator to amend the professional services agreements with the aforementioned vendors to increase the amounts of the agreements during the term of May 30, 2023 to July 28, 2023, subject and limited to, City appropriated funding for SFSP from the California Department of Education, 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; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve carryforward of the appropriations in FY 2022-2023 Adopted Budget in Measure HH Fund 1030 in the Approved Projects Identified for the SFSP to FY 2022-2023; 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 executed copies of same filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY 16 2023

PASSED BY THE FOLLOWING VOTE:

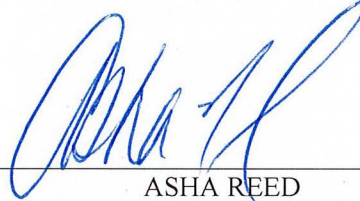
AYES - FIFE, ~~SMITH~~, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS 7

NOES - 0

1 - ABSENT - Gallo

ABSTENTION - 0

ATTEST:



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