

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality


City Attorney

2018 OCT 11 PM 4:00

OAKLAND CITY COUNCIL

RESOLUTION NO. 87401 C.M.S.

RESOLUTION WAIVING THE REQUEST FOR PROPOSALS /QUALIFICATIONS REQUIREMENTS, AND AUTHORIZING THE CITY ADMINISTRATOR TO ALLOCATE SUGAR-SWEETENED BEVERAGE DISTRIBUTION TAX REVENUES TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH REVOLUTION FOODS IN AN AMOUNT NOT TO EXCEED \$517,121 TO PROVIDE AFTER-SCHOOL MEALS AND SNACKS AT OAKLAND PARKS, RECREATION AND YOUTH DEVELOPMENT AND OAKLAND PUBLIC LIBRARY SITES FROM NOVEMBER 1, 2018 THROUGH JUNE 14, 2019

WHEREAS, the City of Oakland voters passed Measure HH, the Sugar-Sweetened Beverage Distribution Tax Ordinance (the “Ordinance”) in November 2016, approving a 1 cent per ounce general excise tax on the distribution of sugar-sweetened beverages in Oakland; and

WHEREAS, all Sugar-Sweetened Beverage (SSB) Tax revenue collected and remitted to the City is deposited in the City of Oakland’s unrestricted general fund and in the Sugar-Sweetened Beverage Tax Sub-fund to be used for any lawful government purpose; and

WHEREAS, City Council Resolution No. 87062 established the Sugar-Sweetened Beverage Tax Sub-fund for the purpose of collecting the revenues from the tax and provided that unspent revenues from the tax will be retained in the SSB Sub-fund for the purpose described in the Ordinance; and

WHEREAS, the City Council, in its discretion, has designated certain SSB Tax revenue funds to support programs to reduce sugar consumption and improve the health of Oakland residents, particularly those facing barriers to health; and

WHEREAS, the Ordinance established the Sugar-Sweetened Beverages Community Advisory Board (the “Board”) to advise and make recommendations on how and to what extent the City Council should establish and/or fund programs to prevent or reduce the health consequences of the consumption of sugar-sweetened beverages in Oakland communities; and

WHEREAS, after-school food programs offered at Oakland Parks, Recreation and Youth Development (OPRYD) and Oakland Public Library (OPL) are able to deliver free nutritious meals to children utilizing City sites throughout Oakland, especially in communities most impacted by sugar-sweetened drinks; and

WHEREAS, the Board approved a recommendation that tax revenues be allocated for one-time funding to restore after-school meals and snacks at OPRYD and OPL sites; and

WHEREAS, this allocation of funds aligns with the Board's goals to expand access to quality food and nutrition programs for Oakland's youth to improve children's health outcomes into adulthood; and

WHEREAS, the City of Oakland's Fiscal Year (FY) 2018-2019 Midcycle Amended Budget includes funding in the amount of \$9,466,356 in the Measure HH (SSBDT) Fund (1030), City-Wide Activities Org (90591), Contract Contingencies Account (54011), Measure HH Healthy Kids Program Project (1003817), and Childhood & Youth Services Program (YS03), of which \$517,121 will be allocated toward a professional services agreement with Revolution Foods; and

WHEREAS, Revolution Foods is an experienced local food service vendor that has provided delivery to the City's Summer Food Services Program over six of the past eight years; and

WHEREAS, Revolution Foods is the only local vendor with the capacity to immediately begin an after-school meal program within the City's projected timeframe; and

WHEREAS, staff wishes to execute a professional services agreement with Revolution Foods in an amount not to exceed \$517,121 to provide meals and snacks at twenty (20) OPRYD sites and snacks at nine (9) OPL sites for the period November 1, 2018 through June 14, 2019; and

WHEREAS, Oakland Municipal Code ("OMC") section 2.04.051 requires the City Administrator to conduct a request for proposals/qualifications ("RFP/Q") process for professional services contracts; and

WHEREAS, OMC 2.04.051.B provides that the City Council may waive the RFP/Q requirements upon a finding and determination by the City Council that it is in the best interests of the City to waive the process; and

WHEREAS, staff recommends waiving the competitive solicitation process for the contract with Revolution Foods to enable the City to quickly respond to a public need and to restore after school meals at City of Oakland sites without further delay; and

WHEREAS, the City Administrator has determined that this professional services agreement is 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; now, therefore, be it

RESOLVED: that the City Council hereby authorizes the City Administrator to enter into a professional services agreement with Revolution Foods in an amount not to exceed \$517,121 to provide after-school meals and snacks at OPRYD and OPL sites for the period November 1, 2018 through June 14, 2019; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator to reallocate \$517,121 from the Non-Departmental Department (DP900) to the Human Services Department (DP750) and/or the Oakland Parks, Recreation and Youth Development Department (DP5000) to administer the professional services agreement with Revolution Foods; and be it

FURTHER RESOLVED: that pursuant to OMC 2.04.051.B and for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds that it is in the best interests of the City to waive the RFP/Q requirements for this agreement and so waives the requirements; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payments requests, and related actions which may be necessary for the above-referenced professional services agreement without returning to Council; and be it

FURTHER RESOLVED: that based on information provided by the City Administrator, the Council finds that this contract is 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 said professional services agreement shall be reviewed as to form and legality by the Office of the City Attorney and copies filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 30 2018

PASSED BY THE FOLLOWING VOTE:

AYES - ~~XXXXXX~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 17

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

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