



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88079 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

RESOLUTION WAIVING ADVERTISING AND BIDDING AND REQUEST FOR PROPOSAL/QUALIFICATIONS REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO: AWARD AN EMERGENCY CONTRACT IN AN AMOUNT UP TO \$1,600,000 TO OBTAIN EMERGENCY WASTE COLLECTION SERVICES AT HOMELESS ENCAMPMENTS IN OAKLAND, ALLOCATE \$1,600,000 IN FISCAL YEAR 2019-2021 OF GENERAL PURPOSE FUNDS (1010) FOR THE CONTRACT, AND SEEK REIMBURSEMENT FROM FEDERAL AGENCIES FOR COSTS OF THE CONTRACT

WHEREAS, according to the 2019 Alameda County's Homeless Persons Point-In-Time 4,071 people in Oakland are experiencing homelessness; and

WHEREAS, COVID-19, a highly infectious virus, was first identified in late 2019 and is marked by severe and acute respiratory illness that has overwhelmed hospitals across the world and whose mortality rates disproportionately impact older individuals and those with underlying diseases, and there are 335,403 confirmed cases of COVID-19 worldwide, with 1,555 in California as of March 22nd; and

WHEREAS, the CDC has stated in relation to COVID-19 that the "lack of housing contributes to poor health outcomes, and linkage to permanent housing should continue to be a priority;" and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a state of emergency in the State of California due to the spread of the COVID-19 in California and impacts on the public and public services; and

WHEREAS, on March 9th, 2020, the City Administrator acting as the Director of the Emergency Services Operations Center declared a local emergency with the City of Oakland due to the outbreak of respiratory illness caused by the novel coronavirus (known as COVID-19); and

WHEREAS, on March 12, 2020, the Oakland City Council adopted Resolution 88075 C.M.S. confirming and ratifying the existence of a local emergency due to COVID-19, acknowledging that if COVID-19 spreads in the City of Oakland and surrounding communities at a rate comparable to the rate it has spread in other parts of the United States and other countries, the number of persons requiring medical care may exceed locally available health and other resources; and

WHEREAS, on March 17, 2020, the health officer of the County of Alameda issued a sweeping Order to shelter-in-place, ordering residents to stay at home and go outside only for essentials but exempts individuals experiencing homelessness; and

WHEREAS, the CDC offers the following guidelines for responding to coronavirus disease 2019 (COVID-19) among people experiencing unsheltered homelessness:

- Unless individual housing units are available, do not clear encampments during community spread of COVID-19. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread;" and
- Encourage people staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual; and
- Ensure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day; and
- If toilets or handwashing facilities are not available nearby, provide access to portable latrines with handwashing facilities for encampments of more than 10 people; and

WHEREAS, in response to the COVID-19 pandemic, it is paramount for the city of Oakland to substantially increase sanitation services to encampments and to acquire facilities to help provide unhoused residents housing; and

WHEREAS, on March 13, 2020, President Trump declared a nationwide emergency pursuant to Sec. 501 (b) of Stafford Act, increasing federal support to the Department of Health and Human Services (HHS) in its role as the lead federal agency for the COVID-19 pandemic response to assist state, local, tribal and territorial governments; and

WHEREAS, Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA's Public Assistance Program; and

WHEREAS, the Federal Emergency Management Agency (FEMA) allows state, territorial, tribal, and local government entities and certain non-profit organizations to apply for 75 percent federal cost share, requiring execution of a FEMA-State/Tribal/Territory Agreement, and execution of an emergency plan; and

WHEREAS, Oakland Municipal Code ("OMC") section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

WHEREAS, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.1 5 also provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

WHEREAS, the City Council finds and determines that the performance of a contract for waste removal services at homeless encampments to purposes of address COVID-19 in this Resolution is necessary for the public welfare, health and safety of residents and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award an emergency contract in an amount up to one million and six hundred thousand dollars (\$1,600,000) to obtain waste collection services at homeless encampments in Oakland; and, be it

FURTHER RESOLVED: That based on the findings set forth above, the Council determines that it is in the City's best interests to waive advertising and competitive requirements for the emergency waste removal contract, and so waives the requirements, to the extent such requirements are applicable; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to seek reimbursement for costs of the emergency contract from the Federal Government, the Federal Emergency Management Agency, the Department of Health and Human Service, and Center for Disease Control, and other agencies; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to amend the appropriation for the FY 2019-2021 General Purpose Funds (1010) and allocate funds in the amount of one million and six hundred thousand dollars (\$1,600,000) to procure emergency waste removal services at homeless encampments; and be it

FURTHER RESOLVED: That the contract amendment shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 27 2020

PASSED BY THE FOLLOWING VOTE:

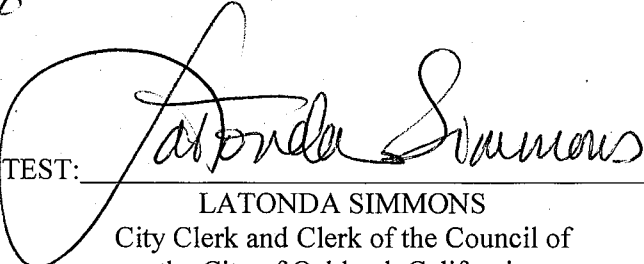
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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