


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1) **ACCEPTING CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS IN THE AMOUNT OF \$36,994,706 AWARDED BY THE STATE OF CALIFORNIA (STATE) TO THE CITY OF OAKLAND (CITY) TO ADDRESS THE PUBLIC HEALTH AND PUBLIC SAFETY IMPACTS OF COVID-19;**
- 2) **AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ALL STEPS NECESSARY FOR THE CITY TO RECEIVE THE CARES ACT FUNDS AWARDED BY THE STATE, INCLUDING, BUT NOT LIMITED TO, COMPLETING AND SUBMITTING THE STATE'S LOCAL GOVERNMENT CERTIFICATION FORM, WITHOUT RETURNING TO COUNCIL;**
- 3) **WAIVING THE CITY'S COMPETITIVE PROCESSES FOR THE PROCUREMENT OF COMPUTERIZED OR INFORMATION TECHNOLOGY (IT) SYSTEMS, SUPPLIES, CONSTRUCTION SERVICES AND PROFESSIONAL SERVICES TO ALLOW FOR THE EXPEDITIOUS USE OF CARES ACT FUNDS TO ADDRESS THE PUBLIC HEALTH AND PUBLIC SAFETY IMPACTS OF COVID-19;**
- 4) **AUTHORIZING THE CITY ADMINISTRATOR TO SELECT CARES ACT FUND SUB-RECIPIENTS AND TO AWARD CONTRACTS AND GRANT AGREEMENTS USING CARES ACT FUNDS IN ACCORDANCE WITH CITY COUNCIL APPROPRIATIONS IN THE FISCAL YEAR 2020-21 MID-CYCLE BUDGET OR SUBSEQUENT CITY COUNCIL DIRECTION RECEIVED PRIOR TO AUGUST 1, 2020 TO ADDRESS THE PUBLIC HEALTH AND PUBLIC SAFETY IMPACTS OF COVID-19, WITHOUT RETURNING TO COUNCIL; AND**
- 5) **AUTHORIZING THE CITY ADMINISTRATOR TO REALLOCATE CARES ACT FUNDS TO ANY ITEM OF APPROPRIATION FOR ELIGIBLE PROJECTS AND ACTIVITIES IN THE CITY'S FISCAL YEAR 2020-21 MID-CYCLE BUDGET IF NECESSARY, TO ENSURE TIMELY EXPENDITURE OF CARES ACT FUNDS, WITHOUT RETURNING TO COUNCIL.**

WHEREAS, the State of California, Department of Finance (Department of Finance) allocated \$36,994,706 in Coronavirus Aid, Relief, and Economic Security (Cares) Act Funds to the City of Oakland (City) to address the public health and public safety impacts of COVID-19; and

WHEREAS, as a prerequisite to receiving the CARES Act funds, the City must complete and submit a Local Government Certification Form to the Department of Finance; and

WHEREAS, all \$36,994,706 in CARES Act funds must be spent (not merely allocated or encumbered) by December 30, 2020; and

WHEREAS, CARES Act funds that are not spent by December 30, 2020 must be returned to the United States, Department of the Treasury; and

WHEREAS, no later than September 1, 2020, the City must report to the Department of Finance on its CARES Act fund expenditures; and

WHEREAS, the Department of Finance is requiring cities to return any funds that are unspent by October 30, 2020, unless this deadline is extended by the Department of Finance based on cities' demonstrated progress with respect to reported expenditures; and

WHEREAS, the City Council appropriated CARES Act funds in the 2020-21 mid-cycle budget, as amended July 21, 2020, for various activities and programs to address the public health and safety impacts of COVID-19; and

WHEREAS, on July 14, 2020, the City Council passed Resolution No. 88229 C.M.S., which awarded CARES Act fund grants to several specifically identified public and private organizations to address the public health and safety impacts of COVID-19; and

WHEREAS, Oakland Municipal Code ("O.M.C.") section 2.04.040(B) require advertising and bidding for purchase orders and contracts for supplies, construction services and professional services; and

WHEREAS, O.M.C. section 2.04.042 requires a multi-step solicitation process for the acquisition of Computerized or Information Technology (IT) Systems; and

WHEREAS, the needs of Oakland residents impacted by COVID-19 is great and the City must act quickly to address these needs; and

WHEREAS, compliance with the competitive processes required by O.M.C. sections 2.04.040 and 2.04.042 will delay purchases and the award of contracts to address the impacts of COVID-19; and

WHEREAS, compliance with the competitive processes required by O.M.C. sections 2.04.040 and 2.04.042 will also make it difficult, if not impossible, for the City to meet the October 30, 2020 and December 30, 2020 expenditure deadlines; and

WHEREAS, pursuant to O.M.C. section 2.04.042(D), the City Council may waive the competitive process for the acquisition of IT Systems upon a finding that doing so is in the best interest of the City; and

WHEREAS, pursuant to O.M.C. sections 2.04.050(I)(5) and 2.04.051(B), the City Council may waive the advertising and bidding requirements for purchase orders and contracts for supplies, construction services and professional services upon a finding that doing so is in the best interest of the City; and

WHEREAS, staff recommends that the City Council, based upon the significant need to quickly address the public health and safety impacts of COVID-19 and the October 30, 2020 and December 30, 2020 deadlines for spending CARES Act funds, waive the competitive processes for the acquisition of IT Systems, purchase orders and contracts awarded to address the impacts of COVID-19; now, therefore, be it

RESOLVED: That the City Council hereby accepts the \$36,994,706 in Cares Act Funds awarded by the State of California, Department of Finance; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to takes all steps necessary to receive the CARES Act funds, including, but not limited to, completing and submitting the required Local Government Certification Form; and be it

FURTHER RESOLVED: That, given the urgent need to address the impacts of COVID-19 on Oakland residents and to meet the interim October 30, 2020 and final December 30, 2020 deadlines for spending CARES Act funds, the City Council finds that it is in the best interest of the City to waive the competitive processes for the acquisition of IT Systems, purchase orders, construction contracts, and professional services agreements procured or awarded to address the impacts of COVID-19 and hereby waives said competitive processes for all such procurements, purchases and contracts; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to select vendors and award contracts using CARES Act funds in accordance with City Council appropriations in the Fiscal Year 2020-21 mid-cycle budget, as amended on July 21, 2020, or subsequent City Council direction received prior to August 1, 2020 to address the public health and public safety impacts of COVID-19, without returning to council, provided that the City Administrator determines, in accordance with Section 902(e) of the Oakland Charter, that the contract shall not result in the loss of employment or salary of an employee member of the civil service system; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to select grantees and award grants using CARES Act funds in accordance with City Council appropriations in the Fiscal Year 2020-21 mid-cycle budget, as amended on July 21, 2020, or subsequent City Council direction received prior to August 1, 2020 to address the public health and public safety impacts of COVID-19, without returning to council; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to reallocate CARES Act funds to any item of appropriation for eligible projects and activities in the City's Fiscal Year 2020-21 mid-cycle budget, as amended on July 21, 2020, without returning to council, if necessary, to ensure the timely expenditure and avoid the forfeiture of CARES Act funds; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to provide regular reporting to the City Council and the public with respect to status of administering funds, names of recipient organizations, status of expenditures, planned expenditures at risk of not being timely spent, reallocations, and other pertinent information to ensure complete transparency with regard to the City's use of these funds; and be it

FURTHER RESOLVED: That prior to execution, all agreements shall be reviewed and approved as to form and legality by the City Attorney, and executed copies shall be filed with the City Clerk.

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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: _____
ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California