



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION WAIVING THE ADVERTISING AND BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO INCREASE AND EXTEND THE CONTRACT WITH PET FOOD EXPRESS ("PFE") FOR FOOD FOR SHELTER ANIMALS BY AN AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000.00) FROM NOVEMBER 1, 2017 THROUGH JUNE 30, 2021, FOR A TOTAL CONTRACT AMOUNT OF THREE HUNDRED FIVE THOUSAND DOLLARS AND ZERO CENTS (\$305,000.00).

WHEREAS, Oakland Animal Services ("OAS") houses over 5,000 animals annually; and

WHEREAS, Pet Food Express ("PFE"), an Oakland-based vendor, after a Request for Quotation ("RFQ") process completed in 2017 has been under contract to provide food for shelter animals from November 1, 2017 through August 31, 2020;

WHEREAS, The City of Oakland issued a new RFQ for food for shelter animals which closed on March 18, 2020; and

WHEREAS, PFE was notified of the new RFQ but that notification went to an email address no longer in use; and

WHEREAS, The contract was awarded to Paws & Claws ("P&C"), an Oakland-based vendor; and

WHEREAS, On August 4, 2020, P&C notified the City it is going out of business effective September 29, 2020; and

WHEREAS, if OAS cannot extend and increase the amount of its existing contract with PFE and take advantage of PFE's economical prices, OAS will be unable to purchase food for the animals in its care; and

WHEREAS, The City wishes to preserve the City's limited resources, and prevent the likelihood that OAS will fully expend funds budgeted for pet food before the end of the fiscal year; and

WHEREAS, This request is for resources that already exist within the OAS budget and is not a request for additional resources; 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 Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so; and

WHEREAS, Increasing the PFE contract by an amount not to exceed \$90,000.00 and extending the contract to June 30, 2021 will ensure OAS has the resources to provide for animals in its care and provide sufficient time for the issuance of a Request for Quotations and completion of a competitive selection process for a future contract; now, therefore, be it

RESOLVED: The City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.I.5 because of the reasons stated above and as set forth in the staff Report that accompanies this Resolution, and therefore the Council so waives these requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to award a contract extension through June 30, 2021 and increase in an amount not to exceed \$90,000.00 to PFE for the period November 21, 2017 through June 30, 2021, making the total contract amount \$305,000.00; and be it

FURTHER RESOLVED: That the funding for this contract is contained in the FY 2019-21 adopted budget in the General Fund (1010); and be it

FURTHER RESOLVED: That the City Administrator is authorized to complete all negotiations and complete all contracts, amendments, modifications and extensions consistent with this resolution and its basic purposes with the exception of any further increases in compensation; and

FURTHER RESOLVED: That the contract extension and increase shall be approved for form and legality by the City Attorney and copies shall be filed with the Office of the City Clerk.

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