


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1. ACCEPTING AND APPROPRIATING A SUMMER FOOD SERVICE PROGRAM (SFSP) GRANT FROM CALIFORNIA DEPARTMENT OF EDUCATION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE IN AN AMOUNT UP TO \$426,870;**
- 2. AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO PROFESSIONAL SERVICES AGREEMENTS (PSA) WITH UPTONS, INC. (DBA SCHOOL FOODIES) AND FLO'S FRIENDLY SCHOOL LUNCHES, INC. FOR FOOD SERVICES TO SUPPORT THE 2026 SFSP;**
- 3. ACCEPTING AND APPROPRIATING ADDITIONAL SFSP FUNDING FROM ANY SOURCE THAT BECOMES AVAILABLE AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE ABOVE PSA'S TO INCREASE AMOUNTS WITHIN THE 2026 SFSP TERM; AND**
- 4. WAIVING THE COMPETITIVE RFP/Q PROCESS LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS**

WHEREAS, the City of Oakland ("City") operates a Summer Food Service Program (SFSP) to provide free, nutritious meals to children and youth during the summer months when school is not in session; and

WHEREAS, the City has been awarded grant funds from the United States Department of Agriculture (USDA) through the California Department of Education (CDE) to operate the 2026 SFSP in an amount up to Four Hundred Twenty-Six Thousand Eight Hundred Seventy Dollars (\$426,870); and

WHEREAS, the City issued a competitive solicitation on January 10, 2025, for qualified food service providers and selected two vendors - Uptons, Inc. (dba School Foodies), and Flo's Friendly School Lunches, Inc. (collectively, the "Contractors")—to provide food preparation and delivery services for the 2025 SFSP; and

WHEREAS, pursuant to 7 CFR § 225.7(b)(7), SFSP vendor contracts may be renewed annually for up to four years without re-solicitation; and

WHEREAS, section 2.04.051(B) of the Oakland Municipal Code (OMC) authorizes the City Council to waive the competitive RFP/Q selection requirements of OMC section 2.04.051(A) upon a finding that it is in the best interests of the City to do so; and

WHEREAS, the City Council may waive the Local/Small Local Business Enterprise (L/SLBE) program requirements pursuant to Part I of Oakland's L/SLBE Program Guidelines, last amended by Ordinance No. 13825 (Jan. 6, 2025); and

WHEREAS, it is in the best interests of the City to waive the L/SLBE and RFP/Q requirements because this is a state grant of federal funds, which was subject to an appropriate competitive process in 2025 and federal law allows such contracts to be renewed without the requirement that the competitive process be repeated for up to four years;

WHEREAS, the City proposes to exercise this renewal option and enter into professional services agreements with the Contractors for the provision of food preparation and delivery services during the 2026 SFSP term, running from May 26, 2026 through August 7, 2026, with initial contract amounts not to exceed Two Hundred Thirteen Thousand Four Hundred Thirty-Five Dollars (\$213,435) per vendor, and with the intent to allow the City Administrator to adjust the contract amounts and distribution of contract funds with the above-named vendors, at the City Administrator's discretion, based on actual performance and/or services delivered and to allow for amendments or increases to such contracts if additional funding becomes available, without further Council action; and

WHEREAS, the 2026 SFSP is expected to serve approximately 70,000 lunches and 70,000 snacks at more than 45 sites citywide, including libraries, recreation centers, and community partner locations; and

WHEREAS, funding for the 2026 SFSP, including the professional services agreements with Flo's Friendly School Lunches, Inc. and Uptons, Inc. (dba School Foodies), will be drawn from Department of Agriculture Fund (2102), Youth Services Program Organization (782541), HSD Summer Food FY25 Project (1006933), and; Strengthening Children, Youth & Families Program (YS13); and

WHEREAS, the City Administrator has determined 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; now, therefore, be it

RESOLVED: That the City Council hereby accepts and appropriates a Summer Food Service Program (SFSP) grant from the California Department of Education and the United States Department of Agriculture in an amount up to Four Hundred Twenty-Six Thousand Eight Hundred Seventy Dollars (\$426,870); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or designee to enter into professional services agreements with Flo's Friendly School Lunches, Inc. and Uptons, Inc. (dba School Foodies) to provide food services for the 2026 SFSP, with each

vendor receiving an amount not to exceed Two Hundred Thirteen Thousand Four Hundred Thirty-Five Dollars (\$213,435), for a combined total not to exceed Four Hundred Twenty-Six Thousand Eight Hundred Seventy Dollars (\$426,870); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to adjust the contract amounts and distribution of contract funds with the above-named vendors, at the City Administrator's discretion, based on actual performance and/or services delivered, without returning to the City Council for further authorization; and be it

FURTHER RESOLVED: That for the reasons provided herein and in the accompanying staff report, the City Council finds that it is in the best interests of the City to waive the competitive RFP/Q process and L/SLBE program requirements for the agreements and hereby waives the requirements; and be it

FURTHER RESOLVED: That, the City Council hereby accepts and appropriates any additional funds that may become available from the USDA, CDE, or other public or private sources to support or expand the 2026 SFSP, and further authorizes the City Administrator to amend the above PSAs to increase amounts within the 2026 SFSP term.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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

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