

Board Office Use: Legislative File Info.	
File ID Number	19-2674
Introduction Date	1/22/20
Enactment Number	20-0106
Enactment Date	1/22/2020 os



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Preston Thomas, Chief Systems and Services Officer
Irene Reynolds, Executive Director of Nutrition Services and Warehouse

Board Meeting Date January 22, 2020

Subject Request for Approval of Resolution No.#1920-0187 - Educational Technology for the New Central Kitchen

Action Requested Approval by the Board of Education of Nutrition Services Department to become an associate member of the Education Technology Joint Powers Authority (Ed Tech JPA), Resolution No. #1920-0187

Background As a result of economic hardship, reduced district budgets, and many districts' use of general fund dollars to subsidize food service operations, School Food Authorities (SFAs) requested information on how they can reduce school food service costs. Given that SFAs can collaborate with other SFAs to reduce the administrative and operational responsibilities and costs associated with operating the National School Lunch Program (NSLP), Nutrition Services Division of California Department of Education provided guidance which outlines alternative ways to structure food service operations in order to streamline operations and improve purchasing power, while ensuring compliance with State and federal regulations.

Discussion Ed Tech JPA complies with Public Contract Code 20118.2 and Government Code 6500 and 6502. The legal experts with the eMatters team at Fagen Friedman & Fulfroost (F3) have provided extensive guidance since the inception of Ed Tech JPA.

Recommendation Approval by the Board of Education for the Nutrition Services Department to become an associate member of the Ed Tech JPA in order to purchase the needed technology based software solutions to fully support the meal service programs provided to OUSD students, parents and staff.

Fiscal Impact No Fiscal Impact

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Attachments

Resolution No.#1920-0187, Educational Technology for the new Central Kitchen
Nutrition Services Division Management Bulletin NSD-SNP-08-2009
Public Contract Code 20118.2
Government Code 6500
Government Code 6502

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**RESOLUTION
 OF THE
 BOARD OF EDUCATION
 OF THE
 OAKLAND UNIFIED SCHOOL DISTRICT
 NO. 1920-0187**

EDUCATIONAL TECHNOLOGY FOR THE NEW CENTRAL KITCHEN

WHEREAS, the Nutrition Services Department will launch the new central kitchen located at 2850 West Street, Oakland, CA 94608, transforming Oakland Unified School District’s (OUSD) meal service to students by producing, packaging, and delivering to OUSD school sites;

WHEREAS, the Nutrition Services Department will need to implement a comprehensive, integrated technology-based software program specifically designed for school nutrition programs to provide data in real-time to manage both the central kitchen operations as well as the individual school site operations together to ensure a smooth, efficient, cost-effective and seamless process for meal service to Oakland Unified School District students;

WHEREAS, the Education Technology Joint Powers Authority (Ed Tech JPA) exists to provide competitively bid and procured, high-quality technology products for the members. All California public agencies are eligible to join the Ed Tech JPA at no cost. Ed Tech JPA members can leverage competitive contracts for a variety of software and technology products to support Nutritional Services. The Ed Tech JPA is currently accepting membership applications. Ed Tech JPA negotiates competitively priced digital technology contracts using the California procurement process. Ed Tech JPA master agreements are awarded through a Request for Proposal (“RFP”) to highly qualified vendors in each category of services. Ed Tech JPA will further require all vendors who receive student data to adopt the California Student Data Privacy Agreement (“CSDPA”) to ensure compliance with all state and federal student data privacy laws. Currently, any public school district in California has the opportunity to become an Associate Member of the JPA and access the digital products at the JPA negotiated prices. Members have the assurance that all agreements negotiated by the Ed Tech JPA have been reviewed for state and federal data privacy compliance by information technology and data privacy legal experts in the eMatters team at Fagen Friedman & Fulfron (F3).

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WHEREAS, becoming an associate member of the Ed Tech JPA will allow OUSD Nutrition Services to leverage the negotiated contract terms, pricing, and data privacy agreements for digital education products and services. Ed Tech JPA provides all California educational agencies with the opportunity to leverage consortium contracts to save time and resources, while ensuring data privacy and public procurement laws are followed.

WHEREAS, in order to successfully manage the many areas of responsibility which school meal programs are regulated by; ranging from meal application processing and verification of income to recipe development, ingredient control, menu planning, delivery of meals, service of meals to students and reconciliation of meals served, all while remaining in compliance, the Nutrition Services Department needs the most effective school nutrition management software solution that can be accessed by OUSD staff, school administrators, site staff, central kitchen staff as well as parents who will be able to use the online meal application processing portal giving them access to Free and/or Reduced Price meal benefits as well as be able to monitor student meal consumption and meal account balances.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education supports the Nutrition Services Department’s ability to join as an associate member of the Ed Tech JPA in order to purchase critical technology-based software solutions to fully support the meal service programs provided to OUSD students, parents and staff.

Passed by the following vote:

AYES: Aimee Eng, Jumoke Hinton-Hodge, Gary Yee, Roseann Torres, James Harris, President Jody London

NOES: None

ABSTAINED: None

RECUSE: None

ABSENT: Student Director Garibo, Student Director Smith-Dahl, Vice President Shanthi Gonzales

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CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on January 22, 2020.

OAKLAND UNIFIED SCHOOL DISTRICT



Jody London
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

State of California
PUBLIC CONTRACT CODE
Section 20118.2

20118.2.

(a) Due to the highly specialized and unique nature of technology, telecommunications, related equipment, software, and services, because products and materials of that nature are undergoing rapid technological changes, and in order to allow for the introduction of new technological changes into the operations of the school district, it is in the public's best interest to allow a school district to consider, in addition to price, factors such as vendor financing, performance reliability, standardization, life-cycle costs, delivery timetables, support logistics, the broadest possible range of competing products and materials available, fitness of purchase, manufacturer's warranties, and similar factors in the award of contracts for technology, telecommunications, related equipment, software, and services.

(b) This section applies only to a school district's procurement of computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus. This section does not apply to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public.

(c) Notwithstanding Section 20118.1, a school district may, after a finding is made by the governing board that a particular procurement qualifies under subdivision (b), authorize the procurement of the product through competitive negotiation as described in subdivision (d).

(d) For purposes of this section, competitive negotiation includes, but is not limited to, all of the following requirements:

(1) A request for proposals shall be prepared and submitted to an adequate number of qualified sources, as determined by the school district, to permit reasonable competition consistent with the nature and requirement of the procurement.

(2) Notice of the request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.

(3) The school district shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposals is received.

(4) The request for proposals shall identify all significant evaluation factors, including price, and their relative importance.

(5) The school district shall provide reasonable procedures for the technical evaluation of the proposals received, the identification of qualified sources, and the selection for the award of the contract.

(6) Award shall be made to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the school district with price and all other factors considered.

(7) If award is not made to the bidder whose proposal contains the lowest price, the school district shall make a finding setting forth the basis for the award.

(e) The school district, at its discretion, may reject all proposals and request new proposals.

(f) Provisions in any contract concerning utilization of small business enterprises, that are in accordance with the request for proposals, shall not be subject to negotiation with the successful proposer.

(Added by Stats. 2005, Ch. 509, Sec. 1. Effective January 1, 2006.)



State of California

GOVERNMENT CODE

Section 6500

6500. As used in this article, “public agency” includes, but is not limited to, the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission of this state or another state, a federally recognized Indian tribe, or any joint powers authority formed pursuant to this article by any of these agencies.

(Amended by Stats. 2011, Ch. 266, Sec. 1. (AB 307) Effective January 1, 2012.)



State of California

GOVERNMENT CODE

Section 6502

6502. If authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, including, but not limited to, the authority to levy a fee, assessment, or tax, even though one or more of the contracting agencies may be located outside this state.

It shall not be necessary that any power common to the contracting parties be exercisable by each such contracting party with respect to the geographical area in which such power is to be jointly exercised. For purposes of this section, two or more public agencies having the power to conduct agricultural, livestock, industrial, cultural, or other fairs or exhibitions shall be deemed to have common power with respect to any such fair or exhibition conducted by any one or more of such public agencies or by an entity created pursuant to a joint powers agreement entered into by such public agencies.

(Amended by Stats. 2014, Ch. 386, Sec. 2. (AB 2170) Effective January 1, 2015.)