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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE CONTRACTS, AND ANY NECESSARY DOCUMENTS INCLUDING ANY NECESSARY SUBSEQUENT AMENDMENTS, ON AN AS-NEEDED BASIS, WITH CENTRAL COMMISSARY, INC., OF SUNLAND, CALIFORNIA, FOR FURNISHING AND DELIVERING THE FOLLOWING COMPACT MOBILE FOOD CARTS: FRUIT (WITH COOLER) AND GRILLED FOOD (NO RAW MEAT); AND/OR WITH REVOLUTION CARTS OF CULVER CITY, CALIFORNIA, FOR FURNISHING COMPACT MOBILE FOOD CARTS FOR TAMALES, IN A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$429,500, THROUGH SEPTEMBER 30, 2025

WHEREAS, the Charter of the City of Long Beach, Section 1801, permits the City Manager to enter into a contract on behalf of the City, in writing or otherwise, without advertising for bids for services when authorized by resolution; and

WHEREAS, City Council approval is requested to enter into contracts on an as-needed basis with Central Commissary, Inc. and/or Revolution Carts for furnishing and delivering compact mobile food carts for particular food items; and

WHEREAS, the compact mobile food carts will be an integral part of the “Sidewalk to Success” program (the “Program”), providing local small businesses the financial assistance to obtain an approved cart to sell food in accordance with the California Health and Safety Code; and

WHEREAS, Department of Health and Human Services (“Health

1 Department”) staff conducted substantial research to understand the landscape of the
2 industry for compact mobile food carts and learned there are limited options for procuring
3 ready-made compact mobile food vending carts that meet the requirements of the
4 California Health and Safety Code. Carts pre-approved by a health jurisdiction as meeting
5 the requirements of this Code are necessary because the purpose of the Program is to
6 distribute to sidewalk vendors carts that have already passed a plan check so the sidewalk
7 vendor does not need to pay a plan check fee; and

8 WHEREAS, the Health Department issued Request for Information (RFI) No.
9 HE-24-416 to confirm its research; and

10 WHEREAS, the RFI responses demonstrated that Central Commissary, Inc.
11 is the only vendor that can produce carts for sidewalk vending of fruit (with cooler), and
12 grilled food (no raw meat) that had been previously approved by a California Health
13 jurisdiction as meeting the requirements of the Health and Safety Code; and

14 WHEREAS, the RFI responses demonstrated that Revolution Carts is the
15 only vendor that can produce carts for sidewalk vending of tamales that had been
16 previously approved by a California Health jurisdiction as meeting the requirements of the
17 Health and Safety Code; and

18 WHEREAS, in addition to there being limited options for carts that have
19 already been approved by a California health jurisdiction, there is the limited capacity in
20 this young industry to accommodate a sudden large increase in orders; and

21 WHEREAS, the carts will be purchased based Program demand; and

22 WHEREAS, no useful purpose would be served by advertising for bids and
23 to do so would constitute an idle and useless act and unnecessary expenditure of public
24 funds;

25 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
26 follows:

27 Section 1. The above recitals are true and correct and are incorporated
28 herein.

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Section 2. The City Manager is hereby authorized to enter into contracts, and any necessary documents including any necessary subsequent amendments, on an as-needed basis, with Central Commissary, Inc. for furnishing and delivering the following compact mobile food carts: for vending the following items: fruit (with cooler) and grilled food (no raw meat); and/or with Revolution Carts for furnishing and delivering compact mobile food carts for vending tamales, in a total aggregate amount not to exceed Four Hundred Twenty Nine Thousand Five Hundred Dollars (\$429,500), through September 30, 2025.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2024 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

LEVINE ACT DISCLOSURE STATEMENT

DEFINITIONS

Term	Definition	Law
Covered "proceedings"	A proceeding to grant, deny, revoke, restrict, or modify a license, permit or other entitlement for use, that does not solely involve purely ministerial decisions and is: (1) Applied for by the party; (2) Formally or informally requested by the party; or (3) A contract between the agency and the party or a franchisee granted by the agency to the party, other than a contract that is competitively bid , a labor contract , or a personal employment contract .	FPPC Reg 18438.2(a)
Party	Any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.	Gov. Code 84308(a)(1)
Participant	Any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.	Gov. Code 84308(a)(2) FPPC Reg 18438.4
Agent	A person who represents a party or participant for compensation and appears before or otherwise communicates with the governmental agency for the purpose of influencing the pending proceeding. See FPPC Reg 18438.3 for exceptions for certain consultants.	FPPC Reg 18438.3
Competitively Bid	A contract required by law to be awarded to the lowest responsible bidder with a responsive bid, or, if the successful bidder refuses or fails to execute the contract, to the next lowest bidder with a responsive bid.	FPPC Reg 18438.2(a)(3)(A)
Labor Contract	A contract or agreement reached through collective bargaining or with a representative group regarding the salary, benefits, or terms and conditions under an employment or retirement policy for employees or retirees, including a project labor agreement entered under Public Contract Code Section 2500.	FPPC Reg 18438.2(a)(3)(B)
Personal Employment Contract	A contract for employment, including the terms and conditions of employment, between the agency and an agency employee. A contract with an independent contractor is NOT a personal employment contract.	FPPC Reg 18438.2(a)(3)(C)-(D)

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