



Sugar-Sweetened
Beverage Product
Panel of Experts
Commission

**Sugar-Sweetened Beverage Product
Panel of Experts Commission**
Thursday, March 2nd, 2023, 4:30 – 6:30pm

Meeting Location:

West Berkeley Family Wellness Center
1900 Sixth Street, Berkeley, CA 94710
P: 510-981-5350

AGENDA
Special Meeting

Preliminary Matters

1. Roll Call
2. Introduction of new Commission members
3. Approval of Draft Minutes from 02/16/2023 meeting – ***Attachment 1***

The public may comment virtually about any item **not** on the agenda. Public comments are limited to two minutes per speaker. Public comments regarding agenda items will be heard while the Commission is discussing the item.

Action Items

Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to two minutes per speaker.

1. **Subcommittee Reports:**
2. **Discussion:** Future Commission Appointments (Commissioner Rose)
3. **Discussion:** Outcome of City Budget and Finance Committee 2/23 Meeting (Commissioner Rose)
4. **Action 1:** Add/Remove Subcommittees/ Members (Commissioner Rose)
5. **Action 2:** Request for Proposal (RFP) packet and timeline (Commissioner Rose) – ***Attachment 6***
6. **Action 3:** For the good of the order (Commissioner Moore)

Information Items

1. Commission Work Plan – ***Attachment 2***
2. Approved Meeting Minutes adopted on 01/19/2023 – ***Attachment 3***
3. Approved Meeting Dates 2022 – ***Attachment 4***
4. Subcommittee Roster 2023– ***Attachment 5***
5. RFP Document (revised) – ***Attachment 6***

A Vibrant and Healthy Berkeley for All

1947 Center Street, 2nd Floor, Berkeley, CA 94704 Tel: 510.981.5300 TDD: 510.981.6903 Fax: 510.981.5395
E-mail: publichealth@ci.berkeley.ca.us - <http://www.cityofberkeley.info/health/>

CONFLICT OF INTEREST INFORMATION: City commissioners, pursuant to Government Code section 1090, are responsible for recusing themselves from all commission discussions and actions in which they may have a conflict of interest. If your affiliation, paid or unpaid, with other agencies has changed since the last meeting of this commission, your ability to participate in commission activities may have changed. Individual guidance is available from the City Attorney's Office (CAO). Commissioners are encouraged to consult with the CAO if they have questions, concerns, or would like clarification about matters related to potential conflicts of interest.

The CAO may be reached at:

Email: attorney@cityofberkeley.info
TEL: (510) 981-6950 TDD: (510) 981-6903, FAX: (510) 981-6960
2180 Milvia Street 4th Floor, Berkeley, CA 94704 - Office Hours: Mon-Fri, 8am-5pm

THERE IS NO MEETING IN AUGUST/DECEMBER. Please visit the City of Berkeley's Commission webpage <http://www.cityofberkeley.info/commissions> for meeting details and updates.

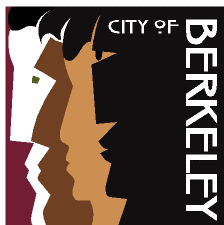
AMERICAN DISABILITIES ACT DISCLAIMER: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 DISCLAIMER:

Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at the Public Health Division located on 1947 Center Street, Berkeley, CA 94704.

COMMUNICATION DISCLAIMER:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.



Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, February 16th, 2023. 4:30 – 6:30 PM

Virtual Meeting (ZOOM)

[https://cityofberkeley-
info.zoomgov.com/j/1616346328?pwd=ZVNFUTJUK00zaTFCMExZME1XT0NRZz09](https://cityofberkeley-info.zoomgov.com/j/1616346328?pwd=ZVNFUTJUK00zaTFCMExZME1XT0NRZz09)

Meeting ID: 862 2299 3260

Passcode: 768724

DRAFT MEETING MINUTES

The meeting convened at 4:30pm.

ROLL CALL

Present: Commissioners Rose, Moore, Hecht, Morales, Scheider.
Absent: Commissioner Chan.
Excused: None.
Staff present: Roberto Terrones.

COMMENTS FROM THE PUBLIC None.

ACTION ON MINUTES

Approval of Minutes - Moved to approve the draft minutes of the meeting on 01/19/23.

M/S/C: Commissioners Moore/ Hecht

Ayes: Commissioners Rose, Moore, Hecht, Morales, Scheider.
Noes: None
Abstain: None
Absent from vote: Commissioner Chan.
Recused: None
Excused: None

1. Motion approving the nomination of Commissioner Hecht as Chair and Commissioner Morales as Vice-Chair

Ayes: Commissioners Rose, Moore, Hecht, Morales, Scheider.
Noes: None

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Abstain: None
Absent from vote: Commissioner Chan.
Recused: None
Excused: None

The meeting adjourned at 6:00pm.

NEXT MEETING:

The next special meeting is scheduled for **Thursday, March 2nd, 2023**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Roberto Terrones, Interim Commission Secretary
Minutes will be approved at the March 2nd, 2023 meeting.

INFORMATION REPORT TO CITY OF BERKELEY COUNCIL
Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission
FY23 (July 1, 2022 through June 30, 2023 WORK PLAN & TIMELINE

Approved by SSBPPE Commission on October 20, 2022

Activity	Responsible Contact	July 2022	Aug NO Mtg.	Sept 2022	Oct. 2022	Nov 2022	Dec NO Mtg.	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023
1. Consult with COB Fiscal about funding allocation for next cycle.	PS&O Sub-Com,		x	x	x								
2. Periodic meetings as needed.	PS&O Sub-Com, – Full SSBPPE		x	x	x	x							
3. Submit Work Plan to Commission Secretary for FY 23 and approve work plan.	PS&O Sub-Com, – Full SSBPPE			x	x								
4. Revise the RFP.	PS&O Sub-Com,		x	x	x	x	x	x					x
5. Plan for grantees to present at a SSBPPE on successes and challenges to date.	PS&O Sub-Com, – Full SSBPPE			x	x	x							
6. Request report from the COB Public Health Staff regarding activities supported by additional funding for FY 2020 and 2021, including the media and hydration station projects	PS&O Sub-Com, – Full SSBPPE			x								x	
7. Request report from City of Berkeley staff about the epidemiology research and community and BUSD evaluations, including the YRBS	PS&O Sub, Committee– Full Committee					x						x	
8. Write the SSBPPE Annual Report.	PS&O Sub, Committee– Full Committee										x		
9. Liaise with Community Health Commission regarding SSB Policy	Policy					x		x	x	x	x	x	x
10. Support implementation and education of the City of Berkeley procurement policy	Policy sub-committee	x		x	x	x		x	x	x	x	x	x
11. Support implementation and expansion of Healthy Checkout Policy	Policy Sub-committee	x		x	x	x		x	x	x	x	x	x
12. Support publicizing and educating the Berkeley community and UC staff and students about the SSB current policies	Policy	x		x	x	x		x	x	x	x	x	x



Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, January 19th, 2023. 4:30 – 6:30 PM

Virtual Meeting (ZOOM)

[https://cityofberkeley-
info.zoomgov.com/j/1616346328?pwd=ZVNFUTJUK00zaTFCMExZME1XT0NRZz09](https://cityofberkeley-info.zoomgov.com/j/1616346328?pwd=ZVNFUTJUK00zaTFCMExZME1XT0NRZz09)

Meeting ID: 862 2299 3260

Passcode: 768724

MEETING MINUTES

The meeting convened at 4:37pm.

ROLL CALL

Present: Commissioners Rose, Moore, Crawford, Hecht, Morales, Scheider (4:40), Rodriguez (5:07).
Absent: Commissioner Browne.
Excused: None.
Staff present: Roberto Terrones, Janice Chin.

COMMENTS FROM THE PUBLIC None.

ACTION ON MINUTES

Approval of Minutes - Moved to approve the draft minutes of the meeting on 11/17/2022.

M/S/C: Commissioners Moore/ Hecht

Ayes: Commissioners Rose, Moore, Crawford, Hecht, Morales, Rodriguez
Noes: None
Abstain: None
Absent from vote: Commissioner Scheider, Browne.
Recused: None
Excused: None

- 1. Motion approving SSBPPE meeting dates for 2023.**

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Ayes: Commissioners Rose, Moore, Crawford, Hecht, Morales,
Rodriguez, Scheider
Noes: None
Abstain: None
Absent from vote: Commissioner Browne.
Recused: None
Excused: None

The meeting adjourned at 6:30pm.

NEXT ONLINE (ZOOM) MEETING:

The next meeting is scheduled for **Thursday, February 16th, 2023**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Roberto Terrones, Interim Commission Secretary
Minutes were approved at the February 16th, 2023 meeting.

2023 Commission Meeting Dates

Please complete this form and email it to the
[Commission Inbox](#) by: **Friday, December 30, 2022**

Name of Commission: Sugar-Sweetened Beverage Product Panel of Experts Commission

Commission Secretary: Roberto Terrones

Please Note the Commission Meeting Dates for 2023 Below

Please fill in meeting date below. If no meeting for the month is scheduled please note as "No Meeting."

2023 Meeting Dates

Month	Meeting Day and Date	Time
January 2023	Thursday 1/19/2023	4:30 pm
February 2023	Thursday 2/16/2023	4:30 pm
March 2023	Thursday 3/16/2023	4:30 pm
April 2023	Thursday 4/20/2023	4:30 pm
May 2023	Thursday 5/18/2023	4:30 pm
June 2023	Thursday 6/15/2023	4:30 pm

Month	Meeting Day and Date	Time
July 2023	Thursday 7/20/2023	4:30 pm
August 2023	No Meeting	
September 2023	Thursday 9/21/2023	4:30 pm
October 2023	Thursday 10/19/2023	4:30 pm
November 2023	Thursday 11/16/2023	4:30 pm
December 2023	No Meeting	

commission@cityofberkeley.info

City Clerk Department

Please contact our office at (510) 981-6908 with any questions.

SSBPPE Subcommittee Roster

Subcommittee	Subcommittee Description	Members
Media	<i>Give feedback on media materials that the Public Health Division disseminates to the public, prepare talking points for the media.</i>	Joy Moore
Prevention Strategies and Outcomes	<i>Review and revise requests for proposals, increase knowledge of the community, and evaluation.</i>	Pat Crawford Bobbie Rose Joy Moore Kenneth Hecht
Sugary Drinks Policy	<i>Recommend policies for the City Council.</i>	Pat Crawford Holly Scheider Xavier Morales Michael Rodriguez



Finance Department
General Services Division

REQUEST FOR PROPOSALS (RFP)
Specification No. 21-11436-C
FOR
HEALTHY BERKELEY 2-YEAR COMMUNITY FUNDING
PROPOSALS WILL NOT BE READ PUBLICLY

Dear Prospective Applicants,

The City of Berkeley is soliciting written proposals from qualified Community-Based Organizations (CBOs) serving Berkeley with a community-based focus to **promote reduction of consumption of sugar-sweetened beverages and to address the effects of sugar-sweetened beverage consumption on health.**

The **Healthy Berkeley Program** within the Public Health Division of the City of Berkeley is pleased to release its new Request for Proposals (RFP) for **FY2022 and FY2023 (July 1, 2021 through June 30, 2023).**

The project scope, type of proposals sought, and vendor selection process are summarized in the RFP (attached). **Proposals must be received no later than 5 p.m., Thursday, February 25, 2021** via electronic submission (instructions below). **Late applications will be denied. The funding application will only be accepted online at www.citydataservices.net.** Hard copies will **not** be considered.

If you already have a login with City Data Services for the City of Berkeley, log in with your usual credentials, and click on the button in the upper right corner, "Healthy Berkeley Application." If you do not have a login for City Data Services, go to www.citydataservices.net, and enter: **BERHB22** for both "USER" and "PWD" in the upper right corner. This will open up an online form for you to complete and submit and will generate an exclusive user name and password for your agency. Once you have your account credentials, use them to log in and start your application. A virtual workshop will be offered from **2-4pm on Monday, January 25, 2021**, to demonstrate the online application: <https://us02web.zoom.us/j/83370916455?pwd=c3k0bHZsQ0xhV0Q3TWFodU81d2pHdz09>
Meeting ID: 833 7091 6455. Passcode: 033380

For questions concerning the City Data Services online application, contact CDS technical support at citydataservices@yahoo.com or call 650-533-5933. **For questions concerning the Request for Proposal**, please contact Dechen Tsering, Healthy Berkeley Program Manager, via email at dtsering@cityofberkeley.info no later than **5:00 p.m., Wednesday, January 27, 2021**. Answers to questions will **not** be provided individually. Answers to all the questions will be shared with everyone applying by **5:00 p.m., Tuesday, February 4, 2021.**

We look forward to receiving and reviewing your proposal.

Sincerely,

Darryl Sweet
General Services Manager

E-mail: purchasing@cityofberkeley.info Website: cityofberkeley.info/finance/

I. BACKGROUND/INTRODUCTION

A. Current Situation

COVID-19 has been part of our shared experience for nearly three years, and the higher risk for severe COVID-19 outcomes among persons of color is noteworthy. Latinx and African American communities have experienced higher hospitalization and death rates than white people. These serious outcomes have been linked to underlying conditions including type-2 diabetes, heart disease, stroke, and obesity and have led to a downturn in life expectancy. Type-2 diabetes, heart disease, and obesity have also been linked with increased consumption of sugar-sweetened beverages (SSBs). Revenues from the Berkeley SSB tax have the potential to raise awareness of the health effects from the consumption of SSBs and put in place practices and policies that can actually help to reduce health disparities in our city. Health disparities, as documented in the 2018 City of Berkeley Health Status Report (hereafter referred to as Report), were an important impetus for passing Measure D in 2014. Healthy Berkeley aims to invest in school and community educational programs and policies to reduce health disparities.

Health inequities are defined as “differences in health, which are not only unnecessary and avoidable but, in addition are unfair and unjust.”

The Report states that “a truly healthy Berkeley depends on achieving and maintaining optimal health and wellness for all people regardless of an individual’s or group’s position in society.” Health inequities have been highlighted in the Report for over 20 years. For example, when the sugary drink tax passed in Berkeley, African Americans were more likely to have type-2 diabetes, to be obese, and be hospitalized for diabetes than their white counterparts. Significant economic disparities are also noted in the Report: the proportion of families living in poverty is 8 times higher among African American families, 5 times higher among Latinx families, and 3 times higher in Asian families, compared to white families.

B. Funding Goals

Health disparities are related to economic and social inequities that are evident in the unequal food and beverage environments in Berkeley. The SSBPPE seeks to reduce these health disparities and underlying conditions. We encourage proposals in the following 3 categories:

1. **Education & Marketing/Communications Campaigns:** school- and community-based efforts to change community norms and reduce the consumption of sugary drinks;
2. **Policy:** development, implementation and strengthening of laws, ordinances, rules and regulations that prevent or at least restrict access to sodas and other unhealthy beverages and promote access to water and other healthy beverages, especially in stores and institutions in priority communities.
3. **Chronic Disease Prevention and Health Screenings:** programs that address the negative health effects of sugar sweetened beverage consumption, with an emphasis on dental health.

The SSBPPE will review and recommend proposals for funding in each of the above categories. We understand that some applicants will utilize multiple strategies and we support a multi-prong approach that strengthens the overall goals of the proposal. We also encourage applicants to collaborate with other Healthy Berkeley grantees.

We envision recommending the majority of funding for community-based applications in the realm of community norms change, prevention activities with an emphasis on dental health, direct services, and referrals (including dental screenings and diabetes prevention programming). We hope some of the community funding will go towards applications that focus on policies that create a healthier food and beverage environment in Berkeley, and we would like to address and counter the beverage industry’s marketing to those who are at higher risk for type 2 diabetes, heart disease, obesity, and COVID-19.

Additionally, for applicants who have received previous funding, we are interested in how you will build on past accomplishments. Will your project reach new participants? Does your proposal describe deeper engagement with the same community members in new ways that reinforce and build upon previous funding? Does your project include a plan to communicate how you are using Healthy Berkeley funding to improve people's health with the broader community?

C. Background/History

In November of 2014, Berkeley voters passed Measure D with the intent "to diminish the human and economic costs of diseases associated with the consumption of sugar-sweetened beverages - by discouraging their distribution and consumption in Berkeley through a tax." Measure D provided for the establishment of a Panel of Experts (SSBPPE) to advise the City Council on "how and to what extent the City should fund programs to further reduce the consumption of sugar-sweetened beverages in Berkeley and address the consequences of such consumption."

Since inception, Measure D funds have made possible investments in school-based gardening and cooking programs in the amount of \$4,700,000. These funds have also provided \$4,700,000 for community led and delivered programming to support norms change. The City of Berkeley has also received \$1,850,000 to staff the commission, to administer and coordinate the Healthy Berkeley program, and to engage in heightened evaluation as recommended by the SSBPPE.

D. Funding Amount Available

Per Council Resolution No. 69,669-N.S. adopted on December 15, 2020, the Berkeley City Council has allocated a total of \$2,662,506 (\$1,331,253 per year for FY22 and FY23) to be distributed for two-year grants to be administered and coordinated by the Public Health Division consistent with the SSBPPE's funding recommendations to *reduce the consumption of sugar-sweetened beverages* in Berkeley and to *address the effects on health of sugar-sweetened beverage consumption*. A minimum of 42.5% of the total allocation per year is allocated for community grants and up to 42.5% of the total allocation per year is allocated for BUSD's nutrition education, garden and cooking program. Funding is authorized for the period from July 1, 2021 through June 30, 2023. **No single agency or organization may receive more than 50 percent of the funds allocated for community grants. The grant minimum is \$10,000.** Priority will be given to Berkeley-based organizations serving the population of Berkeley.

II. SCOPE OF SERVICES

A. Objectives and Strategies

The primary goal of this funding opportunity is to invest in the health of the Berkeley community, especially the priority populations that are targeted by beverage industry practices and who collectively experience the worst health outcomes related to the overconsumption of sugary drinks. Consistent with the intent of passing the local soda tax, the SSBPPE encourages strategies that support programming and activities that transform the policies, systems, and norms that underlie high rates of soda consumption for the funding periods July 1, 2021 through June 30, 2022 (FY22) and July 1, 2022 through June 30, 2023 (FY23).

A.1. Strategies that address the goals and objectives of this funding include:

- Transforming the systems, policies, environments, structures, and norms that underlie sugary drink consumption.
- Developing community capacity to improve health by transforming systems, policies, environments, structures, and norms through increasing leadership potential of community members and young people, especially those serving priority populations.
- Supporting community programming designed to change norms to support consumption of healthy food and beverages.
- Providing health screenings and chronic disease prevention with a focus on dental health.
- Impacting sugary drink marketing and retail environments (i.e., availability, promotion, price, placement in convenient stores, and advertising), especially those that disproportionately target priority populations.

- Improving access to, and the production of, healthy foods and drinks for priority populations in Berkeley.
- Communication of efforts and activities to the broader community.

B. Priority Populations include:

- Children and their families - with an emphasis on young children who are in the process of forming lifelong habits;
- Children and young adults living in households with limited resources;
- African Americans and Latinx – these communities have higher than average population levels of type 2 diabetes, heart disease, obesity, and tooth decay rates;
- African Americans, Latinx, low income communities and teens because these are all groups disproportionately targeted by the beverage industry’s marketing.
- Pregnant women
- Berkeley-based organizations that serve any or all of the above populations.

C. Examples of Potential Projects:

1. Policies and organizing efforts that reduce the marketing, availability and consumption of sugary drinks in stores and restaurants.
2. Policies that remove vending machines or require healthy beverages in vending machines.
3. Projects that work with grocery stores and convenience markets to remove window advertising for sugary drinks and to encourage their commitment to this practice and establish store policy.
4. Projects that educate store owners and managers about how the funds made available through the passage of Measure D support school and community efforts to improve the health of Berkeley residents.
5. Projects that promote healthy beverage consumption and secure pledges from consumers not to purchase or drink sugary beverages.
6. Public mural projects that reflect the culture of priority groups and counter beverage industry marketing by focusing on healthy lifestyle images and environments.
7. Projects that build and support community capacity to deliver programming, advocacy, or leadership to motivate healthy norms around beverage consumption.
8. Projects to train and support community leaders (eg: promoters, peer to peer, water ambassadors, etc.) including adult residents and young organizers, to engage in campaigns to change systems, structures, policies, and environments resulting in more healthful beverage consumption.
9. Projects that engage community leadership to improve food and beverage environments in existing institutions including schools, universities, municipal sites, faith organizations, and private and public spaces.
10. Projects that directly engage members of priority populations in programs and activities that are designed to improve the food and beverage environment including nutrition education, gardening, and cooking in school and community settings.
11. Projects that collaborate with youth and adult sports leagues to encourage norms change toward healthier hydration through policies, parent/participant education, and infrastructure development.
12. Projects that improve access to tap water.
13. Projects that educate the greater Berkeley community on how the funds made available through the passage of Measure D support school and community efforts to improve the health of Berkeley residents. Methods to do this might include planning a panel discussion, submitting an op-ed to the newspaper, using social media.

Note: Priority will be given to proposals that have a high impact on the priority populations in Berkeley and are designed to create sustainable change that lasts over the years and to those proposals which include ways to communicate their efforts to the broader community .

III. SUBMISSION REQUIREMENTS

All proposals should be submitted online through the City of Berkeley's City Data Services www.citydataservices.com. Please follow the instructions in the cover page of this RFP. All explanations should be concise and to the point. The online application is organized in the following sections:

1. Contractor Identification:

1a. Agency Information:	
Agency Name:	
Agency Date of Incorporation:	
Agency Tax Identification Number:	
Agency Office Address:	
Executive Director's Name:	
Executive Director's Email Address:	
Executive Director's Phone Number:	
Application Contact Name: (Contact person must respond to questions)	

within one business day.)	
Application Contact Email:	
Application Contact Phone:	
Does your agency have Tax-exempt 501(c)(3) status?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If no, provide name, address and contact person of fiscal sponsor:	

1b. Describe your Agency’s Mission and experience in implementing community health projects. (250 words max.):
[Included in online application]

2. **Proposed Project/Activities:** The proposed project/activities section (under Program Description in the online application template) must follow the online application template and include the following information:

a. Proposed Project Name

b. **Needs Statement** (500 words limit) – Please identify the specific priority populations (as described in Section II.B. above) you serve and describe the challenges and issues these populations face in terms of the effects on health due to sugar-sweetened beverage consumption. Please provide any relevant data that supports the identified needs (i.e. needs assessment data, survey data, population level data, etc.)

c. **Proposed Project and Activities** (500 words limit) - Briefly describe your key activities and how they would address the identified need(s). If collaborative partners will be involved in the project/key activities (i.e. roles and responsibilities), please include letters of support from individual collaborative partners. Please include specific goals for how:

- The proposal aims to decrease consumption of sugary drinks and/or address the health effects of the consumption of sugary drinks.
- The proposal includes developing and implementing policies to decrease consumption of SSBs and/or strengthening current SSB policies.
- The proposal reaches people and communities in the priority populations.
- The proposal has policy elements that will last beyond the grant period.
- Proposal budget matches the work plan and is appropriate.
- The proposal includes a method for communicating efforts, activities, and successes to the larger community for example, website and social media posts, posters at in-person events, contests, school assemblies, event announcements, community outreach etc.

d. **Project Performance Measures** - Identification of performance measures, targets, and data collection tools to monitor performance for each key activity. The measures should answer the three main Results Based Accountability questions: “*How much work was done?; How well was it done?; and Are agency clients better off as a result of the services provided?*” (see **Attachment L** for examples). Identification of SMART (specific, measurable, attainable, relevant, timely) objectives for each service (see **Attachment L** for examples).

e. **Implementation Timeline.** (Limit 1 page, Gantt Chart preferred)

f. **Sustainability Plan** (500 words limit) – Please describe how your organization will sustain the proposed project/program activities beyond the funding period.

Criteria Specific to BUSD

A. Describe how you will reach the following priority populations:

- Children and their families; preschool through high school;
- Children and young adults living in households with limited resources;
- Groups exhibiting higher than average population levels of type 2 diabetes, obesity, and tooth decay;
- Groups that are disproportionately targeted by the beverage industry marketing.

B. Include how the proposal meets the following requirements:

- Proposal reflects approval from the BUSD School Board.
- BUSD will not sell or serve sugar-sweetened beverages (as defined by the SSB tax) at any BUSD schools or campuses.
- Awarded funding will not supplant BUSD FY22 and FY23 General Fund allocations.
- Funded projects will publicly reflect support from Healthy Berkeley Program.
- Funded projects and programs will include evaluation of their process and outcomes.
- The proposal timelines and budgets will be specific, measurable, achievable, realistic, and time bound (SMART).

C. Include specific goals for how the BUSD proposal meets the following scoring criteria:

- Decrease access to SSBs and/or improve access to drinking water. (15%)
- Increase or strengthen SSB policies in school and outside of school. (15%)
- Support the annual administration of the Berkeley adapted Youth Risk Behavior Survey to evaluate student's SSB knowledge, consumption, access, and policy perceptions. (20%)
- To document how students at all grade levels and in priority populations are included. (10%)
- To document policy elements that will last beyond the grant period. (15%)
- Proposal budget matches the work plan and is appropriate. (10%)
- To document how BUSD will be able to communicate SSB educational and policy efforts to parents and/or the Berkeley community (15%)

3. Results Based Accountability

The Health, Housing & Community Services (HHCS) Department at the City of Berkeley is committed to finding ways to deepen our positive impact on the community, especially for those most vulnerable. To support this effort, HHCS will use a framework called Results Based Accountability (RBA) that has a proven track record of success in improving the quality of life for people and communities. RBA will provide us with a common language and method to better understand, communicate, and ultimately strengthen our programs.

HHCS is incorporating RBA into our contract processes including requests for proposals, reporting, contract monitoring activities and evaluations. All new or renewed contracts will provide information and data that address the three basic RBA questions: "How much work was done? How well was it done? and, Are agency clients better off as a result of the services provided?." Providers can expect to be asked how they measure whether clients are better off and the quality of the delivered services. HHCS will work with providers to identify appropriate performance measures including service measures and outcomes. Processes will be developed to monitor and improve performance over time. Further information on RBA implementation can be found at: <http://www.raguide.org/>. Funded organizations must be willing to participate in Program-wide Healthy Berkeley evaluation activities and submit the commitment form (**Attachment C**).

4. Client References: (3-5 References is usual)

Provide a minimum of 3 (three) client references. References should be California cities or other large public sector entities. Provide the designated person's name, title, organization, address, telephone number, and the project(s) that were completed under that client's direction.

5. Price Proposal:

The proposal shall include pricing for all services in the project budget that itemizes all projected costs for the proposed project/activities (**Attachment B**). The Proposal shall itemize all services, including hourly rates for all professional, technical and support personnel, and all other charges related to completion of the work shall be itemized. Pricing shall be all inclusive unless indicated otherwise. Pricing proposals shall be a separate document (**Attachment B**).

Note on maintenance cost: If equipment is being purchased in this RFP, and future maintenance of the equipment can only be provided by the equipment supplier, the maintenance cost for 3 years beyond the initial warranty period must be requested in the RFP pricing section. The maintenance cost must be included and evaluated as part of the pricing evaluation. For further discussion or guidance on this issue, please contact Finance – General Services.

6. Contract Terminations:

If your organization has had a contract terminated in the last five (5) years, describe such incident. Termination for default is defined as notice to stop performance due to the vendor's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the vendor, or (b) litigated and such litigation determined that the vendor was in default.

Submit full details of the terms for default including the other party's name, address, and phone number. Present the vendor's position on the matter. The City will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience.

If the firm has not experienced any such termination for default or early termination in the past five (5) years, so indicate.

7. Other Submission Requirements: Please upload the (associated evidence) in the "Attachments" for the following:

- a. Funded organizations must have in place, or agree to adopt prior to being funded, an organizational policy prohibiting serving sugar-sweetened beverages at organization-sponsored events or meetings. (Copy of the organizational policy)
- b. Awarded funding will not supplant (i.e. replace) any existing funding. (Commitment letter)
- c. Funded projects will publicly reflect support from City of Berkeley's Healthy Berkeley Program. (Commitment letter)
- d. Funded organization is 100% compliant with City Requirements (as noted in Section VI & VII). (Commitment letter)
- e. Applicant must submit their commitment to provide resources (i.e. additional data collection, point person for coordination, etc.) for the program-wide Healthy Berkeley evaluation. (**Attachment C**) signed by the organization's Executive Director.

IV. SELECTION CRITERIA

Project teams should exhibit the competence to perform and fulfill the full scope of services as contained in Section II.

The following criteria and attached screening questions (**Attachment M**) will be considered, although not exclusively, in determining which proposals are funded:

A. Include specific goals for how your project will meet the following scoring criteria

1. The proposal aims to decrease consumption of sugary drinks, increase access to drinking water, and/or address health effects from consumption of sugary drinks (25%)
2. The proposal reaches people and communities in the priority populations. (25%)
3. Project provides lasting impact beyond the grant period: i.e. builds organizational and community capacity and/or changes systems and policies, and environments related to SSBs. (25%)
4. The proposal includes a plan for communicating efforts, activities, and/or successes to the larger Berkeley community. (15%)
5. Proposal budget matches the work plan and is appropriate. (10%)

Two (2) selection panels will be convened as follows to review the grant applications:

1. SSBPPE Commission Panel, comprised of appointed leaders in health promotion, equity, programming and evaluation, has a statutory responsibility to make recommendations to the Berkeley City Council on how to invest funds in a manner that advances the Measure D intent language.
2. Public Health Staff Panel provides administrative review support to ensure compliance with Measure D legislation, vendor history and past performance, and compliance with City of Berkeley funding requirements.

V. PAYMENT

Invoices: Invoices must be fully itemized, and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services in order for payment to be processed. Mail invoices to the Project Manager and reference the contract number.

City of Berkeley
Accounts Payable
PO Box 700
Berkeley, CA 94701
Attn: **Dechen Tsering/HHCS, Public Health Division**

Payments: The City will make payment to the vendor within 30 days of receipt of a correct and complete invoice.

VI. CITY REQUIREMENTS

A. Non-Discrimination Requirements:

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants. **Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal**

B. Nuclear Free Berkeley Disclosure Form:

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.**

C. Oppressive States:

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution No. 59,853-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Oppressive States Disclosure Form with their proposal.**

D. Sanctuary City Contracting Ordinance:

Chapter 13.105 of the Berkeley Municipal Code prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security (“ICE”). **Bidders must submit the attached Sanctuary City Compliance Statement with their proposal.**

E. Conflict of Interest:

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract or has a direct or indirect interest in the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest. **Please identify any person associated with the firm that has a potential conflict of interest.**

F. Berkeley Living Wage Ordinance:

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract. The current Living Wage rate can be found here: https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx. The Living Wage rate is adjusted automatically effective June 30th of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

G. Berkeley Equal Benefits Ordinance:

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

H. Statement of Economic Interest:

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

VII. OTHER REQUIREMENTS

A. Insurance

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$2,000,000, automobile liability insurance in the minimum amount of \$1,000,000 and a professional liability insurance policy in the amount of \$2,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insureds.

B. Worker's Compensation Insurance:

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

C. Business License

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. Warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305). Persons who, by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, may be granted an exemption of one annual free license at the discretion of the Director of Finance. (see B.M.C. sections 9.04.290).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

D. Recycled Paper

Any printed reports for the City required during the performance of the work shall be on 100% recycled paper, and shall be *printed on both sides of the page* whenever practical.

E. State Prevailing Wage:

Certain labor categories under this project may be subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et. seq. These labor categories, when employed for any "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," constitute a "Public Work" within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages.

Wage information is available through the California Division of Industrial Relations web site at:
http://www.dir.ca.gov/OPRL/statistics_and_databases.html

VIII. SCHEDULE (dates are subject to change)

- | | |
|--|-----------------------------|
| <input type="checkbox"/> Issue RFP to Potential Bidders: | Friday, January 22, 2021 |
| <input type="checkbox"/> Virtual RFP workshop for applicants: 2-4 p.m. | Monday, January 25, 2021 |
| <input type="checkbox"/> Questions Due | Wednesday, January 27, 2021 |
| <input type="checkbox"/> Proposals Due from Potential Bidders | Thursday, February 25, 2021 |
| <input type="checkbox"/> Complete Selection Process | Thursday, April 1, 2021 |
| <input type="checkbox"/> Council Approval of Contract (over \$50k) | Tuesday, May 25, 2021 |
| <input type="checkbox"/> Award of Contract | Wednesday, May 26, 2021 |
| <input type="checkbox"/> Sign and Process Contract | Monday, June 28, 2021 |
| <input type="checkbox"/> Notice to Proceed | Tuesday, June 29, 2021 |

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your proposal.

Attachments: Upload onto the online RFP submission template in City Data Services.

- | | |
|---|--------------|
| • Check List of Required items for Submittal | Attachment A |
| • Proposed Budget Worksheet | Attachment B |
| • Healthy Berkeley Evaluation Commitment Form | Attachment C |
| • Non-Discrimination/Workforce Composition Form | Attachment D |
| • Nuclear Free Disclosure Form | Attachment E |
| • Oppressive States Form | Attachment F |
| • Sanctuary City Compliance Statement | Attachment G |
| • Living Wage Form | Attachment H |
| • Equal Benefits Certification of Compliance | Attachment I |
| • Right to Audit Form | Attachment J |
| • Insurance Endorsement | Attachment K |

Reference Documents: Provided as guidance for applicants.

- | | |
|---|--------------|
| • Results Based Accountability: Common Performance Measures | Attachment L |
| • Selection Criteria and Screening Questions for Reviewers | Attachment M |

ATTACHMENT A

CHECKLIST

- Proposal describing service (*Needs Statement* in the online application form)
- Contractor Identification
- Client References (3)
- Costs proposal by task, type of service & personnel (as a separate document from the proposal)
 - Proposed Budget Worksheet Attachment B
- Other items the contractor is being requested to supply:*
 - Healthy Berkeley Evaluation Commitment Form Attachment C
 - Letters of Support from identified collaborating partners (if applicable)
- The following forms, completed and **signed in blue ink** (attached):
 - Non-Discrimination/Workforce Composition Form Attachment D
 - Nuclear Free Disclosure Form Attachment E
 - Oppressive States Form Attachment F
 - Sanctuary City Compliance Statement Attachment G
 - Living Wage Form Attachment H
 - Equal Benefits Certification (EBO-1) Attachment I

ADDITIONAL SUBMITTALS REQUIRED FROM SELECTED VENDOR AFTER COUNCIL APPROVAL TO AWARD CONTRACT.

- Provide **original-signed in blue ink** Evidence of Insurance
 - Auto
 - Liability
 - Worker's Compensation
- Right to Audit Form Attachment J
- Commercial General & Automobile Liability Endorsement Form Attachment K
- Berkeley Business License

For informational purposes only: Sample of Personal Services Contract can be found on the City's website on the current bid and proposal page at the top of the page.

4. Program Budget

Personnel Expenses - Number of Staff lines needed: 4															
Position	Name	Annualized Wages in \$		Proposed Healthy Berkeley Funding FY22		Leveraged Funding FY22		Total Proposed Program Budget FY22		Proposed Healthy Berkeley Funding FY23		Leveraged Funding FY23		Total Proposed Program Budget FY23	
		(100% FTE)	\$/hr	FTE	Wages	FTE	Wages	FTE	Wages	FTE	Wages	FTE	Wages	FTE	Wages
Boss	Joe	\$80,000	\$38.46	15%	\$12,345	0%		15%	\$12,345	0%	2%	0%		0%	\$2
Manager	Jane	\$90,000	\$43.27	37%	\$33,333	0%		37%	\$33,333	0%	28%	0%		0%	\$28
Assistant	Jim	\$40,000	\$19.23	11%	\$4,444	0%		11%	\$4,444	0%	74%	0%		0%	\$74
Worker	Jerry	\$30,000	\$14.42	0%	\$0	0%		0%	\$0	0%	56%	800%	\$240,000	800%	\$240,056
Subtotal Salaries		\$240,000		21%	\$50,122	0%	\$0	21%	\$50,122	0%	\$160	100%	\$240,000	100%	\$240,160
Benefits		31%			\$22,222		\$33,333		\$55,555		\$72,344		\$33,333		\$105,677
Total Personnel Expenses					\$72,344		\$33,333		\$105,677		\$72,504		\$273,333		\$345,837
Direct Program Operating Expenses - Number of lines needed: 5															
Indirect Costs		7%			\$9,222		\$3,333		\$12,555		\$24,444		\$5,555		\$29,999
Insurance	Test				\$1,234				\$1,234						\$0
Transportation	(Describe this expense)				\$2,345				\$2,345						\$0
Training	PG&E				\$34,325				\$34,325						\$0
Other	Test				\$2,313				\$2,313						\$0
Insurance	(Describe this expense)				\$12,345		\$23,456		\$35,801		\$21,567		\$26,789		\$48,356
Total Operating Expense					\$61,784		\$26,789		\$76,018		\$46,011		\$32,344		\$48,356
Total Expense					\$134,128		\$60,122		\$181,695		\$118,515		\$305,677		\$394,193

Attachment B – Proposed Budget Worksheet



Health, Housing & Community
Services Department
Public Health Division

CITY OF BERKELEY
COMMUNITY AGENCY AGREEMENT
COMMITMENT TO PARTICIPATE IN HEALTHY BERKELEY EVALUATION

As the authorized Executive Director of [AGENCY NAME], I agree to the following term under the FY2022 and FY2023 Healthy Berkeley grant awarded under the Agreement (Contract #: _____) authorized by the Berkeley City Council on [DATE].

The Contractor provides this commitment to participate in and provide resources (i.e. additional data collection, point person for coordination, etc.) for the Program-Wide Healthy Berkeley evaluation.

By: _____
(print name)

Signature: _____

Title: _____

Date: _____

NON-DISCRIMINATION/WORKFORCE COMPOSITION FORM FOR NON-CONSTRUCTION CONTRACTS

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract:

Organization: _____
 Address: _____
 Business Lic. #: _____

Occupational Category: (See reverse side for explanation of terms)	Total Employees		White Employees		Black Employees		Asian Employees		Hispanic Employees		Other Employees	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
	Official/Administrators											
Professionals												
Technicians												
Protective Service Workers												
Para-Professionals												
Office/Clerical												
Skilled Craft Workers												
Service/Maintenance												
Other (specify)												
Totals:												

Is your business MBE/WBE/DBE certified? Yes _____ No _____ If yes, by what agency? _____

If yes, please specify: Male: _____ Female: _____ Indicate ethnic identifications: _____

Do you have a Non-Discrimination policy? Yes: _____ No: _____

Signed: _____ Date: _____

Verified by: _____ Date: _____

City of Berkeley Contract Compliance Officer

Occupational Categories

Officials and Administrators - Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy superintendents, unit supervisors and kindred workers.

Professionals - Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, and kindred workers.

Technicians - Occupations that require a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences) and kindred workers.

Protective Service Workers - Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers, fire fighters, guards, sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.

Para-Professionals - Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of a staff development and promotion under a "New Transporters" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.

Office and Clerical - Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearings reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

Skilled Craft Workers - Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairpersons, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, and kindred workers.

Service/Maintenance - Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, and construction laborers.

Attachment D (page 2)

CITY OF BERKELEY
Nuclear Free Zone Disclosure Form

I (we) certify that:

1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Entity: _____

Contract Description/Specification No: **Healthy Berkeley Community Funding / 21-11436-C**

Attachment E

CITY OF BERKELEY
Oppressive States Compliance Statement

The undersigned, an authorized agent of _____ (hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution No. 59,853-N.S. (hereafter "Resolution"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly-owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Abo, Kham and U-Tsang**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with, or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Entity: _____

Contract Description/Specification No: **Healthy Berkeley Community Funding / 21-11436-C**

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: _____ Date: _____

CITY OF BERKELEY
Sanctuary City Compliance Statement

The undersigned, an authorized agent of _____ (hereafter "Contractor"), has had an opportunity to review the requirements of Berkeley Code Chapter 13.105 (hereafter "Sanctuary City Contracting Ordinance" or "SCCO"). Contractor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE"). Contractor understands the meaning of the following terms used in the SCCO:

- a. "Data Broker" means either of the following:
 - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
 - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services." Extreme Vetting does not include:
 - i. The City's computer-network health and performance tools;
 - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

Contractor understands that it is not eligible to receive or retain a City contract if at the time the Contract is executed, or at any time during the term of the Contract, it provides Data Broker or Extreme Vetting services to ICE.

Contractor further understands and agrees that Contractor's failure to comply with the SCCO shall constitute a material default of the Contract and the City Manager may terminate the Contract and bar Contractor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

By executing this Statement, Contractor certifies that it complies with the requirements of the SCCO and that if any time during the term of the Contract it ceases to comply, Contractor will promptly notify the City Manager in writing. Any person or entity who knowingly or willingly supplies false information in violation of the SCCO shall be guilty of a misdemeanor and up to a \$1,000 fine.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this _____ day of _____, 20__, at _____, California.

Printed Name: _____ Title: _____

Signed: _____ Date: _____

Business Entity: _____

Contract Description/Specification No: **Healthy Berkeley Community Funding / 21-11436-C**

CITY OF BERKELEY
Living Wage Certification for Providers of Services

TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance. The LWO requires a City contractor to provide City mandated minimum compensation to all eligible employees, as defined in the Ordinance. In order to determine whether this contract is subject to the terms of the LWO, please respond to the questions below. Please note that the LWO applies to those contracts where the contractor has achieved a cumulative dollar contracting amount with the City. Therefore, even if the LWO is inapplicable to this contract, subsequent contracts may be subject to compliance with the LWO. Furthermore, the contract may become subject to the LWO if the status of the Contractor's employees change (i.e. additional employees are hired) so that Contractor falls within the scope of the Ordinance.

Section I.

1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid, or proposal, with the City of Berkeley for a cumulative amount of \$25,000.00 or more?

YES _____ NO _____

If **no**, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question **1(b)**.

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES _____ NO _____

If you have answered, "YES" to questions 1(a) and 1(b) this contract **IS** subject to the LWO. If you responded "NO" to 1(b) this contract **IS NOT** subject to the LWO. **Please continue to Section II.**

2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?

YES _____ NO _____

If no, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If yes, please continue to question 2(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES _____ NO _____

If you have answered, "YES" to questions 2(a) and 2(b) this contract **IS** subject to the LWO. If you responded "NO" to 2(b) this contract **IS NOT** subject to the LWO. **Please continue to Section II.**

Section II

Please read, complete, and sign the following:

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE.

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE.

Attachment H (page 1)

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Entity: _____

Contract Description/Specification No: **Healthy Berkeley Community Funding / 21-11436-C**

Section III

-
- **** FOR ADMINISTRATIVE USE ONLY -- PLEASE PRINT CLEARLY ****

I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

Department Name

Department Representative

Attachment H (page 2)

To be completed by
Contractor/Vendor



**Form EBO-1
CITY OF BERKELEY**

CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE

If you are a **contractor**, return this form to the originating department/project manager. If you are a **vendor** (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

SECTION 1. CONTRACTOR/VENDOR INFORMATION

Name:		Vendor No.:	
Address:	City:	State:	ZIP:
Contact Person:		Telephone:	
E-mail Address:		Fax No.:	

SECTION 2. COMPLIANCE QUESTIONS

- A. The EBO is inapplicable to this contract because the contractor/vendor has no employees.
 Yes No (If "Yes," proceed to Section 5; if "No", continue to the next question.)
- B. Does your company provide (or make available at the employees' expense) any employee benefits?
 Yes No
If "Yes," continue to Question C.
If "No," proceed to Section 5. (The EBO is not applicable to you.)
- C. Does your company provide (or make available at the employees' expense) any benefits to the spouse of an employee? Yes No
- D. Does your company provide (or make available at the employees' expense) any benefits to the domestic partner of an employee? Yes No

If you answered "No" to both Questions C and D, proceed to Section 5. (The EBO is not applicable to this contract.) If you answered "Yes" to both Questions C and D, please continue to Question E. If you answered "Yes" to Question C and "No" to Question D, please continue to Section 3.

- E. Are the benefits that are available to the spouse of an employee identical to the benefits that are available to the domestic partner of the employee? Yes No

**If you answered "Yes," proceed to Section 4. (You are in compliance with the EBO.)
If you answered "No," continue to Section 3.**

SECTION 3. PROVISIONAL COMPLIANCE

- A. Contractor/vendor is not in compliance with the EBO now but will comply by the following date:
 - By the first effective date after the first open enrollment process following the contract start date, not to exceed two years, if the Contractor submits evidence of taking reasonable measures to comply with the EBO; or
 - At such time that administrative steps can be taken to incorporate nondiscrimination in benefits in the Contractor's infrastructure, not to exceed three months; or
 - Upon expiration of the contractor's current collective bargaining agreement(s).

Attachment I (page 1)

B. If you have taken all reasonable measures to comply with the EBO but are unable to do so, do you agree to provide employees with a cash equivalent?* Yes No

* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

SECTION 4. REQUIRED DOCUMENTATION

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

SECTION 5. CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this _____ day of _____, in the year _____, at _____, _____
(State) (City)

Name (please print)

Signature

Title

Federal ID or Social Security Number

FOR CITY OF BERKELEY USE ONLY

- Non-Compliant (The City may not do business with this contractor/vendor)
 - One-Person Contractor/Vendor Full Compliance Reasonable Measures
 - Provisional Compliance Category, Full Compliance by Date: _____
- Staff Name(*Sign and Print*): _____ Date: _____

CITY OF BERKELEY
Right to Audit Form

The contractor agrees that pursuant to Section 61 of the Berkeley City Charter, the City Auditor's office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this contract.

In the event of such audit, Contractor agrees to provide the Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's office. City agrees to provide Contractor an opportunity to discuss and respond to/any findings before a final audit report is filed.

Signed: _____ Date: _____

Print Name & Title: _____

Company: _____

Contract Description/Specification No: **Healthy Berkeley Community Funding / 21-11436-C**

Please direct questions regarding this form to the Auditor's Office, at (510) 981-6750.

Attachment J

CITY OF BERKELEY
Commercial General and Automobile Liability Endorsement

The attached Certificates of Insurance are hereby certified to be a part of the following policies having the following expiration dates:

Policy No.	Company Providing Policy	Expir. Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The scope of the insurance afforded by the policies designated in the attached certificates is not less than that which is afforded by the Insurance Service Organization's or other "Standard Provisions" forms in use by the insurance company in the territory in which coverage is afforded.

Such Policies provide for or are hereby amended to provide for the following:

- The named insured is _____.
- CITY OF BERKELEY ("City") is hereby included as an additional insured with respect to liability arising out of the hazards or operations under or in connection with the following agreement:
_____.

The insurance provided applies as though separate policies are in effect for both the named insured and City, but does not increase the limits of liability set forth in said policies.

- The limits of liability under the policies are not less than those shown on the certificate to which this endorsement is attached.
- Cancellation or material reduction of this coverage will not be effective until thirty (30) days following written notice to _____, Department of _____, Berkeley, CA.
- This insurance is primary and insurer is not entitled to any contribution from insurance in effect for City.

The term "City" includes successors and assigns of City and the officers, employees, agents and volunteers.

Insurance Company

Date: _____

By: _____
Signature of Underwriter's
Authorized Representative

Contract Description/Specification No: **Healthy Berkeley Community Funding / 21-11436-C**

Attachment K

EXAMPLES OF RBA COMMON PERFORMANCE MEASURES (for Section III.3)

In the RFP you will provide examples of RBA performance measures for your project. Final performance measures will be chosen in partnership with the Public Health Division during the contract negotiation but we are interested in your current thinking.

In FY17-F18, Healthy Berkeley-funded community agencies developed a defined set of shared activities and performance measures that allows us to report the collective impact of funded programs. Providers are encouraged to select relevant performance measures from this menu when possible and appropriate. We also recognize that providers may have a unique set of activities and ways to measure the quality and impact of services. Please complete this section in a way that makes sense for your proposed program.

Under *Activity Type* you can choose from a menu of common activity types. If your activity does not neatly fit into these categories, simply select *Other*. Common measures will be preloaded once you select your activity type. Programs can choose from this menu or select *Other* and write in the measure you would like to report on.

Below you will find examples of the performance measure section of the application. Attachment D (pages 3 and 4) includes a list of the common activities and performance measures for your reference.

Activity #1	Activity Type	SMART Objective
Installation of hydration stations in Berkeley in areas that are accessible to the public	Access to Water	At least 25 hydration stations will be installed in Berkeley by December 31, 2022.
PSE Goal Not Applicable	PSE Description: Increased access to water	
Number of Performance Measures for this activity: 3		
Performance Measure 1	Target	Data Collection Tool
ATW-100 # of water fountains/hydration stations installed	25	Excel sheet of hydration stations
Performance Measure 2	Target	Data Collection Tool
ATW-200 Amount of water distributed	2500 gallons	Hydration station meters
Performance Measure 3	Target	Data Collection Tool
ATW-300 Days water made available from water fountains/ hydration stations to the public	365	Excel sheet of hydration stations

Activity #2	Activity Type	SMART Objective
Train water advocates to promote water consumption in the community	Training of Trainer	At least 50 community members will be trained to be Water Ambassadors by December 2022
PSE Goal	System Change	PSE Description:
Number of Performance Measures for this activity: 5		
Performance Measure 1	Target	Data Collection Tool
TOT-100 Hours of Training provided	500 hours	Training Log
Performance Measure 2	Target	Data Collection Tool
TOT-200 # trained (unduplicated)	50	Training Log
Performance Measure 3	Target	Data Collection Tool
TOT-300 % that positively report, I would recommend this training to a family member or friend	90%	Survey
Performance Measure 4	Target	Data Collection Tool
TOT-400 % that positively report, I felt welcomed and respected by the [facilitator/host/program]	90%	Survey
Performance Measure 5	Target	Data Collection Tool
TOT-500 % that positively report, as a direct result of participation in this program, I feel more confident in my ability to make a positive impact on my community	90%	Survey

Activity #3	Activity Type	SMART Objective
Deliver drink smart nutrition classes to community groups in Berkeley	Workshops, Classes and Events	200 drink smart classes will be delivered in the community by December 2022 reaching at least 100 people.
PSE Goal	Policy Change	PSE Description:
Number of Performance Measures for this activity: 6		
Performance Measure 1	Target	Data Collection Tool
WCE-100 # of classes/workshops & events	200	Drink smart attendance log
Performance Measure 2	Target	Data Collection Tool
WCE-200 # of encounters (duplicated count)	2000	Drink smart attendance log
Performance Measure 3	Target	Data Collection Tool
WCE-300 # of individuals served (unduplicated count)	100	Drink smart attendance log
Performance Measure 4	Target	Data Collection Tool
WCE-400 % that positively report, I would recommend this [class/ workshop/ event] to a family member or friend	90%	Survey
Performance Measure 5	Target	Data Collection Tool
WCE-500 % that positively report, as a direct result of participation in this program, I feel more motivated to reduce the amount and/or frequency I drink sugary drinks	90%	Survey
Performance Measure 6	Target	Data Collection Tool
WCE-700 % that reduce consumption of sugar sweetened beverages (pre/post test comparison)	70%	pre/post survey

Healthy Berkeley - Menu of Common Activities and Performance Measures

Type of Activity	Activity Description	Code	Measure
Workshops, Classes and Events	Direct education to community members, staff, and volunteers on relevant health messages with a focus on encouraging healthier behaviors of the participants.	WCE-100	# of classes/workshops & events
		WCE-200	# of encounters (duplicated count)
		WCE-300	# of individuals served (unduplicated count)
		WCE-400	% that positively report, I would recommend this [class/workshop/event] to a family member or friend
		WCE-500	% that positively report, as a direct result of participation in this program, I feel more motivated to reduce the amount and/or frequency I drink sugary drinks
		WCE-600	% that positively report, I learned something new about what it means to eat a nutritious meal from the [class/workshop/event]
		WCE-700	% that reduce consumption of sugar sweetened beverages (pre/post test comparison)
		WCE-800	% that attain a healthier weight/Body Mass Index
		WCE-999	Other
Training of Trainer	Community members, staff, and/or volunteers identified to teach, mentor, or advocate. Trainees are expected to promote healthy eating and drinking (i.e. Water Ambassadors) and/or to advocate for policy changes.	TOT-100	Hours of Training provided
		TOT-200	# trained (unduplicated)
		TOT-300	% that positively report, I would recommend this training to a family member or friend
		TOT-400	% that positively report, I felt welcomed and respected by the [facilitator/host/program]
		TOT-500	% that positively report, as a direct result of participation in this program, I feel more confident in my ability to make a positive impact on my community
		TOT-999	Other
Policy and Advocacy	Activities that directly impact policy changes for increasing access to healthy food and water.	PAA-100	# of meetings to advance policy change
		PAA-200	# of organizations reached
		PAA-300	# of community members reached
		PAA-400	# of organizations that support policy change
		PAA-500	# of community members that support policy change
		PAA-999	Other

Type of Activity	Activity Description	Code	Measure
Access to Water	Activities that impact systems and environmental changes for increasing access to water (i.e. installing water hydration stations, distributing water bottles, and	ATW-100	# of water fountains/hydration stations installed
		ATW-200	Amount of water distributed
		ATW-300	Days water made available from water fountains/ to the public
		ATW-999	Other
Access to Food	Activities that directly provide food or improve systems and environmental changes for increasing access to healthy food. Examples of activities include food distributions, community supported agriculture programs, and vouchers	ATF-100	Amount of food distributed
		ATF-200	# of people receiving food
		ATF-300	% that positively report, I would not be able to acc received elsewhere
		ATF-400	% that positively report, as a direct result of particio program, I have better access to healthy food
		ATF-999	Other
Screening and Referrals	Community members who are screened for hypertension, blood sugar levels, or dental caries and are referred to existing services.	SAR-100	# screened
		SAR-200	# referred
		SAR-300	% referred that are successfully linked to services
		SAR-999	Other
Media	Publishing relevant messages through social media, newsletters, or op-eds.	MED-100	# of unique social media subscribers
		MED-200	# published op-eds/articles
		MED-999	Other
Other	For activities that do not neatly fall into one of the above categories	OTH-999	Other

Attachment L (page 4)

FY24 and FY25 Selection Criteria and Screening Questions for Reviewers*
For Commission Use Only. (Reference for Community Agency Applicants)

	Selection Criteria and Screening Questions	Tier 1	Tier 2	Tier 3	Tier 4
1.	The proposal aims to decrease consumption of sugary drinks, increase access to drinking water, and/or address health effects from consumption of sugary drinks (25 points)	No-0	Minimal-1	Some-3	Detailed-5
1.1	Does the proposal include specific strategies to reduce the consumption of sugary drinks?				
1.2	Does the proposal include strategies to increase access to drinking water?				
1.3	Does the proposal include strategies to address health effects of sugary drink consumption with a focus on dental health?				
1.4	Is there a clear rationale for the strategies? Is there a description for why this approach will work?				
1.5	Does the proposal show collaboration with other community organizations or agencies?				
2.	The proposal reaches people and communities in the priority populations. (25 points)	No-0	Minimal-1	Some-3	Detailed-5
2.1	Is the priority population clearly defined?				
2.2	Does the applicant have a track record of working with the priority population?				
2.3	Does the proposal address the settings where the priority population works, plays, learns, or worships?				
2.4	Does the proposal aim to change attitudes, beliefs, or behaviors of the priority population?				
2.5	Is the proposal developmentally, culturally, and linguistically appropriate?				
3.	Project provides lasting impact beyond the grant period: i.e. builds organizational and community capacity and/or changes systems, policies, and environments related to SSBs. (25 points)	No-0	Minimal-1	Some-3	Detailed-5
3.1	Does the proposal include changes in policies?				
3.2	Does the proposal include changes in systems?				
3.3	Does the proposal include changes to the environments where people spend time?				
3.4	Does the proposal include strategies to change community norms?				
3.5	Does the proposal address ways to counter the marketing of sugary drinks to priority populations?				
4.	The proposal includes a plan for communicating efforts, activities, and/or successes to the people of Berkeley. (15 points)	No-0	Minimal-1	Some-3	Detailed-5
4.1	Does the proposal include a plan on how to transmit information about their program and proposed activities?				
4.2	Does the plan include multiple ways to communicate the program's successes to the people of Berkeley?				
4.3	Is the communication plan feasible and timely?				
5.	Proposal budget matches the work plan and is appropriate. (10 points)	No-0	Minimal-1	Some-3	Detailed-5
5.1	Does the proposal budget match the proposed activities?				
5.2	Is there a feasible timeline with clear elements of the activities?				

Attachment M

**BUSD application will be reviewed based on criteria explained in page 7 of the RFP*