



MEMORANDUM

February 24, 2023

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Willie Adams, Vice President
Hon. Gail Gilman
Hon. Steven Lee

FROM: Elaine Forbes
Executive Director

SUBJECT: Request authorization to waive competitive solicitation process and award a sole source grant in the amount of \$100,000 to a Port licensee for quarterly activations of Ferry Terminal Plaza in conjunction with Saturday Farmers' Market.

DIRECTOR'S RECOMMENDATION: Approve Attached Resolution No. 23-11

EXECUTIVE SUMMARY

The Port prioritizes equity as a core value. The Port has received grant funding from the San Francisco Dream Keeper Initiative (DKI) to activate the Port through hosting quarterly pop-up events at Ferry Terminal Plaza for calendar year 2023. The San Francisco Human Rights Commission (describe role). DKI is a citywide effort to reinvest \$120 million over fiscal years 2020-2022 from law enforcement into San Francisco's Black and African-American communities.

The Port seeks approval to award a sole source grant agreement in the amount of \$100,000 to Foodwise Community (Foodwise) because it currently holds a license from the Port and relevant permits applicable to the site when events are scheduled. Holding a competitive solicitation process for the grant would require terminating or re-negotiating the existing license and permits, which would unduly delay award of the

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grant and result in an impracticable competitive solicitation process. This would be the first grant agreement for this scope of work.

Strategic Objective

The Action Plan supports the Port's Strategic Plan as follows:

Economic Recovery

Targeted Activation. Implement economic strategies in waterfront neighborhoods and facilities to create dynamic communities along the waterfront. Building upon the popularity and people's enjoyment of waterfront outdoor spaces, collaborate with community organizations to develop and implement activations in parks and open space to attract diverse communities to the waterfront.

Equity

Share economic prosperity. Ensure Port activities advance equity and public benefit and attract a diversity of people to the Waterfront. Ensure equal access to opportunities, particularly for BIPOC owned and local business enterprises.

Evolution

Open Space. Improve Port open spaces to provide publicly desired amenities and activities. Brining BIPOC owned local businesses to the waterfront provides opportunities for visitor to experience more options and the vibrancy in diversity.

Background

Port Efforts

In early 2018, the Port began to develop tools to amplify its economic activities and create a positive impact on neighboring communities. To support this effort, staff formed an Economic Impact Policy (EIP) Team to engage community and to understand how best to ensure that the Port's contracts, leasing, workforce development, and investment in open space could support social equity and inclusion for communities in and neighboring Port property, including historically disenfranchised neighborhoods. As a result, the EIP Team developed actions based on community feedback to be implemented by Port staff as evidenced in the Port's [Racial Equity Action Plan](#) (REAP).

Since the development of the REAP in 2020, the Port has worked to advance equity in both internal practices and external work at the direction and with the support of the Port Commission. In 2021, the Port co-sponsored the inaugural *Juneteenth on the Waterfront* event located at the Ferry Terminal Plaza and hosted by Foodwise and MegaBlack SF. The event also included a host of local community partnerships such SF Black Wallstreet, En2action/Ujamaa Kitchen, Fillmore Merchants, and others.

Participating Businesses and Community Partners have included:

- A Girl Named Pinky: Deep-fried Monte Cristo sandwiches, cakes, cookies, tarts

- Alkali Rye – Oakland’s Beverage Shop: Beer & wine (in cans)
- Fillmore Merchants and Neighborhood Collaborative: Homemade Hot Links, Potato Salad, Assorted Party Wings, Banana Pudding
- Gumbo Social: Chicken and Sausage Gumbo, Grilled Shrimp Po’Boys, Cali Greens, Red Beans and Rice
- Peaches Patties: Jamaican Beef Patty, Jamaican Curry Chicken Patty, Jamaican Ackee Saltfish Patty (breakfast; sold from 8am -10am), Jamaican Impossible Beef Patty (vegan), Jerk Chicken Wings and Plantains, Sorrel (Jamaican Hibiscus Drink), Homemade Ginger Beer
- Sam’s Gourmet Jams: Small-batch artisan jams, jellies, curds
- SF Black Wallstreet: Chargrilled oysters, Afro-Colombian empanadas, handmade smoked sausage, lemonade
- The Lemonade Bar: Bottled and frozen lemonades
- Tha M’fn Vegan: Vegan BBQ Sliders, Big Papa Nachos, Tha Town Salad
- Yes Pudding: Banana Pudding, Bourbon Caramel Bread Pudding, Seasonal Cobbler

These organizations, among others, worked together to activate the Ferry Terminal Plaza in commemoration of Juneteenth National Independence holiday. Juneteenth, a federally recognized holiday also known as Freedom Day, is the anniversary of emancipation of enslaved African Americans in the United States. It is honored on the anniversary of June 19, 1865, when freedom from slavery was proclaimed in the state of Texas. Juneteenth is now celebrated widely, and *Juneteenth on the Waterfront* is the ‘kick off’ event for week-long celebration of Juneteenth across San Francisco.

The inaugural event was a success; *Juneteenth on the Waterfront* is now held annually, and the outgrowth of favorable outcomes has served as a launchpad for additional Ferry Terminal Plaza activations (such as the Harvest Festival held during fall 2022) and a catalyst for local Black businesses to have an increased visibility along the waterfront.

Mayor’s Dream Keeper Initiative. The Port has received grant funding from the San Francisco Dream Keeper Initiative (DKI) to activate the Port through hosting quarterly pop-up events at Ferry Terminal for calendar year 2023 from the San Francisco Human Rights Commission. DKI is a citywide effort to reinvest \$120 million over fiscal years 2020-2022 from law enforcement into San Francisco’s Black and African-American community. This Initiative is part of Mayor London N. Breed’s roadmap for reforming public safety and addressing structural inequities in San Francisco. Investments are designed to improve outcomes for San Francisco’s Black and African-American youth and their families and ensure the needs of all family members are addressed cohesively and comprehensively. Funding earmarked for Business and Entrepreneur Support will support the quarterly pop-up events for one year.

Purpose

The Port is committed to economic inclusion and seeks to increase the number of opportunities, through pop-up events and curated experiences for small businesses,

and other Port leases, for San Francisco businesses, including those located in historically disenfranchised communities.

Pop-ups on the Plaza quarterly events are intended to provide sustainable opportunities to local businesses, including Black-owned businesses. Supporting Black businesses aids in the progression and strengthening of Black communities, creates jobs and opportunities, increases the flow of income towards generational wealth building, and empowers local communities. These quarterly events are an outgrowth of success of annual *Juneteenth on the Waterfront* events that celebrate, support and bring visibility to small, local Black-owned food businesses with a day of fun, community, and delicious, handcrafted food at the Embarcadero Ferry Terminal Plaza and Ferry Plaza Farmers Market. Entry is free and open to the public, with food and drinks available for purchase.

To host quarterly, pop-up events on the Embarcadero Ferry Terminal Plaza, leveraging the existing popularity of the Saturday farmer's market to advance economic opportunities for local, and Black and African American small businesses.

Scope of Work

- Plan and execute four (4) quarterly events that are free, family-friendly, and open to the public, featuring local, Black-owned businesses on Embarcadero Ferry Terminal Plaza
- Operate and manage the pop-up quarterly event located at the Embarcadero Ferry Terminal Plaza with dates to be mutually agreed to between the Port and the grant awardee
- Participate in and support city- and community-based partnerships around the use of data to measure impact of DKI and other city agency and philanthropic investments to advance economic opportunities for Black and African-American residents of San Francisco
- Recruit local, and Black and African American vendors for participation in the pop-up with an emphasis on local farmers, crafters, and artisans
- Recruit market sponsors as needed for the successful operation of the market
- Recruit volunteers to assist with market-day activities including set-up, take down and parking management
- Provide marketing, advertising and promotions as needed to support the pop-up event
- Provide end of quarter summary of pop-up event performance, including number of vendors, type of vendors, and number of market visitors

- Bag and remove all garbage and recyclables at the conclusion of the event and place in the dumpster
- Obtain applicable Department of Public Health permits and other permits related specifically to the operation of the pop-up event(s)
- Obtain from vendors evidence of all necessary insurance
- Provide an end of year financial summary and an annual detailed financial summary of market expenditures and revenues at the conclusion of the grant term
- Notify vendors that sales taxes collected (if sales taxes are due) shall be coded to location
- Notify vendors that they are expected to comply with applicable state and local licensing and registration requirements

Below is a chart of proposed event dates and deliverables:

Saturday, March 25, 2023	Black Women Foodmakers
Saturday, June 10, 2023	3rd Annual Juneteenth on the Waterfront
Saturday, September 23, 2023	Fall Kick Off
Late Nov./early Dec. – date TBD	Holiday Event
Grant Term Conclusion	One year from grant agreement execution

Sole Source Grant. San Francisco Administrative Code Chapter 21G governs the award of grants and requires the Port to follow a competitive solicitation process to award a grant unless an exception to the solicitation requirement applies or a sole-source award is approved in accordance with the Purchaser’s rules and regulations. Port staff recommends the Port Commission approve a sole-source award in the amount of \$100,000 to Foodwise. Foodwise is responsible for the extremely successful farmers markets and has successfully supported the first two Juneteenth on the Waterfront events with our other partners.

Foodwise has been operating the Ferry Plaza Farmers Market for 30 years and has established relationship with relevant regulatory agencies and Ferry Building operator, Hudson Pacific Properties.

The Ferry Terminal Plaza is a dedicated public access area that is subject to the regulatory jurisdiction of the Bay Conservation and Development Commission (BCDC). BCDC has authorized the License Area to be used by Foodwise on Saturdays and for special events upon authorization by BCDC. The Port is prohibited from allowing any events on the Ferry Terminal Plaza without BDCD plan review approval.

The Port has granted a permit to Foodwise (formerly “Center for Urban Education about Sustainable Agriculture,” or CUESA) for use of Ferry Terminal Plaza through Licenses 16695 and 16742. Included in these Licenses is the requirement for the Licensee to obtain all regulatory permits and provide public restrooms, coordinate with Ferry Building lessee (Hudson Pacific Properties) for use of the driveway, provide trash and recycling receptacles, and clean up after events.

BCDC and Port permits are required by any organization seeking to hold events, set up tables, and otherwise occupy the public access area. Foodwise has obtained these permits.

Pursuing a competitive solicitation for the quarterly activation pop-up events at Ferry Terminal Plaza may conflict with the existing licenses and permits. Awarding the grant agreement to a non-profit organization other than Foodwise would require the Port to terminate and/or renegotiate the Foodwise licenses and require BCDC and the Port to coordinate and revise the existing permit. Accordingly, although a competitive solicitation process is possible, it would be impracticable, unduly delaying events and requiring revision or termination of existing agreements.

Recommendation

Port staff recommends that the Port Commission approve the attached resolution authorizing the award of a sole-source grant to Foodwise Community for the purposes of hosting quarterly pop-up activation events at Ferry Terminal Plaza to promote local, and Black-owned businesses.

Prepared by: Alysabeth Alexander-Tut, Acting
Contracts & Procurement Manager

Toni Autry, Diversity,
Equity and Opportunity Manager

Prepared for: Justin Berton, Director of
Communications

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 23-11

- WHEREAS, The Port of San Francisco prioritizes equity as a core value and is committed to advancing racial equity such that Port opportunities are shared with people of color and the waterfront intentionally welcomes and includes diverse communities; and
- WHEREAS, The Port has intentionally endeavored to break down barriers to achieve greater diversity including in 2016 as articulated in the Port Commission’s Strategic Plan and in 2020 through adoption of the Port’s Racial Equity Action Plan; and
- WHEREAS, In 2021, the Port co-sponsored the first *Juneteenth on the Waterfront* event that was hosted by Foodwise Community, a California nonprofit corporation (“Foodwise”), and MegaBlack SF to celebrate, support, and bring visibility to small, Black-owned local businesses, which successfully featured vendors for a day of fun, community, music, and artisan food and drinks; and
- WHEREAS, Foodwise has operated the Ferry Plaza Farmers Market for 30 years and has established relationship with regulatory agencies and the Ferry Building master tenant, Hudson Pacific Properties; and
- WHEREAS, The Port received grant funding from the San Francisco Dream Keeper Initiative to activate Ferry Terminal Plaza with quarterly events, and the Port intends to further grant the funding to a nonprofit entity to plan, market, advertise and promote, operate, and report back to the Port about the quarterly events; and
- WHEREAS, Port staff believes Ferry Terminal Plaza activations will be more economically feasible for participating vendors and have greater positive public impact through coordination and collaboration with the popular Saturday Ferry Plaza Farmers Market events; and WHEREAS, Foodwise currently possesses the sole contracts for use of Ferry Terminal Plaza and adjacent space during Saturday Farmers Market events, as permitted by the Bay Conservation and Development Commission and licenses from the Port; and
- WHEREAS, Port staff recommends awarding the grant funds to Foodwise to plan, market, advertise and promote, operate and manage, and report back to the Port about the quarterly activation events based on Foodwise’s existing permit and licenses applicable to Ferry Terminal Plaza and its unique ability to coordinate with Saturday Ferry Plaza Farmers Market

events, which award would avoid a competitive solicitation process for the grant funds that could result in conflicts requiring the termination and/or re-negotiation of Foodwise's existing permit and licenses as well as application for and negotiation of new permits and licenses, all of which would unduly delay activation of Ferry Terminal Plaza and the purposes of the Dream Keeper Initiative grant to the Port; and; and

WHEREAS, The recommended grant agreement awarding funds to Foodwise for the quarterly activation of Ferry Terminal Plaza would be the first grant agreement between the Port and Foodwise for this purposes;

WHEREAS, The Port Commission may waive an open and competitive process and authorize the award of a sole-source grant agreement under San Francisco Administrative Code Chapter 21G if: (1) a competitive process would be infeasible or impracticable, or if the purpose of the grant may reasonably be accomplished by one particular grantee; and (2) the grant is not a recurring grant to the same recipient without a competitive process, among other exceptions; now therefore be it

RESOLVED, The Port Commission finds the award of a sole source grant agreement to Foodwise Community, a California nonprofit corporation, is justified because it will be the first grant agreement for the purpose of planning, marketing, advertising and promoting, operating and managing, and reporting back to the Port about the quarterly Ferry Terminal Plaza activation events, and because a competitive process could result in a conflict with and require the termination or re-negotiation of Foodwise's existing permit and licenses at Ferry Terminal Plaza and adjacent space, and because as operator of the Ferry Plaza Farmers Market Foodwise is uniquely suited to facilitate successful quarterly activation events in conjunction with the popular farmers market; and be it further

RESOLVED, The Port Commission authorizes the Port Executive Director, or the Executive Director's designee, to directly negotiate and execute a grant agreement with Foodwise for an amount not to exceed \$100,000 with a maximum term of one (1) year to plan, market, advertise and promote, operate and manage, and report back to the Port regarding four quarterly events to activate Ferry Terminal Plaza.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 28, 2023.

Secretary