



Sugar-Sweetened
Beverage Product
Panel of Experts
Commission

**Sugar-Sweetened Beverage Product
Panel of Experts Commission**
Thursday, October 17th, 2024, 6:00pm – 8:00pm
Meeting Location:
South Berkeley Senior Center
2939 Ellis Street, Berkeley, CA 94703
P: 510-981-5350

MEETING AGENDA

Preliminary Matters

1. Roll Call
2. Introduction of new Commission members
3. Approval of Draft Minutes from 09/19/2024 regular 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.

Discussion and 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 1:** Review Work Plan (Status of Tasks/Progress) (Kao)
3. **Discussion 2:** SSB Revenues (Hecht) – **Attachment 7.**
4. **Discussion 3:** Follow-up on Healthy Berkeley funded agencies communication (e.g., feedback, SSB tax) (Kao)
5. **Discussion 4:** Healthy Checkout Questions for November 2024 presentation (Kao)
6. **Action 1:** Review Final Work Plan (status of tasks) (Kao)
7. **Action 2:** Approve funding and allocation recommendations to Council for grant cycle FY26 and FY27 (Kao) – **Attachment 10**
8. **Action 3:** Approve revisions to RFP document for FY26 and FY27 (Kao) – **Attachment 11**
9. **Action 3:** Add/Remove Subcommittees/ Members (Hecht)

Information Items

1. Commission Work Plan – **Attachment 2**
2. Approved Meeting Minutes 07/18/2024 – **Attachment 3**
3. Commission Meeting Dates 2024 – **Attachment 4**
4. Subcommittee Roster 2024– **Attachment 5**
5. City Council Timeline 2024 – **Attachment 6**
6. Soda Tax Revenues – **Attachment 7**
7. Measure Z ballot language – **Attachment 8**
8. Commission recommendation FY24/25 – **Attachment 9**

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/>

9. Commission recommendation on funding for FY26/27 – **Attachment 10**

10. Revised RFP for FY26/27 – **Attachment 11**

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, September 19th, 2024. 6:00 – 8:00 PM

Meeting Location:

South Berkeley Senior Center
2939 Ellis Street, Berkeley, CA 94703
P: 510-981-5350

DRAFT MEETING MINUTES

The meeting convened at 6:12pm.

ROLL CALL

Present: Commissioners Morales, Rodriguez, Mashama (6:15pm),
Kao, Lopez, Hecht, Chan (7:00pm).
Absent: Commissioner Esonwune.
Excused: Commissioner Crawford.
Staff present: Janice Chin, JoAnn Evangelista, Roberto Terrones.

COMMENTS FROM THE PUBLIC 1 (community members present: 1).

ACTION ON MINUTES

Approval of Minutes - Moved to approve the draft minutes of the meeting on 07/18/2024.

M/S/C: Commissioners Morales/Rodriguez.

Ayes: Commissioners Morales, Rodriguez, Mashama, Kao, Lopez,
Hecht, Chan.
Noes: None.
Abstain: None.
Absent from vote: Commissioners Esonwune.
Recused: None.
Excused: Commissioners Crawford.

A Vibrant and Healthy Berkeley for All

1. Motion to approve communication (with edits) to City Council on status of Ordinance prohibiting the use of City funds for purchase of SSBs.

M/S/C: Commissioners Rodriguez/Kao.

Ayes: Commissioners Morales, Rodriguez, Mashama, Kao, Lopez, Hecht, Chan.

Noes: None.

Abstain: None.

Absent from vote: Commissioners Esonwune.

Recused: None.

Excused: Commissioners Crawford.

The meeting adjourned at 7:46pm.

NEXT MEETING:

The next meeting is scheduled for **Thursday, September 19th, 2024**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Roberto Terrones, Commission Secretary
Minutes will be approved at the September 19th, 2024 regular meeting.

Sugar-Sweetened Beverage Product Panel of Experts Commission

Proposed Work Plan –4/2024 – 3/2025

Task	Activity	Actions Needed in Advance	2024									2025		
			April	May	June	July	Aug	Sept	October	November	December	January	February	Mar
1)	Conduct periodic commission	Distribution of agenda	X	X	X	X		X	X	X		X	X	X
2)	Discuss with fiscal about current revenues vs. projected revenues and discuss disbursement plan (quarterly	Fiscal data requested and distributed		X				X		X			x	
3)	Annual grantee presentations to the commission	Grantees contacted and scheduled; Ask grantees to share how they disseminate re: SSB tax funds	X	X	X	X								X
4)	Discuss with city staff internal activities funded by soda tax (e.g.	Schedule staff for discussion		X	X	X								
5)	Discuss Epi research related to health as well as evaluation data from grantees including BUSD & YRBS.	Schedule staff for discussion Email request for health status report that incl. chronic disease data, dental caries, and any health behaviors related to sugar/diet)		X										
6)	Discuss city beverage procurement implementation.	Send communication to Council to obtain beverage procurement data; Roberto will help get request into right template		X	X									
7)	Discuss creation of a system to evaluate city beverage procurement	Obtain information of current beverage procurement data			X	X								
8)	Discuss status of healthy checkout policy implementation	Arrange meeting with public health nutrition staff/get update from nutritionist (Angelica)		X										
9)	Discuss numbers of stores assessed and outcomes by public health environmental department.	Arrange meeting with public health environmental health department			X	x								
10)	Create a plan for educating the public re soda tax success	Gather information on options for educating the public; add'l steps TBD, depending on \$			X	X								
11)	Write report for council, press, etc.	Gather data and information for report						X						
12)	Discuss fiscal data from the prior 12 months of tax revenue (to determine grant funds for 2025-26)	Fiscal data requested and distributed											Policy committee →council	
13)	Prepare new proposal guidelines for 2025-2026 (18 mo)	Distribute past proposal guidelines as a template						X		Nov 15: Issue new RFP	Dec 20: proposals due			
14)	Plan workshop for assisting with grant writing for community groups	Promote and coordinate meeting for potential grantees						X	X					
15)	Review and recommend proposals for funding	Distribute past review criteria and letters for funding										Resolutio n	Funding recs due to council	



Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, July 18th, 2024. 6:00 – 8:00 PM

Meeting Location:

South Berkeley Senior Center
2939 Ellis Street, Berkeley, CA 94703
P: 510-981-5350

MEETING MINUTES

The meeting convened at 6:25pm.

ROLL CALL

Present: Commissioners Morales, Mashama, Kao, Lopez,
Crawford, Esonwune, Hecht.
Absent: None.
Excused: Commissioner Chan, Rodriguez.
Staff present: Kellie Knox.

COMMENTS FROM THE PUBLIC 8.

ACTION ON MINUTES

Approval of Minutes - Moved to approve the draft minutes of the meeting on 06/20/2024 with edits.

M/S/C: Commissioners Morales/Lopez.

Ayes: Commissioners Mashama, Crawford, Morales, Kao.
Noes: None.
Abstain: None.
Absent from vote: Commissioners Esonwune, Hecht, Lopez.
Recused: None.
Excused: Commissioners Rodriguez, Chan.

The meeting adjourned at 8:17pm.

A Vibrant and Healthy Berkeley for All

NEXT MEETING:

The next meeting is scheduled for **Thursday, September 19th, 2024**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Roberto Terrones, Commission Secretary
Minutes were approved at the September 19th, 2024 regular meeting.

2024 Commission Meeting Dates

Please complete this form and email it to the
[Commission Inbox](#)

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

Commission Secretary: Roberto Terrones

Please Note the Commission Meeting Dates for 2024 Below

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

2024 Meeting Dates

Month	Meeting Day and Date	Time
January 2024	Thursday 1/18/2024	6:00 pm
February 2024	Thursday 2/15/2024	6:00 pm
March 2024	Thursday 3/21/2024	6:00 pm
April 2024	Thursday 4/18/2024	6:00 pm
May 2024	Thursday 5/16/2024	6:00 pm
June 2024	Thursday 6/20/2024	6:00 pm

Month	Meeting Day and Date	Time
July 2024	Thursday 7/18/2024	6:00 pm
August 2024	No Meeting	
September 2024	Thursday 9/19/2024	6:00 pm
October 2024	Thursday 10/17/2024	6:00 pm
November 2024	Thursday 11/21/2024	6:00 pm
December 2024	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
Ad-hoc Work Plan	<i>Revision of 2024 Commission work plan.</i>	Xavier Morales Michael Rodriguez Pat Crawford Peace Esonwune
Media	<i>Give feedback on media materials that the Public Health Division disseminates to the public, prepare talking points for the media.</i>	Xavier Morales Janice Kao Michael Chan Themba Mashama
Prevention Strategies and Outcomes	<i>Review and revise requests for proposals, increase knowledge of the community, and evaluation.</i>	Pat Crawford Kenneth Hecht Vivian Lopez Janice Kao
Sugary Drinks Policy	<i>Recommend policies for the City Council.</i>	Pat Crawford Michael Rodriguez

2024			Thursday 12:00 PM	Thursday 12:00 PM	Monday 2:30 PM	Wednesday 11:00 AM	Thursday 5:00 PM
COUNCIL MEETING DATE	Reports Due to Dept. Director	Reports Due to CAO	Dept. Reports Due to Clerk Day 33	Agenda Committee Packet to Print Day 19	Agenda Committee Meeting Day 15	Final Agenda Meeting - (Print Agenda on wed.) Day 13	Council Agenda Delivery Day 12
Winter Recess [December 13, 2023 through January 15, 2024]							
Jan 16	11/30	11/30	12/14	1/2 - Tue	1/4 - Thur	1/4 - Thur	1/5 - Fri
Jan 30	12/14	12/14	12/28	1/11	1/16 - Tue	1/17	1/18
Feb 13	12/28	12/28	1/11	1/25	1/29	1/31	2/1
Feb 27	1/11	1/11	1/25	2/8	2/13 - Tue	2/14	2/15
Mar 12	1/25	1/25	2/8	2/22	2/26	2/28	2/29
Mar 19	2/1	2/1	2/15	2/29	3/4	3/6	3/7
Spring Recess [March 20 through April 15, 2024]							
Apr 16	2/29	2/29	3/14	3/28	4/1	4/3	4/4
May 7	3/21	3/21	4/4	4/18	4/25 - Thur	4/25 - Thr	4/26 - Fri
May 14	3/28	3/28	4/11	4/25	5/1 - Wed	5/1	5/2
May 21	4/4	4/4	4/18	5/2	5/7 - Tue	5/8	5/9
Jun 4	4/18	4/18	5/2	5/16	5/21 - Tue	5/22	5/23
Jun 25	5/9	5/9	5/23	6/6	6/10	6/12	6/13
Jul 9	5/23	5/23	6/6	6/20	6/24	6/26	6/27
Jul 23	6/6	6/6	6/20	7/3 - Wed	7/8	7/10	7/11
Jul 30	6/13	6/13	6/27	7/11	7/15	7/17	7/18
Summer Recess [July 31 through September 9, 2024]							
Sep 10	7/25	7/25	8/8	8/22	8/26	8/28	8/29
Sep 24	8/8	8/8	8/22	9/5	9/9	9/11	9/12
Oct 1	8/15	8/15	8/29	9/12	9/16	9/18	9/19
Oct 15	8/29	8/29	9/12	9/26	9/30	10/2	10/3
Oct 29	9/12	9/12	9/26	10/10	10/15 - Tue	10/16	10/17
Nov 12	9/26	9/26	10/10	10/24	10/28	10/30	10/31
Nov 19	10/3	10/3	10/17	10/31	11/4	11/6	11/7
Dec 3	10/17	10/17	10/31	11/14	11/18	11/20	11/21
Dec 10	10/27	10/27	11/7	11/21	11/25	11/27	11/27 - Wed
Winter Recess [December 11, 2024 through January 14, 2025]							

VTO Affected Dates

Holiday Affected Dates

Religious Holiday Affected
Date

Updated 11/30/2023

Reports not submitted by the deadlines listed will not be included on the agenda.



City of Berkeley
Soda Tax Revenue-FY 2024
For the Months of July 2023 - June 2024

Month	Amount
Jul-23	101,700.72
Aug-23	91,096.92
Sep-23	83,544.48
Oct-23	107,467.71
Nov-23	91,699.61
Dec-23	115,244.29
Jan-24	68,755.47
Feb-24	119,393.56
Mar-24	70,308.05
Apr-24	62,726.26
May-24	98,679.86
Jun-24	99,641.77
Gross Revenue	\$ 1,110,258.70

FY 2015	\$ 242,986.39
FY 2016	\$ 1,757,271.70
FY 2017	\$ 1,578,389.00
FY 2018	\$ 1,517,949.28
FY 2019	\$ 1,606,177.73
FY 2020	\$ 1,378,196.46
FY 2021	\$ 995,387.49
FY 2022	\$ 1,047,801.97
FY 2023	\$ 1,185,893.91
FY 2024	\$ 1,110,258.70
Total	\$ 12,420,312.63

Measure Z
Sugar-Sweetened Beverage Tax Amendments

Shall the measure to remove the current January 1, 2027 expiration date and extend until ended by voters the general tax on the distribution of sugary drinks and sweeteners, paid by distributors at the rate of 1¢ per fluid ounce, previously approved by voters in 2014, with exceptions for small retailers, milk products, and baby formula, raising approximately \$1,150,000 per year for general government use, be adopted?

**CITY ATTORNEY'S IMPARTIAL ANALYSIS
OF MEASURE Z**

This measure was placed on the ballot by the City Council. It requires a majority vote for passage.

Responding to increased rates of diabetes, obesity, and tooth decay, particularly in low-income communities and communities of color, connected to the consumption of sugar-sweetened beverages, the City Council placed a measure on the ballot in 2014 to impose a general tax on the distribution of sugar-sweetened beverages at a rate of 1 cent per fluid ounce. The measure included exceptions for small retailers, milk products, juice, baby formula, medical drinks, typical sweeteners added by consumers, diet drinks, and alcohol. The measure also established the Sugar-Sweetened Beverage Product Panel of Experts to make recommendations on how and to what extent the City should establish or fund programs to reduce the consumption of sugar-sweetened beverages in Berkeley and to address the effects of such consumption. The measure requires the City Council to consider, but need not follow, the Panel's recommendations and to annually inform the Panel as to the extent to which it has implemented the Panel's recommendations.

The voters adopted the measure in 2014, and it is currently set to expire on January 1, 2027.

This measure would extend the tax on the distribution of sugary beverages and the requirement that the City Council consider the Panel's recommendations on how and to what extent the City should establish or fund programs to reduce the consumption of sugar-sweetened beverages in Berkeley and to address the effects of such consumption, until repealed or modified by the City's voters.

The tax currently raises roughly \$1.15 million a year for the City's general fund, which is expected to remain the same if the tax is reauthorized by voters through this measure.

This measure changes nothing else about the tax. The tax rate, method of collection, method of implementation, exemptions, and other provisions in Chapter 7.72 of the Municipal Code would remain unchanged.

s/FARIMAH FAIZ BROWN
Berkeley City Attorney

ARGUMENT IN FAVOR OF MEASURE Z

This measure is simple!

It extends the EXISTING tax on soda distributors that was passed by over 75% of Berkeley voters in 2014 and will expire soon unless we all vote YES! to keep it in place.

Measure Z is the same as in 2014: it taxes wholesale soda distributors and maintains all existing exceptions including natural fruit and vegetable juice, milk products, baby formula, and drinks taken for medical reasons.

Sugary drinks are proven risk factors for many health problems, including obesity, type 2 diabetes, cardiovascular disease, tooth decay, and some cancers. Almost 50% of African American and Latino children are predicted to get diabetes in their lifetimes.

By voting YES! on Measure Z we can continue to reduce soda consumption and prevent the health problems it causes.

The soda tax, in place now for almost ten years, has been a huge success!

- Since 2014, consumption of sugary drinks has gone down, water consumption is up, and obesity rates for Berkeley's kids have decreased.
- The tax helps pay gardening teachers in all 17 BUSD schools so kids of all ages can participate in Cooking and Gardening Programs.
- It has supported over 77,000 health and dental screenings for low-income community members and over 31,000 community workshops, classes, and events.
- It provides funds to teach kids about healthy eating and for free food pantries and grocery boxes for food-insecure families.
- It provides critical funding for healthcare services to low-income Berkeley residents.

Without Measure Z, which extends the existing tax on wholesale soda distributors, funds for all of these programs will be lost.

Vote YES! on Measure Z to support health equity and continue funding Cooking and Gardening Programs, community food and health organizations, and programs that improve the wellbeing of Berkeley's youth and families.

s/Sophie Hahn
Berkeley City Councilmember

s/Ka'Dijah A. Brown
Vice-President, Berkeley School Board

s/Xavier Morales, Ph.D.
Sugar Sweetened Beverage Product Panel of Experts Commissioner

s/Lupe Gallegos-Diaz
Co-chair, Latinos Unidos de Berkeley

s/Jaleh Niazi, MD
Pediatrician

ORDINANCE NO. _____

REAUTHORIZING AND EXTENDING THE GENERAL TAX ON THE
DISTRIBUTION OF SUGAR-SWEETENED BEVERAGE PRODUCTS

BE IT ORDAINED by the People of the City of Berkeley as follows:

Section 1. Findings.

- A. Responding to the major public health crisis of increased rates of diabetes, obesity, and tooth decay, particularly in low-income communities and communities of color, connected to the consumption of sugary beverages, on November 4, 2014, the voters of the City of Berkeley passed Measure D, which added Chapter 7.72 to the Berkeley Municipal Code and imposed a general tax on the distribution of sugary beverages at a rate of 1 cent per fluid ounce.
- B. Since its adoption, Measure D has measurably reduced the consumption of sugary beverages in the City of Berkeley, as compared to neighboring cities that have not imposed a tax on the distribution of sugary beverages. For example, a report by the Berkeley Food Institute of the University of California found that three years after the passage of Measure D residents of the City of Berkeley were drinking half the amount of soda and consuming 29 percent more water than before Measure D.
- C. Measure D will terminate on January 1, 2027, unless reauthorized by the People of the City of Berkeley.

Section 2. Reauthorization.

- A. The general tax imposed on the distribution of sugary beverages in the City of Berkeley at the rate of 1 cent per fluid ounce, which was imposed by Ordinance No. 7,388-N.S.(Imposing a General Tax on the Distribution of Sugar-Sweetened Beverage Products) and codified as Chapter 7.72 of the Berkeley Municipal Code, is hereby reauthorized beyond December 31, 2026, its last effective date.
- B. The second sentence of section 4 of Ordinance No. 7,388-N.S., which states that “[t]he last effective date of this Ordinance shall be December 31, 2026, and it shall terminate as of January 1, 2027” is hereby deleted and replaced with the following sentence: “This Ordinance shall be effective until repealed or modified by the voters of the City of Berkeley.”

Section 3. Code Amendment. Chapter 7.72 of the Berkeley Municipal Code is hereby amended as follows (additions denoted by underlined text and deletions denoted by ~~strike through~~):

Chapter 7.72
SUGAR-SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX

Sections:

- 7.72.010 Excise tax.**
- 7.72.020 Exemptions.**
- 7.72.030 Definitions.**
- 7.72.040 Duties, responsibilities and authority of the City Manager.**
- 7.72.050 Collection.**
- 7.72.060 Refunds.**
- 7.72.070 Enforcement.**
- 7.72.080 Not a sales and use tax.**
- 7.72.090 Sugar-Sweetened Beverage Product Panel of Experts.**
- 7.72.100 Increase appropriations limits.**
- 7.72.110 Amendment.**
- 7.72.120 Duration.**

7.72.010 Excise tax.

A. In addition to any other taxes imposed by the City, the City hereby levies a tax of one cent (\$0.01) per fluid ounce on the privilege of Distributing Sugar-sweetened beverage products in the City.

B. For the purposes of this Chapter, the volume, in ounces, of a Sugar-sweetened beverage product shall be calculated as follows:

1. For a Sugar-sweetened beverage, the volume, in fluid ounces, of Sugar-sweetened beverages distributed to any person in the course of business in the City.
2. For Added caloric sweeteners, the largest volume, in fluid ounces, of Sugar-sweetened beverages that could be produced from the Added caloric sweeteners. In accordance with rules and regulations promulgated by the City pursuant to

Section 7.72.040, the largest volume, in fluid ounces, that would typically be produced from the Added caloric sweeteners shall be determined based on the manufacturer's instructions or, if the Distributor uses the Added caloric sweeteners to produce a Sugar-sweetened beverage, the regular practice of the Distributor.

C. The tax shall be paid upon the first nonexempt Distribution of a Sugar-sweetened beverage product in the City. To the extent that there is a chain of Distribution within Berkeley involving more than one Distributor, the tax shall be levied on the first Distributor subject to the jurisdiction of the City. To the extent the tax is not paid as set forth above for any reason, it shall be payable on subsequent Distributions and by subsequent Distributors; provided, that the Distribution of Sugar-sweetened beverage products may not be taxed more than once in the chain of commerce.

7.72.020 Exemptions.

The tax imposed by this Chapter shall not apply:

- A. To any Distributor that is not subject to taxation by the City under the laws of the United States or the State of California;
- B. To any Distribution of a Sugar-sweetened beverage product to a Retailer with less than \$100,000 in annual gross receipts, as defined in Section 9.04.025, in the most recent year;
- C. To any Distribution of Natural or common sweeteners; or
- D. To any Distribution of Added caloric sweeteners to a Food Products Store as defined in Section 23F.04.010, if the Food Products Store then offers the Added caloric sweetener for sale for later use by customers of that store.

7.72.030 Definitions.

A. "Added caloric sweetener" means any substance or combination of substances that meets all of the following four criteria:

1. Is suitable for human consumption;
2. Adds calories to the diet if consumed;

3. Is perceived as sweet when consumed; and
4. Is used for making, mixing, or compounding Sugar-sweetened beverages by combining the substance or substances with one or more other ingredients including, without limitation, water, ice, powder, coffee, tea, fruit juice, vegetable juice, or carbonation or other gas.

An Added caloric sweetener may take any form, including but not limited to a liquid, syrup, and powder, whether or not frozen. "Added caloric sweetener" includes, without limitation, sucrose, fructose, glucose, other sugars, and high fructose corn syrup, but does not include a substance that exclusively contains natural, concentrated, or reconstituted fruit or vegetable juice or any combination thereof.

B. "Alcoholic beverage" means any beverage subject to tax under Part 14 (commencing with Section 32001) of the California Revenue and Taxation Code, as that Part may be amended from time to time.

C. "Beverage for medical use" means a beverage suitable for human consumption and manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize dietary nutrients from food or beverages, or for use as an oral rehydration electrolyte solution for infants and children formulated to prevent or treat dehydration due to illness. "Beverage for medical use" shall also mean a "medical food" as defined in Section 109971 of the California Health and Safety Code, as that definition may be amended from time to time. "Beverage for medical use" shall not include drinks commonly referred to as "sports drinks" or any other common names that are derivations thereof.

D. "Business Entity" means any Person except for a natural person.

E. "City" means the City of Berkeley, California.

F. "City Manager" means the City Manager of the City of Berkeley or his or her designee.

G. "Consumer" means a natural person who purchases a Sugar-sweetened beverage product in the City for a purpose other than resale in the ordinary course of business.

H. "Distribution" or "Distribute" means the transfer of title or possession (1) from one Business entity to another for consideration or (2) within a single Business entity, such

as by a wholesale or warehousing unit to a retail outlet or between two or more employees or contractors. "Distribution" or "Distribute" shall not mean the retail sale to a Consumer.

I. "Distributor" means any Person who Distributes Sugar-sweetened beverage products in the City.

J. "Milk" means natural liquid milk, regardless of animal source or butterfat content, natural milk concentrate, whether or not reconstituted, regardless of animal source or butterfat content, or dehydrated natural milk, whether or not reconstituted and regardless of animal source or butterfat content, and plant-based milk substitutes, that are marketed as milk, such as soy milk and almond milk.

K. "Natural or common sweetener" means granulated white sugar, brown sugar, honey, molasses, xylem sap of maple trees, or agave nectar.

L. "Person" means an individual, trust, firm, joint stock company, business concern, business trust, government, receiver, trustee, syndicate, social club, fraternal organization, estate, corporation, including, but not limited to, a limited liability company, and association or any other group or combination acting as a unit.

M. "Retailer" means any Person who serves Sugar-sweetened beverage products to a Consumer.

N. "Simple syrup" means a mixture of water and one or more Natural or common sweeteners without any additional ingredients.

O. "Sugar-sweetened beverage" means any beverage intended for human consumption to which one or more Added caloric sweeteners has been added and that contains at least 2 calories per fluid ounce.

1. "Sugar-sweetened beverage" includes, but is not limited to all drinks and beverages commonly referred to as "soda," "pop," "cola," "soft drinks," "sports drinks," "energy drinks," "sweetened ice teas," or any other common names that are derivations thereof.

2. "Sugar-sweetened beverage" shall not include any of the following:

- (a) Any beverage in which milk is the primary ingredient, i.e., the ingredient constituting a greater volume of the product than any other;

- (b) Any beverage for medical use;
- (c) Any liquid sold for use for weight reduction as a meal replacement;
- (d) Any product commonly referred to as "infant formula" or "baby formula"; or
- (e) Any alcoholic beverage.

P. "Sugar-sweetened beverage product" means a Sugar-sweetened beverage or Added caloric sweetener.

7.72.040 Duties, responsibilities and authority of the City Manager.

A. It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter, and to keep an accurate record thereof.

B. The City Manager is hereby charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter, including provisions for the reexamination and correction of returns and payments, and for reporting. Such rules and regulations may include, but are not limited to, the following:

1. The determination of the frequency with which a Distributor must calculate the tax. This determination shall not constitute an increase of the tax.
2. The determination of the frequency with which a Distributor must pay the tax. This determination shall not constitute an increase of the tax.
3. The determination of whether and how a Distributor must register with the City.
4. The determination of whether and how a Distributor who receives, in the City, Sugar-sweetened beverage products from another Distributor must report to the City the name of that Distributor.
5. The determination of whether and how a Distributor who receives, in the City, Sugar-sweetened beverage products from another distributor must report to the City the volume of Sugar-sweetened beverage products received from that Distributor.
6. The determination of what other documentation is required to be created or maintained by a Distributor.

C. The City Manager shall annually verify that the taxes owed under this Chapter have been properly applied, exempted, collected, and remitted.

7.72.050 Collection.

A. The amount of any tax, penalty, and interest imposed under the provisions of this Chapter shall be deemed a debt to the City. Any Distributor owing money under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such amount.

B. In order to aid in the City's collection of taxes due under this Chapter, any Retailer that receives Sugar-sweetened beverage products from a Distributor shall, in accordance with rules and regulations promulgated by the City Manager pursuant to Section 7.72.040, either:

1. report to the City all such transactions, the volume in ounces of Sugar-sweetened beverage products received in each transaction, and the identity and contact information of the Distributor from whom the Sugar-sweetened beverage products were received; or
2. collect the tax that would be payable as a result of the transaction by the Distributor from whom the Sugar-sweetened beverage product was received and remit it to the City; or
3. provide to the City evidence that the Distributor from whom the Sugar-sweetened beverage products were received has registered as a Distributor with the City and that registration is current.

C. The City Council is authorized to have the taxes imposed by this Chapter collected by the County of Alameda or the California Board of Equalization in conjunction with the collection of other taxes for the City. If the City Council exercises this authorization, the duties and responsibilities of the City Manager shall be given, as appropriate, to the County of Alameda or the California Board of Equalization, which may delegate such duties and responsibilities as necessary and as authorized by law.

7.72.060 Refunds.

Whenever any tax under this Chapter has been paid more than once or has been erroneously or illegally collected or received by the City, it may be refunded only as provided in Chapter 7.20 of the Berkeley Municipal Code.

7.72.070 Enforcement.

Except as otherwise provided by this Chapter or by rule or regulation promulgated by the City Manager, the tax imposed by this Chapter shall be administered in the same manner as taxes imposed pursuant to Chapter 9.04 and, without limitation, shall be subject to the same delinquency penalties, appeals processes and other enforcement provisions set forth in Chapter 9.04.

7.72.080 Not a sales and use tax.

The tax imposed by this Chapter is a tax upon the privilege of conducting business, specifically, Distributing Sugar sweetened beverage products within the City of Berkeley. It is not a sales, use, or other excise tax on the sale, consumption or use of Sugar-sweetened beverage products.

7.72.090 Sugar-Sweetened Beverage Product Panel of Experts.

- A. There shall be established the Sugar-Sweetened Beverage Product Panel of Experts to make recommendations on how and to what extent the City should establish and/or fund programs to reduce the consumption of sugar-sweetened beverages in Berkeley and to address the effects of such consumption.
- B. An officer or employee of the City designated by the City Manager shall serve as secretary of the Panel.
- C. In accordance with Chapter 2.04, the Panel shall be composed of nine members appointed by the City Council.
- D. Terms shall expire and vacancies shall be filled in accordance with the provisions of Section 2.04.030 through 2.04.145 of this Code.

E. Each member of the Panel must:

1. Have experience in community-based youth food and nutrition programs; or
2. Have experience in school-based food and nutrition programs and be referred by the Berkeley Unified School District; or
3. Have experience in early childhood nutrition education; or
4. Have experience in researching public health issues or evaluating public health programs related to diabetes, obesity, and sugary drink consumption; or
5. Be a licensed medical practitioner.

F. In accordance with Section 3.02.040, members of the Panel may be reappointed but shall not serve more than eight consecutive years.

G. The Panel shall, by majority vote, do each of the following:

1. Annually appoint one of its members as chair and one of its members as vice-chair;
2. Approve bylaws to facilitate the proper functioning of the Panel;
3. *Establish a regular time and place of meeting.* All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. Minutes for each meeting shall be recorded, kept, and maintained; and
4. Publish an annual report that includes the following:
 - (a) recommendations on how to allocate the City's general funds to reduce the consumption of sugar sweetened beverages in Berkeley and to address the results of such consumption;
 - (b) information, if available, concerning the impact of this Chapter on the public health of the residents of the City; and
 - (c) any additional information that the Panel deems appropriate.

H. Within 15 days of receipt of the publication of the Panel's annual report, the City Manager shall cause the report to be published on the City's Internet website and to be

transmitted to the City Council and the Governing Board of the Berkeley Unified School District.

I. The City Council shall consider, but need not follow, the Panel's recommendations and shall annually inform the Panel as to the extent to which it has implemented the Panel's recommendations.

7.72.100 Increase appropriations limits.

Pursuant to California Constitution article XIII B, the appropriation limit for the City is increased by the aggregate sum authorized to be levied by this tax for each of the four fiscal years from ~~20245-246~~ through ~~20248-249~~.

7.72.110 Amendment.

The City Council, without a vote of the people, may, either permanently or temporarily, increase the dollar amount of the threshold for the small-business exemption in Section 7.72.020.B.

7.72.120 Duration.

This Ordinance shall be effective until repealed or modified by the voters of the City of Berkeley.

Section 4. Amendment, repeal, and reenactment. The City Council may repeal this ordinance, or amend it in any manner that does not result in an increase in the tax imposed herein, or add or modify exemptions, without further voter approval. If the City Council repeals this ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not result in an increase in the tax imposed herein.

Section 5. California Environmental Quality Act Requirements.

This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation Public Resources Code section 21065, CEQA Guidelines section 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code

section 21080, subdivision (b)(8) and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

Section 6. General Tax; Simple Majority Vote Requirement. This Ordinance imposes a general tax and shall be effective if approved by a simple majority of the voters voting thereon.



Sugar-Sweetened Beverage
Product Panel of Experts (SSBPPE)

CONSENT CALENDAR
April 11, 2023

To: Honorable Mayor and Members of the City Council

From: Sugar-Sweetened Beverage Product Panel of Experts Commission

Submitted by: Joy Moore, Chairperson, SSBPPE Commission

Subject: Allocation of \$3 Million Over Two Years, FY 2024 and FY 2025, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).

RECOMMENDATIONS

Adopt a Resolution allocating \$3 million from the General Fund in FY2024 (July 1, 2023 through June 30, 2024) and FY2025 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY2024 and FY2025. In each of these years, the funds will be distributed as follows:

- a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding (Attachment 2).
- b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants (Attachment 3).
- c. Direct the City Manager to utilize up to 15% of the allocated funds to support HHCS/PHD to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates

process and outcome data from the epidemiologist resulting from the SSBPPE Commission funding program as well as pay certain City of Berkeley Finance Department costs related to the sugary drink tax.

POLICY COMMITTEE RECOMMENDATION

On February 23, 2023, the Budget and Finance Committee took the following action: M/S/C (Harrison/Arreguín) To forward the item to Council with a Qualified Positive Recommendation to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Measure D, passed in November of 2014, created two provisions, namely: a) a 1 cent per ounce tax on sugary drinks distributed in Berkeley and b) creation of a Panel of Experts Commission. The collection of this tax commenced in May of 2015 and is being deposited into the City's General Fund. The SSBPPE Commission's recommendation to Council for allocation of \$3 million for FY2024 and FY2025 is independent of the amount of tax collected from the distribution of SSB in Berkeley. This request will create a liability of \$3 million for the City's General Fund in FY2024 and FY2025.

CURRENT SITUATION AND ITS EFFECTS

On October 20, 2022, the SSBPPE Commission approved the recommendation to the Berkeley City Council for allocation of \$3 million for the period FY2024 and FY2025, to be made available to invest in grants programs to reduce the consumption of sugary drinks and address the health consequences of the consumption of sugary drinks and moved to adopt their recommendation to Council as follows:

Key elements of the resolution include:

- 1) Direct the City Manager to award up to 42.5% of the allocated funds to BUSD through a grant proposal to reduce the consumption of SSBs.
- 2) Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by the HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals.
- 3) Direct the City Manager to utilize up to 15% of the allocated funds to support HHCS/PHD to:
 - a. Coordinate and monitor the grant process,
 - b. coordinate the overall program evaluation, and
 - c. produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE Commission funding program as well as,
 - d. pay certain City of Berkeley Finance Department costs related to the sugary drink tax.

Action: Motion to update the SSBPPE Commission City Council recommendation from December 15th, 2020: 1) update dates; 2) background as needed, and recommendations; 3) maintain the same recommendation for funding; 4) and recommending the City Manager to utilize up to 15% of the allocated funds to support the COB Public Health Division and Finance Department fees related to the Sugar-Sweetened Beverage Soda Tax.

Votes: Ayes – Rose, Moore, Hecht, Morales, Scheider; Noes – None; Abstain – None; Absent – Browne, Crawford, Rodriguez.

BACKGROUND

A Brief History of Measure D

In November of 2014, the Berkeley voters passed Measure D, which requires both the collection of a 1 cent per ounce tax on the distribution of sugary drinks in the City of Berkeley AND the convening of a Panel of Experts (the Sugar Sweetened Beverage Products Panel of Experts--SSBPPE) to recommend investments to both reduce the consumption of sugary drinks as well as to address the health consequences of the consumption of sugary drinks.

In addition to nearly three years of a global pandemic, our nation, our state, and our community face a major public health crisis. Diabetes, obesity, and tooth decay have been on the rise for decades. Although no group has escaped these epidemics, children, as well as low income communities and communities of color have been and continue to be disproportionately affected. While there is no single cause for the rise in diabetes, obesity, and tooth decay, there is overwhelming evidence of the link between the consumption of sugary drinks and the incidence of diabetes, obesity, heart disease, and tooth decay.

Sugary drinks such as soft drinks, energy drinks, sweetened teas, and sport drinks offer little or no nutritional value, but contribute massive quantities of added sugar. A single 20-ounce bottle of soda, for instance, typically contains the equivalent of approximately 16 teaspoons of sugar. Before the 1950s, the standard soft-drink bottle was 6.5 ounces. In the 1950s, larger size containers were introduced, including the 12-ounce can, which became widely available in 1960. By the early 1990s, 20-ounce plastic bottles had become the norm. At the same time, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color. In 2006 alone, nearly \$600 million was spent in advertising to children under 18. African American and Latinx children are also aggressively targeted with advertisements to promote sugar-laden drinks.

The resulting impact on consumption should not be surprising. The average American now drinks nearly 40 gallons of sugary drinks a year. In the past 20 years, the prevalence of obesity in adults increased from 30.5% to 42.4%, and the prevalence of severe obesity increased from 4.7% to 9.2%. During this time, the prevalence of obesity

among youth (aged 2–19 years) increased from 13.9% to 19.3%, and the prevalence of severe obesity increased from 3.6% to 6.1%. The problem is especially acute with children in California. From 1989 to 2008, the percentage of children consuming sugary drinks increased from 79% to 91% and the percentage of total calories obtained from sugary drinks increased by 60% in children ages 6 to 11. This level of consumption has had tragic impacts on community health. Type 2 Diabetes –previously only seen among adults –is now increasing among children. If the current obesity trends are not reversed, it is predicted that one in three children and nearly one-half of Latinx and African American children born in the year 2000 will develop type 2 diabetes in their lifetimes.

Our community has not been immune to the challenge of unhealthy weight gain and obesity. According to the 2018 City of Berkeley Health Status Report, over a quarter of Berkeley's 5th and 7th grade students (all race/ethnicities) are overweight or obese. Berkeley has a lower proportion of 5th and 7th grade children who are overweight or obese (29.4%) compared to children in Alameda County (35.3%) but has a higher proportion compared to California (26.8%). However, a higher proportion of African-American children are overweight or obese in Berkeley compared to Alameda County or California.

Tooth decay has meaningful impact on health, especially for children. In fact, tooth decay is the most common childhood disease, experienced by over 70% of California's 3rd graders. Children who frequently or excessively consume beverages high in sugar are at increased risk for dental cavities. Dental problems are a major cause of missed school days and poor school performance as well as pain, infection, and tooth loss in California.

COVID-19

Of relevance today are the jarring statistics on the higher risk and severity of COVID-19 related to the social determinates of health for persons of color. Latinx and Black communities are disproportionately affected by COVID-19. Health disparities, as documented in the Annual Health Reports from the Berkeley Health Department, were an important impetus in the rationale for Measure D as well as the proposed use of revenues from Measure D. SSB consumption is directly related to the health conditions observed with higher rates of COVID-19. The link between SSB consumption and diabetes, obesity and heart disease and the relationship of these conditions to increased risk of COVID-19 makes heightens the critical nature of the SSB tax and its revenues to the reduction of health disparities in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

When sugary drink consumption decreases due to the direct investments in programs and activities, the SSBPPE Commission expects that there will be a reduction to the City's waste stream.

RATIONALE FOR RECOMMENDATION

This two-year grant period supports comprehensive strategies to: a) reduce access to SSBs, b) improve access to water, c) limit marketing of SSBs to children, and d) implement education and awareness campaigns with specific populations. The two-year grant period will also indicate the City of Berkeley's commitment to reducing the consumption of SSBs and improving the health of Berkeley residents, particularly those most impacted by obesity, diabetes, tooth decay, and heart disease. The funding will allow grantees to develop interventions that include education, policy, systems and environmental changes with measurable outcome data and evaluation to show the rise in public awareness about the harmful impacts of SSBs, reduce consumption of SSBs over time, and decrease the health risks among residents of Berkeley.

To have the greatest impact, the SSBPPE Commission recommends that the following populations be prioritized:

- a) Children and their families with a particular emphasis on young children who are in the process of forming lifelong habits,
- b) Children and young adults living in households with limited resources,
- c) Groups exhibiting higher than average population levels of type 2 diabetes, obesity, heart disease, and tooth decay rates,
- d) Groups that are disproportionately targeted by the beverage industry marketing,
- e) Pregnant women,
- f) Berkeley-based organizations that serve any or all of the above populations.

ALTERNATIVE ACTIONS CONSIDERED

The Commission did not identify an alternative action which is consistent with the City's

CITY MANAGER

See City Manager companion report.

CONTACT PERSON

Roberto Terrones, MPH, Commission Secretary, HHCS, (510) 510-981-5324

ATTACHMENTS

1. Resolution
2. SSBPPE Commission's Criteria for BUSD Funding
3. SSBPPE Commission's Criteria for Community Agencies Funding

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RESOLUTION NO. ##,###-N.S.

ALLOCATION: \$3 MILLION TOTAL FOR SUGAR-SWEETENED BEVERAGE
CONSUMPTION AND REDUCTION GRANT PROGRAM IN FY2024 AND FY2025

WHEREAS, the consumption of sugar-sweetened beverages (“SSB”) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, in FY2024 and FY2025, the City Council awarded a total of \$3 million upon the recommendation of the SSBPPE Commission to demonstrate the City’s long-term commitment to decreasing the consumption of SSB and mitigate the harmful impacts of SSB on the population of Berkeley; and

WHEREAS, many studies demonstrate that high intake of SSB is associated with risk of Type 2 Diabetes, obesity, tooth decay, and coronary heart disease; and

WHEREAS, the above conditions are all demonstrated to increase both the severity of COVID19 related illness and risk of death; and

WHEREAS Latinx and Black communities are disproportionately affected by COVID-19; and

WHEREAS, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color; and

WHEREAS, an African American resident of Berkeley is 14 times more likely than a White resident to be hospitalized for diabetes; and

WHEREAS, 40% of 9th graders in Berkeley High School are either overweight or obese; and

WHEREAS, tooth decay is the most common childhood disease, experienced by over 70% of California’s 3rd graders; and

WHEREAS, in 2012, a U.S. national research team estimated levying a penny-per-ounce tax on sweetened beverages would prevent nearly 100,000 cases of heart disease, 8,000 strokes, and 26,000 deaths over the next decade and 240,000 cases of diabetes per year nationwide.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to allocate \$3 million from the General Fund to be disbursed in two (2) installments of \$1.5 million in FY2024 and \$1.5 million in FY2025 and invested as follows:

1. Allocate up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened

beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs for the period, July 1, 2023 to June 30, 2025; and

2. Allocate at least 42.5% of the allocated funds through a RFP process managed by the Public Health Division for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSB and to address the effects of SSB consumption for the period, July 1, 2023 to June 30, 2025; and
3. Allocate up to 15% of the allocated funds to support the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data resulting from the SSBPPE Commission funding program as well as City of Berkeley Finance Department fees related to the sugary drink tax.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

SSBPPE Commission's Criteria for BUSD Funding

The Berkeley Unified School District will be required to provide the following information and comply with the requirements listed in order to receive funding.

- A. Describe how you will reach the following priority populations:
 - a. Children and their families; preschool through high school;
 - b. Children and young adults living in households with limited resources;
 - c. Groups exhibiting higher than average population levels of type 2 diabetes, obesity, and tooth decay;
 - d. Groups that are disproportionately targeted by the beverage industry marketing.

- B. Include how the proposal meets the following requirements:
 - a. Proposal reflects approval from the BUSD School Board.
 - b. BUSD will not sell or serve sugar-sweetened beverages (as defined by the SSB tax) at any BUSD schools or campuses.
 - c. Awarded funding will not supplant BUSD FY22 and FY23 General Fund allocations.
 - d. Funded projects will publicly reflect support from Healthy Berkeley Program.
 - e. Funded projects and programs will include evaluation of their process and outcomes.
 - f. 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:
 - a. Decrease access to SSBs and/or improve access to drinking water. (15%)
 - b. Increase or strengthen SSB policies in school and outside of school. (15%)
 - c. Support the annual administration of the Berkeley adapted Youth Risk Behavior Survey to evaluate student's SSB knowledge, consumption, access, and policy perceptions. (20%)
 - d. To document how students at all grade levels and in priority populations are included. (10%)
 - e. To document policy elements that will last beyond the grant period. (15%)
 - f. Proposal budget matches the work plan and is appropriate. (10%)
 - g. To document how BUSD will be able to communicate SSB educational and policy efforts to parents and/or the Berkeley community (15%)

SSBPPE Commission's Criteria for Community Agencies Funding

Community-based organizations will be required to provide the following information in order to be considered for funding.

- A. Describe your strategies that address the goals and objectives of this funding including:
- a. Transforming the systems, policies, environments, structures, and norms that underlie sugary drink consumption.
 - b. 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.
 - c. Supporting community programming designed to change norms to support consumption of healthy food and beverages.
 - d. Providing health screenings and chronic disease prevention with a focus on dental health.
 - e. 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.
- B. Include specific goals for how your project will meet the following scoring criteria
- a. 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%).
 - b. The proposal reaches people and communities in the priority populations. (25%).
 - c. 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%).
 - d. The proposal includes a plan for communicating efforts, activities, and/or successes to the larger Berkeley community. (15%).
 - e. Proposal budget matches the work plan and is appropriate. (10%)



Sugar-Sweetened Beverage
Product Panel of Experts (SSBPPE)

CONSENT CALENDAR

April 11, 2023

To: Honorable Mayor and Members of the City Council

From: Sugar-Sweetened Beverage Product Panel of Experts Commission

Submitted by: Kenneth Hecht, Chairperson, SSBPPE Commission

Subject: Allocation of \$1.72 Million Over 1.5 Years, FY 2026 and half of FY 2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).

RECOMMENDATIONS

Adopt a Resolution allocating \$1,721,080 from the General Fund in FY2026 (July 1, 2025 through June 30, 2026) and the first half of FY2027 (July 1, 2026 through December 31, 2026) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$1.72 million will be distributed in two installments of \$1,147,387 for FY26 and \$573,693 for the first half of FY27. In each of these years, the funds will be distributed as follows:

- a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding (Attachment 2).
- b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants (Attachment 3).
- c. Direct the City Manager to utilize up to 15% of the allocated funds to support HHCS/PHD to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates

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Commented [JK5]: Is everyone okay with these same allocations?

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7000 • TDD: (510) 981-6903 • Fax: (510) 981-7099
E-Mail: manager@CityofBerkeley.info Website: <http://www.CityofBerkeley.info/Manager>

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Allocation of \$1.72 Million Over 1.5 Years, FY2026 and first half of FY2027, to Reduce
CALENDAR Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs) CONSENT
April 11,
2023

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process and outcome data from the epidemiologist resulting from the
SSBPPE Commission funding program as well as pay certain City of Berkeley
Finance Department costs related to the sugary drink tax.

POLICY COMMITTEE RECOMMENDATION

On February 23, 2023, the Budget and Finance Committee took the following action:
M/S/C (Harrison/Arreguin) To forward the item to Council with a Qualified Positive
Recommendation to approve staff's recommendation, with an additional amount of
\$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts
being prioritized for grants. Vote: All Ayes.

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FISCAL IMPACTS OF RECOMMENDATION

Measure D, passed in November of 2014, created two provisions, namely: a) a 1 cent
per ounce tax on sugary drinks distributed in Berkeley and b) creation of a Panel of
Experts Commission. The collection of this tax commenced in May of 2015 and is being
deposited into the City's General Fund. The SSBPPE Commission's recommendation
to Council for allocation of \$1.72 million for FY2026 and half of FY2027 is independent
of the amount of tax collected from the distribution of SSB in Berkeley. his request will
create a liability of \$1.72 million for the City's General Fund in FY2026 and FY2027.

CURRENT SITUATION AND ITS EFFECTS

On October 17, 2024, the SSBPPE Commission approved the recommendation to the
Berkeley City Council for allocation of \$1.72 million for the period FY2026 and half of
FY2027, to be made available to invest in grants programs to reduce the consumption
of sugary drinks and address the health consequences of the consumption of sugary
drinks and moved to adopt their recommendation to Council as follows:

Key elements of the resolution include:

- 1) Direct the City Manager to award up to 42.5% of the allocated funds to BUSD
through a grant proposal to reduce the consumption of SSBs.
- 2) Direct the City Manager to award at least 42.5% of the allocated funds through
an RFP process managed by the HHCS/PHD for grants to community-based
organizations consistent with the SSBPPE Commission's goals.
- 3) Direct the City Manager to utilize up to 15% of the allocated funds to support
HHCS/PHD to:
 - a. Coordinate and monitor the grant process,
 - b. coordinate the overall program evaluation, and
 - c. produce an annual report that disseminates process and outcome data
from the epidemiologist resulting from the SSBPPE Commission funding
program as well as,
 - d. pay certain City of Berkeley Finance Department costs related to the
sugary drink tax.

Action: Motion to update the SSBPPE Commission City Council recommendation from October 20th, 2022: 1) update dates; 2) background as needed, and recommendations; 3) maintain the same recommendation for funding; 4) and recommending the City Manager to utilize up to 15% of the allocated funds to support the COB Public Health Division and Finance Department fees related to the Sugar- Sweetened Beverage Soda Tax.

Votes: Ayes – Rose, Moore, Hecht, Morales, Scheider; Noes – None; Abstain – None; Absent – Browne, Crawford, Rodriguez.

BACKGROUND

A Brief History of Measure D

In November of 2014, the Berkeley voters passed Measure D, which requires both the collection of a 1 cent per ounce tax on the distribution of sugary drinks in the City of Berkeley AND the convening of a Panel of Experts (the Sugar Sweetened Beverage Products Panel of Experts--SSBPPE) to recommend investments to both reduce the consumption of sugary drinks as well as to address the health consequences of the consumption of sugary drinks.

In addition to nearly three years of a global pandemic, our nation, our state, and our community face a major public health crisis. Diabetes, obesity, and tooth decay have been on the rise for decades. Although no group has escaped these epidemics, children, as well as low income communities and communities of color have been and continue to be disproportionately affected. While there is no single cause for the rise in diabetes, obesity, and tooth decay, there is overwhelming evidence of the link between the consumption of sugary drinks and the incidence of diabetes, obesity, heart disease, and tooth decay.

Sugary drinks such as soft drinks, energy drinks, sweetened teas, and sport drinks offer little or no nutritional value, but contribute massive quantities of added sugar. A single 20-ounce bottle of soda, for instance, typically contains the equivalent of approximately 16 teaspoons of sugar. Before the 1950s, the standard soft-drink bottle was 6.5 ounces. In the 1950s, larger size containers were introduced, including the 12-ounce can, which became widely available in 1960. By the early 1990s, 20-ounce plastic bottles had become the norm. At the same time, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color. In 2006 alone, nearly \$600 million was spent in advertising to children under 18. African American and Latinx children are also aggressively targeted with advertisements to promote sugar-laden drinks.

The resulting impact on consumption should not be surprising. The average American now drinks nearly 40 gallons of sugary drinks a year. In the past 20 years, the prevalence of obesity in adults increased from 30.5% to 42.4%, and the prevalence of severe obesity increased from 4.7% to 9.2%. During this time, the prevalence of obesity

Commented [JK9]: I grabbed this date from original document. It used to say: On October 20, 2022, the SSBPPE Commission approved the recommendation to the Berkeley City Council for allocation of \$3 million for the period FY2024 and FY2025...

Commented [JK10]: We can leave this and most of the rest unchanged, right?

among youth (aged 2–19 years) increased from 13.9% to 19.3%, and the prevalence of severe obesity increased from 3.6% to 6.1%. The problem is especially acute with children in California. From 1989 to 2008, the percentage of children consuming sugary drinks increased from 79% to 91% and the percentage of total calories obtained from sugary drinks increased by 60% in children ages 6 to 11. This level of consumption has had tragic impacts on community health. Type 2 Diabetes –previously only seen among adults –is now increasing among children. If the current obesity trends are not reversed, it is predicted that one in three children and nearly one-half of Latinx and African American children born in the year 2000 will develop type 2 diabetes in their lifetimes.

Our community has not been immune to the challenge of unhealthy weight gain and obesity. According to the 2018 City of Berkeley Health Status Report, over a quarter of Berkeley's 5th and 7th grade students (all race/ethnicities) are overweight or obese. Berkeley has a lower proportion of 5th and 7th grade children who are overweight or obese (29.4%) compared to children in Alameda County (35.3%) but has a higher proportion compared to California (26.8%). However, a higher proportion of African-American children are overweight or obese in Berkeley compared to Alameda County or California.

Tooth decay has meaningful impact on health, especially for children. In fact, tooth decay is the most common childhood disease, experienced by over 70% of California's 3rd graders. Children who frequently or excessively consume beverages high in sugar are at increased risk for dental cavities. Dental problems are a major cause of missed school days and poor school performance as well as pain, infection, and tooth loss in California.

COVID-19

Of relevance today are the jarring statistics on the higher risk and severity of COVID-19 related to the social determinates of health for persons of color. Latinx and Black communities are disproportionately affected by COVID-19. Health disparities, as documented in the Annual Health Reports from the Berkeley Health Department, were an important impetus in the rationale for Measure D as well as the proposed use of revenues from Measure D. SSB consumption is directly related to the health conditions observed with higher rates of COVID-19. The link between SSB consumption and diabetes, obesity and heart disease and the relationship of these conditions to increased risk of COVID-19 makes heightens the critical nature of the SSB tax and its revenues to the reduction of health disparities in Berkeley.

Commented [JK11]: Maybe delete?

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

When sugary drink consumption decreases due to the direct investments in programs and activities, the SSBPPE Commission expects that there will be a reduction to the City's waste stream.

This two-year grant period supports comprehensive strategies to: a) reduce access to SSBs, b) improve access to water, c) limit marketing of SSBs to children, and d) implement education and awareness campaigns with specific populations. The two-year grant period will also indicate the City of Berkeley's commitment to reducing the consumption of SSBs and improving the health of Berkeley residents, particularly those most impacted by obesity, diabetes, tooth decay, and heart disease. The funding will allow grantees to develop interventions that include education, policy, systems and environmental changes with measurable outcome data and evaluation to show the rise in public awareness about the harmful impacts of SSBs, reduce consumption of SSBs

over time, and decrease the health risks among residents of Berkeley.

To have the greatest impact, the SSBPPE Commission recommends that the following populations be prioritized:

- a) Children and their families with a particular emphasis on young children who are in the process of forming lifelong habits,
- b) Children and young adults living in households with limited resources,
- c) Groups exhibiting higher than average population levels of type 2 diabetes, obesity, heart disease, and tooth decay rates,
- d) Groups that are disproportionately targeted by the beverage industry marketing,
- e) Pregnant women,
- f) Berkeley-based organizations that serve any or all of the above populations.

ALTERNATIVE ACTIONS CONSIDERED

The Commission did not identify an alternative action which is consistent with the City's

CITY MANAGER

See City Manager companion report.

CONTACT PERSON

Roberto Terrones, MPH, Commission Secretary, HHCS, (510) 510-981-5324

ATTACHMENTS

- 1. Resolution
- 2. SSBPPE Commission's Criteria for BUSD Funding
- 3. SSBPPE Commission's Criteria for Community Agencies Funding

RESOLUTION NO. ##,###-N.S.

ALLOCATION: \$1.72 MILLION TOTAL FOR SUGAR-SWEETENED BEVERAGE CONSUMPTION AND REDUCTION GRANT PROGRAM IN FY2026 AND half of FY2027

WHEREAS, the consumption of sugar-sweetened beverages (“SSB”) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, in FY2026 and FY2027, the City Council awarded a total of \$1.72 million upon the recommendation of the SSBPPE Commission to demonstrate the City’s long-term commitment to decreasing the consumption of SSB and mitigate the harmful impacts of SSB on the population of Berkeley; and

WHEREAS, many studies demonstrate that high intake of SSB is associated with risk of Type 2 Diabetes, obesity, tooth decay, and coronary heart disease; and

WHEREAS, the above conditions are all demonstrated to increase both the severity of COVID19 related illness and risk of death; and

WHEREAS Latinx and Black communities are disproportionately affected by COVID-19; and

WHEREAS, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color; and

WHEREAS, an African American resident of Berkeley is 14 times more likely than a White resident to be hospitalized for diabetes; and

WHEREAS, 40% of 9th graders in Berkeley High School are either overweight or obese; and

WHEREAS, tooth decay is the most common childhood disease, experienced by over 70% of California’s 3rd graders; and

WHEREAS, in 2012, a U.S. national research team estimated levying a penny-per-ounce tax on sweetened beverages would prevent nearly 100,000 cases of heart disease, 8,000 strokes, and 26,000 deaths over the next decade and 240,000 cases of diabetes per year nationwide.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to allocate \$1.72 million from the General Fund to be disbursed in two (2) installments of \$1,147,387 for FY26 and \$573,693 for the first half of FY27 and invested as follows:

Allocate up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs for the period, July 1, 2025 to December 31, 2027; and

1. Allocate at least 42.5% of the allocated funds through a RFP process managed by the Public Health Division for grants to community-based organizations consistent

with the SSBPPE Commission's goals to reduce the consumption of SSB and to address the effects of SSB consumption for the period, July 1, 2025 to December 31, 2027; and

2. Allocate up to 15% of the allocated funds to support the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data resulting from the SSBPPE Commission funding program as well as City of Berkeley Finance Department fees related to the sugary drink tax.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

SSBPPE Commission's Criteria for BUSD Funding

Commented [JK12]: Update when RFP is finalized

The Berkeley Unified School District will be required to provide the following information and comply with the requirements listed in order to receive funding.

- A. Describe how you will reach the following priority populations:
 - a. Children and their families; preschool through high school;
 - b. Children and young adults living in households with limited resources;
 - c. Groups exhibiting higher than average population levels of type 2 diabetes, obesity, and tooth decay;
 - d. Groups that are disproportionately targeted by the beverage industry marketing.

- B. Include how the proposal meets the following requirements:
 - a. Proposal reflects approval from the BUSD School Board.
 - b. BUSD will not sell or serve sugar-sweetened beverages (as defined by the SSB tax) at any BUSD schools or campuses.
 - c. Awarded funding will not supplant BUSD FY22 and FY23 General Fund allocations.
 - d. Funded projects will publicly reflect support from Healthy Berkeley Program.
 - e. Funded projects and programs will include evaluation of their process and outcomes.
 - f. 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:
 - a. Decrease access to SSBs and/or improve access to drinking water. (15%)
 - b. Increase or strengthen SSB policies in school and outside of school. (15%)
 - c. Support the annual administration of the Berkeley adapted Youth Risk Behavior Survey to evaluate student's SSB knowledge, consumption, access, and policy perceptions. (20%)
 - d. To document how students at all grade levels and in priority populations are included. (10%)
 - e. To document policy elements that will last beyond the grant period. (15%)
 - f. Proposal budget matches the work plan and is appropriate. (10%)
 - g. To document how BUSD will be able to communicate SSB educational and policy efforts to parents and/or the Berkeley community (15%)

SSBPPE Commission's Criteria for Community Agencies Funding

Commented [JK13]: Update when RFP is finalized

Community-based organizations will be required to provide the following information in order to be considered for funding.

- A. Describe your strategies that address the goals and objectives of this funding including:
- a. Transforming the systems, policies, environments, structures, and norms that underlie sugary drink consumption.
 - b. 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.
 - c. Supporting community programming designed to change norms to support consumption of healthy food and beverages.
 - d. Providing health screenings and chronic disease prevention with a focus on dental health.
 - e. 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.
- B. Include specific goals for how your project will meet the following scoring criteria
- a. 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%).
 - b. The proposal reaches people and communities in the priority populations. (25%).
 - c. 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%).
 - d. The proposal includes a plan for communicating efforts, activities, and/or successes to the larger Berkeley community. (15%).
 - e. Proposal budget matches the work plan and is appropriate. (10%)



Finance
Department
General Services
Division

**REQUEST FOR
PROPOSALS (RFP)
Specification No. 23-11597-C
FOR
HEALTHY BERKELEY 1.5-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 increase consumption of water 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 the 18 months including **FY2026 and the first half of FY2027** (July 1, 2025 through December 31, 2026; start date can shift based on approval of **contracts**).

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., Friday, May 12, 2023** 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: **BERHB24** 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, May 1, 2023**, to demonstrate the online application: <https://cityofberkeley.info.zoomgov.com/j/1613724895?pwd=bkl4WkVxRDFIKzdaZGVvZVNMV1J5OT09>
Meeting ID: 161 372 4895. Passcode: cds

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 JoAnn Evangelista, Senior Health Services Program

Commented [MOU1]: Would we want to add "increase consumption of water" after these bolded words: promote reduction of consumption of sugar-sweetened beverages? I would.

Commented [JK2R1]: added in green

Commented [MOU3]: Do we want to include our estimated total funds for the grant period? I would find it useful.

Commented [JK4R3]: That information appears below

Specialist, via email at jevangelista@cityofberkeley.info no later than **5:00 p.m., Wednesday, May 3, 2023**. Please put in the e-mail subject line, "HB-RFP Questions." Answers to questions will **not** be provided individually. Answers to all the questions will be shared with everyone applying by **5:00 p.m., Friday, May 5, 2023**.

We look forward to receiving and
reviewing your proposal. Sincerely,

Darryl Sweet
General Services Manager

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD:
510.981.6903

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

I. BACKGROUND/INTRODUCTION

A. Current Situation

Even an average of one serving per day of sugar-sweetened beverages (SSBs) over time has been linked to Type-2 diabetes, heart disease, dental caries, and obesity. These conditions are disproportionately experienced by communities of color, whose rates of hospitalization and mortality are also higher than white people. These same communities are systemically underresourced and targeted by SSB producers. 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 and invest in communities that have been historically marginalized.

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, the initiative that enabled Berkeley's tax on sugary-drink distributors. Healthy Berkeley aims to invest in school and community educational programs and policies to reduce health disparities.

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. Background/History

In November of 2014, Berkeley voters passed Measure D (the Berkeley "soda tax") 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, funds from the soda tax have made possible investments in school-based gardening and cooking programs in amounts over \$4,700,000. These funds have also provided more than \$4,700,000 for community led and delivered programming to support norms change. The City of Berkeley has also received over \$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.

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

Commented [JK5]: Summary of changes: took out the COVID stuff and then re-arranged the rest of the content and added a bit to round it out.

Commented [MOU6]: I would dump all of the yellow highlighted stuff. We say it in other parts of the RFP.

Commented [JK7R6]: I'm okay deleting the yellow highlighted part. It's also confusing to me that we talk about a 2018 report as the impetus for the 2014 measure!

Commented [JK8]: Moved the background/history section to follow the current situation section for better flow.

Another option is to make this section an appendix. Any preferences?

Commented [JK9]: Ask Xavier to update numbers?

C. Funding Goals

The SSBPPE seeks to reduce health disparities and encourages proposals in the following 3 categories:

1. **Promotion, Marketing, and Communications Campaigns:** Proposals in this area must make efforts to change community norms about beverage choices and make efforts to reduce the consumption of sugary drinks in schools and community settings through promotion, marketing and communication materials.
2. **Policy:** Proposals in this area should develop or strengthen written rules and regulations that will help to reduce access to SSBs and will help increase access to water and other healthy beverages. This work could be done in settings like stores, churches, community centers, and other places that community members go to.
3. **Chronic Disease Prevention:** Proposals in this area will address the negative health effects of sugar sweetened beverages, by offering dental and other health screenings and services. They may also provide referrals to health and nutrition services.

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 encourage that. We also encourage applicants to collaborate with other Healthy Berkeley grantees. We hope to fund projects that also deal with the beverage industry targeting of youth and communities who are at higher risk for diet-related disease.

D. Funding Amount Available

Per Council Resolution No. 70,765-N.S. adopted on April 11, 2023, the Berkeley City Council has allocated from the General Fund a total of \$1,721,080 (\$1,147,387 for FY26 and \$573,693 for the first half of FY27) that shall be invested in a grant program administered and coordinated by the Public Health Division consistent with the SSBPPE Commission's goals to *reduce the consumption of sugar-sweetened beverages and increase the consumption of water in Berkeley and to address the effects on health of sugar-sweetened beverage consumption*. At least \$731,459 will be allocated for community grants and up to \$731,459 will be allocated for BUSD's nutrition education, garden and cooking program. Any additional revenues beyond the projected amounts will be prioritized for grants. Funding is authorized for the period from July 1, 2025 through December 31, 2026. No single agency or organization may receive more than 50 percent of the funds (i.e., \$365,729) allocated for community grants. The grant minimum is \$10,000. Priority will be given to Berkeley-based organizations serving the population of Berkeley and whose primary missions are food, nutrition- or health-related.

Commented [JK10]: Did some language clean-up and simplification in this section

Commented [JK11]: update date once approved by council.

Current projections for FY 26 and FY27 is \$1,147,387 for each year.

Commented [JK12]: I based this on current allocations of 42.5% of total. Can someone check this wording is accurate? "at least" for CBOs and "up to" for BUSD?

Commented [JK13]: Keep this sentence?

Commented [JK14]: Added this in because last time we didn't give grants to some agencies that weren't mission-aligned. Wanted to be transparent about our process.

Commented [MOU15R14]: KH: Agree.

II. **SCOPE OF SERVICES**

A. **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.

To meet funding goals, consider using multiple, complementary strategies to increase impact.

Examples of strategies to be used in proposals:

- ❑ Change underlying systems, structures, and norms
- ❑ Adopt policies and written guidelines with plans for monitoring and enforcement
- ❑ Support and create community norms change around healthy food and beverage consumption
- ❑ Develop community capacity
 - involve community members in decision-making and priority setting
 - Invest in community and youth leadership potential
- ❑ Provide health screenings and referrals and other chronic disease prevention activities
- ❑ Decrease sugary drink marketing
- ❑ Promote healthy foods, drinks, and behaviors
- ❑ Increase access to water and healthy foods and reduce access to SSB and junk foods
- ❑ Build partnerships and collaborate with other agencies with similar goals

B. **Priority will be given to Berkeley organizations serving these populations:**

- ❖ 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

C. **Communicating Successes**

Healthy Berkeley grantees should plan and execute a communications strategy to share efforts and successes with the broader community.

Communications plan requirements:

- Produce at least one document (or product) that tells the public what the agency does and that this is made possible by funds from the soda tax
- Send the Commission a copy of the document and tell us about their dissemination of the document during a commission meeting

Commented [JK16]: Added in new requirements about presenting to the commission and producing communication products. Roberto said that we should place those expectations here since we currently do not have this anywhere as an expectation

Commented [JK17]: Edited to reduce redundancy and shorten the list of strategies

Commented [JK18]: May want to include Pacific-Islander and South Asian communities here too that also have higher rates of diabetes

D. Working with the SSBPPE (“Soda Tax Commission”)

Grantees are expected to attend two commission meetings a year:

- 1) Group meeting with other grantees for education and opportunities to share and collaborate
 - Education topic would be planned and facilitated by commissioners
- 2) Presentation to commission about funded project efforts
 - Approximately 20 minutes, including time for questions
 - Presentations would be based on the final Healthy Berkeley scopes of work, not what the agency does in general
 - Include some measure of effectiveness in changing behavior
 - Send a copy of communication product ahead of time; share how it has been disseminated

Additional reporting may be requested by commission that could be done by email

E. Examples of projects and activities

Below is a list of the kinds of projects and activities that can be supported with Healthy Berkeley funding:

- Limit SSBs in meetings, events, potlucks, celebrations, sports activities, etc.
- Healthy “defaults” for drinks and sides in restaurants or other places that serve food
- Purchasing and donation specifications to limit SSBs
- Ensure water is freely available
- Educate store owners and managers about benefits of the soda tax
- Share with the greater Berkeley community on how the funds made possible by the soda tax support efforts to improve the health of Berkeley residents
- Healthy hydration campaign in youth and adult sports leagues
- Plan a panel discussion, submit an op-ed to the newspaper, use social media
- Public murals with healthy lifestyle images that celebrate the food and culture of priority groups
- Restrict marketing of SSBs in store windows
- Poster contest for kids – with posters posted in storefront windows
- Point-of-decision labels, like shelf talkers, to encourage healthy choices
- Train and support community leaders and advocates (e.g., promotores, peer to peer, water ambassadors, etc.)
- Community-based and youth participatory action projects to engage and involve community members in project planning and decision making
- Continued education on the risk of consuming newer SSB products such as lemonade, boba tea, aguas frescas, sports drinks, energy drinks etc.
- Education on SSB consequences and myths – e.g., diabetes happens regardless of weight, even in athletes
- Increase awareness of targeted marketing and soda industry tactics
- Tooth decay prevention through education in school-aged children with age-appropriate lessons

Commented [JK19]: Pat and Ken, I tried to capture your ideas here — please add/edit as needed!

Commented [JK20]: a year or a funding cycle? per year seems like too much!

Commented [JK21]: does this sound about right? too short?

Commented [JK22]: Updated this list of examples and simplified wording throughout.

We could also move this whole list to be an appendix and just have wording that says something like:
For examples on the types of projects and activities that can be funded, see appendix X. Applicants may use or adapt any of the provided examples in their proposals.

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 ☐ No ☐
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 (300 words limit) – Please identify the specific priority populations (as described in Section II.B. above) you serve in your organization and how this population would be a good fit for this proposal.

C. **Proposed Project and Activities** (500 word limit) - Briefly describe:

1. The goal of the program that you would like to see funded by Healthy Berkeley.
2. Using the list of strategies on page 5, identify which strategies you intend to use in your program. (Note: you may add other strategies that are not listed on page 5.)
3. Using the list of activities on page 6, list the kinds of activities you will use in your program. (Note: you may add other activities that are not on page 6.)
4. How many people to you expect to reach with your project, as you described in 1-3 above?

D. Anticipated obstacles (200 word limit): What obstacles might you have in accomplishing the project you describe and how will you try to address the obstacles?

E. Partnerships (200 word limit): Do you anticipate partners in the project you describe? If so, who are they?

Commented [JK23]: Edited the bullets so that they match with the scoring rubric — they were similar but slightly off before

Commented [JK24]: Pat, what were you thinking for word limits for these sections you added?

- F. **Project Measures** (xx word limit): What will you measure to see if your program is working? Specifically, what measures will you use to answer the three main Results Based Accountability (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?*” (see **Attachment N** for examples). Identify SMART (specific, measurable, attainable, relevant, timely) objectives for each service (see **Attachment N** for examples).
- G. **Implementation Timeline.** (Limit 1 page, Gantt Chart preferred)
- H. **Sustainability Plan** (200 words limit) – Please describe how your organization will sustain the proposed project/program activities beyond the funding period.
- I. **Communications Plan** (300 word limit) – Describe your method(s) for communicating successes to the larger community. Examples include using website and social media posts, posters at in-person events, contests, school assemblies, event announcements, community outreach etc.

Commented [JK25]: this did not have a word limit before. Add one?

Commented [JK26]: How is this section different from #3 below (under the BUSD box). Could this be moved over there?

Commented [JK27]: moved this piece out to create a new comms plan requirement since there were so many proposals that didn't include this last time. Not sure what a reasonable word limit is

Commented [JK28]: these have been simplified

Criteria Specific to BUSD

- A. Describe how you will reach children and their families. At which ages will youth be reached for each program element?
- B. Please confirm with a yes to each of 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 FY26 and FY27 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).
 - The program will be described to the Commission annually at the Fall meeting of the SSBPPE by the Director of the BUSD Healthy Berkeley grant program.
- C. List specific activities and a timeline for how the BUSD proposed project intends to meet the following:
1. Decrease access to SSBs and/or improve access to drinking water.
 2. Increase or strengthen SSB policies in school and outside of school.
 3. Support the annual administration of the Berkeley adapted Youth Risk Behavior Survey (YRBS) to evaluate student's SSB knowledge, consumption, access, and policy perceptions.
 4. Increase and strengthen the garden program through:
 - a. Education using the nutrition curriculum and the ways it addresses SSB consumption
 - b. Communication of SSB education and policy efforts to parents

Commented [JK29]: I thought BUSD used CHKS?

3. Results Based Accountability

The Health, Housing & Community Services (HHCS) Department will use a framework called Results Based Accountability (RBA) to provide us with a common language and method to strengthen our programs.

Applicants must 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 grantees to identify appropriate performance measures. 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:

Commented [JK30]: No changes were made to 4-7

Commented [JK31]: Should we ask for a commitment letter here re: attending commission meetings, providing communication products, etc.?

- 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.

8. 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 O**) 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:

The proposed project...

- A. Aims to decrease consumption of sugary drinks, increase access to drinking water, and/or address health effects from consumption of sugary drinks. (25%)
- B. Indicates how people and communities in the priority populations will be reached. (20%)
- C. Describes both strategies and activities that will be used to reach their goals (30 %)
- D. The proposal includes a plan for sustaining their efforts and communicating activities, and successes to the larger Berkeley community. (15%)
- E. 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.

9. 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: **JoAnn Evangelista/HHCS, Public Health Division**

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

10. CITY REQUIREMENTS

Commented [JK32]: did not review

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.

11. OTHER REQUIREMENTS

Commented [JK33]: Did not review these

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)

☐	Issue RFP to Potential Bidders:	Friday, April 28, 2023
☐	Virtual RFP workshop for applicants: 2-4 p.m.	Monday, May 1, 2023
☐	Questions Due	Wednesday, May 3, 2023
☐	Proposals Due from Potential Bidders	Friday, May 12, 2023
☐	Complete Selection Process	Thursday, May 18, 2023
☐	Council Approval of Contract (over \$50k)	Tuesday, July 25, 2023
☐	Award of Contract	Wednesday, July 26, 2023
☐	Sign and Process Contract	Monday, August 28, 2023
☐	Notice to Proceed	Tuesday, August 29, 2023

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
• Certification of Anti-Lobbying	Attachment J
• Certification of Drug-Free Workplace	Attachment K
• Right to Audit Form	Attachment L
• Insurance Endorsement	Attachment M

Reference Documents: Provided as guidance for applicants.

• Results Based Accountability: Common Performance Measures	Attachment N
• Selection Criteria and Screening Questions for Reviewers	Attachment O

FY26 and FY27 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 proposed project 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 proposed project indicates how people and communities in the priority populations will be reached (20 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.	The proposed project describes both strategies and activities that will be used to reach their goals (30 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 sustaining project efforts and communicating activities, and successes to the larger Berkeley community. (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?				

Commented [JK34]: Edited these to match selection criteria above (page 10)

Commented [JK35R34]: I have not changed the screening questions/probes under each criteria

Attachment O

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