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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2010 DEC -2 PM 12:41

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Gerald A. Simon
DATE: December 14, 2010

RE: A Report and Resolution Dispensing With the Advertising Requirement and Authorizing the City Administrator or His Designee to Select a Consultant and Award A Contract For The Update and Revision of the City of Oakland's NIMS/SEMS Multi-Hazards Emergency Response Plan In An Amount Not-To-Exceed \$149,500 Without Return to Council

SUMMARY

On July 20, 2010, the Oakland City Council approved the FY09 Urban Area Security Initiative Grant (UASI) funding and proposed projects for the current fiscal year.

Among the numerous approved projects was the development and update of various City of Oakland Emergency Plans including the City's NIMS/SEMS Multi-Hazards Emergency Response Plan which needs to be completely updated and revised. The FY09 UASI grant funding provided \$150,000 to complete the work on this plan utilizing professional contract services since there are currently staffing constraints in the Oakland Fire Department, Office of Emergency Services to complete the plan update in-house. Moreover, if this work were to be done in-house, the division would have to hire a staff person for the project and the work involved in the plan revision and update would take more than 12 months exceeding the grant performance period and exceeding the grant funding allocation of \$150,000.

This report and resolution requests that the City Council dispense with the advertising requirements of the Municipal Code and authorize the City Administrator to select a consultant and award a contract for the provision of services to update and revise the City of Oakland's NIMS/SEMS Multi-Hazards Emergency Response Plan in an amount not to exceed \$149,500 without return to Council in order to complete the work by the grant funding deadline and to reduce administrative burdens and staff and vendor costs for advertising. The City will solicit proposals for the work from eight (8) qualified firms identified through staff research.

FISCAL IMPACT

All services performed under the proposed professional services contract will be funded by the FY09 UASI grant: Fund (2123), Office of Emergency Services (OES) Homeland Security (20711), Project (G411230). Thus, there is no impact to the General Fund associated with the approval of this resolution. Services performed under the proposed contract will be

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completed within the FY09 UASI grant performance period, which ends on June 30, 2011. The grant will be managed by the Director of Emergency Services and staff.

BACKGROUND

On February 28, 2003, the President issued Homeland Security Presidential Directive 5 (HSPD-5), "Management of Domestic Incidents," which directed the Secretary of Homeland Security to develop and administer a *National Incident Management System* (NIMS). This system provides a consistent nationwide template to enable federal, state, tribal, and local governments, nongovernmental organizations (NGOs), and the private sector to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity. This consistency provides the foundation for utilization of NIMS for all incidents, ranging from daily occurrences to incidents requiring a coordinated Federal response. NIMS represents a core set of doctrines, concepts, principles, terminology, and organizational processes that enables effective, efficient, and collaborative incident management.

On December 17, 2003, President Bush issued Homeland Security Presidential Directive-8 (HSPD-8) ("*National Preparedness*") which directed the Secretary of Homeland Security to develop a national domestic all-hazards preparedness goal.

Preparedness is the foundation of successful National Incident Management System (NIMS) implementation.

NIMS places responsibility on individual federal, state, local, tribal, and territorial governments and agencies for establishing a preparedness cycle in advance of an incident and for including the private sector, non-governmental organizations, and individual community members, as appropriate.

The cycle of preparedness for prevention, protection, response, and recovery missions may be summarized as follows:

- Plan
- Organize and Staff
- Equip
- Train
- Exercise, Evaluate, and Improve

This includes coordinating preparedness activities among partners operating within their jurisdictional borders, as well as across jurisdictional and geographic borders when dictated by identified threats and risk assessments.

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KEY ISSUES AND IMPACTS

In August 2008, the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) released an interim Comprehensive Preparedness Guide (CPG) 101: "Developing and Maintaining State, Territorial, Tribal, and Local Government Emergency Plans" which was to be utilized by the respective government agencies as a guidance to ensure that State and Local plans were in compliance with federal requirements. In August 2010, the final version of CPG 101 was released. State and local governments are expected to use the guidance to revise and update their plans.

CPG 101 completes the requirements of HSPD-8, Annex I to develop a "national integrated planning system." CPG 101 was developed by a team of state, tribal and local officials from across the United States working together to develop guidance that can aid state, tribal, local, and territorial officials in protecting their citizens.

CPG 101 is the first in a series of publications developed through the FEMA National Preparedness Directorate's CPG Initiative. Future CPGs will discuss planning considerations for a variety of emergency functions, hazards and special preparedness programs including: special needs planning, household pets and service animals, fusion center / emergency operations center interface, and hazard-specific guidance.

CPG 101 serves as the emergency plan foundation for both public and private sector planning in the United States.

The current City of Oakland NIMS/SEMS Emergency Response Plan does not meet the CPG 101 criteria and/or requirements. The last time that the plan was fully revised was in 2002. There have been some minor revisions to the plan since then but the current plan requires an extensive review and update.

Because updating the plan is a NIMS requirement and grant funding is available to complete this requirement, staff is recommending the use of specialized, subject matter experts in emergency plan development that can be contracted via a professional services contract.

OFD staff has researched the market and identified that there are approximately eight (8) qualified firms to perform these services and there are several firms that specialize in developing emergency plans for urban areas. Based upon this research, staff is requesting a waiver of advertising for this contract. Fire Department staff will solicit proposals from each of the eight (8) firms identified. It is highly unlikely that advertising will produce more interest and competition.

The City is required to advertise contracts for professional, technical or scientific services and the City Administrator is charged with establishing an appropriate solicitation process for such services. (Oakland Municipal Code section 2.04.051.A.) The City Council may dispense with

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the advertising requirement upon finding that it is in the best interests of the City to do so for such services. (Oakland Municipal Code section 2.04.051.B.)

Dispensing with advertising for the services needed will: 1) make it feasible to complete the plan update within the grant deadline as grant funding must be expended by June 30, 2011, 2) reduce the administrative burden on staff of hiring a consultant, and 3) save the City staff and vendor costs related to advertising of approximately \$2,500, which are not eligible for reimbursement from the grant (the City was required to waive central services overhead as a condition of the grant). Further, the City Administrator has approved the solicitation process to be used for the services purchase. For the foregoing reasons staff recommends that it would be in the best interests of the City to waive advertising for the purchase of services to update the NIMS/SEMS Emergency Response Plan.

SUSTAINABLE OPPORTUNITIES

Economic:

There are no direct economic impacts associated with this report.

Environmental:

There are no direct environmental impacts associated with this report.

Social Equity:

A comprehensive and current City of Oakland Emergency Response Plans benefits the entire community.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen access issues associated with the report.

RECOMMENDATION(S) AND RATIONALE

Preparedness is the responsibility of every level of government, every department, and every agency consistent with its authorities.

The City of Oakland and City Council have provided consistent leadership and direction to ensure that the City of Oakland is ready to respond. The City of Oakland is known for many of its preparedness initiatives that have been long supported by its leadership.

The City of Oakland NIMS/SEMS Emergency Response Plan is the foundation of the City's preparedness efforts and activities. The plan must comply with federal requirements and must be updated utilizing professional services and paid for by grant funding during the grant performance period which ends June 30, 2011.

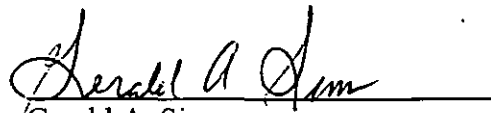
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Therefore, staff recommends that the City Council approve this report and the accompanying resolution.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the resolution dispensing with the advertising requirements of the Municipal Code and authorizing the City Administrator to select a consultant and award a contract for the update and revision of the City's NIMS/SEMS Multi-hazards Emergency Response plan in an amount not-to-exceed \$149,500 without return to Council.

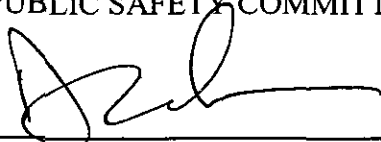
Respectfully submitted,



Gerald A. Simon
Fire Chief

Prepared by:
Renee A. Domingo,
Director, Emergency Services
Office of Emergency Services and Homeland Security

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE



City Administrator

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FILED
OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL**

City Attorney

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RESOLUTION No. _____ C.M.S.

RESOLUTION DISPENSING WITH THE ADVERTISING REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO SELECT A VENDOR AND AWARD A CONTRACT FOR THE UPDATE AND REVISION OF THE CITY OF OAKLAND'S NIMS/SEMS MULTI-HAZARDS EMERGENCY RESPONSE PLAN IN AN AMOUNT NOT-TO-EXCEED \$149,500 WITHOUT RETURN TO COUNCIL

WHEREAS, the potential for a major catastrophe due to natural or human-caused disaster in the San Francisco Bay Area Region will cause all government entities including the City of Oakland to activate its emergency response system in order to protect public welfare; and

WHEREAS, the Oakland City Council supports proactive actions as they relate to emergency management practices to ensure effective and efficient emergency mitigation, prevention, preparedness, response, and recovery for the City of Oakland and the Bay Area Region; and

WHEREAS, the Oakland City Council also supports the City of Oakland's compliance with the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) as it relates to management practices in emergency mitigation, prevention, preparedness, response, and recovery efforts, activities and programs for the City of Oakland; and

WHEREAS, the City of Oakland's NIMS/SEMS Emergency Response Plan must be immediately revised and updated to meet federal NIMS/SEMS requirements; and

WHEREAS, the City of Oakland has secured Urban Area Security Initiative (UASI) grant funding to update the City's Emergency Response Plan and the City Council has approved the allocation of the UASI grant funding to update the City's Emergency Response Plan; and

WHEREAS, it is imperative that the plan be revised and updated within the grant deadline for expenditure, which ends on June 30, 2011; and,

WHEREAS, Fire Department staff has researched the market and determined that there are approximately 8 firms that can perform the specialized emergency plan development services and wishes to dispense with advertising because it is not likely to result in a different result, and instead solicit proposals based on the Fire Department's research; and

WHEREAS, the City is required to advertise contracts for professional, technical or scientific services and the City Administrator is charged with establishing an appropriate solicitation process for such services (Oakland Municipal Code section 2.04.051.A), but the City Council may dispense with the advertising requirement for professional services upon a finding that it is in the best interests of the City to do so (Oakland Municipal Code section 2.04.051.B); and

WHEREAS, dispensing with advertising for the services needed will: 1) make it feasible to complete the plan update within the grant deadline as grant funding must be expended by June 30, 2011, 2) it will reduce the administrative burden on staff of hiring a consultant, and 3) it will save the City staff and vendor costs related to advertising, which are not eligible for reimbursement from the grant because the City was required to waive central services overhead as a condition of the grant; and

WHEREAS, the City Administrator has approved the solicitation process to be used for the purchase of consultant services to update the NIMS/SEMS Emergency Response Plan; and

WHEREAS, staff recommends that it would be in the best interests of the City to waive advertising for the purchase of services to update the NIMS/SEMS Emergency Response Plan for the above reasons; and

WHEREAS, this contract is for services of a professional and temporary nature and the City lacks personnel to perform the work; and

WHEREAS, the City Administrator has determined that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now therefore be it

RESOLVED: That pursuant to Oakland Municipal Code section 2.04.051.B and for the reasons stated in the City Administrator's report accompanying this Resolution and above, the City Council finds that it is in the City's best interests to waive the advertising requirements of the Municipal Code for the purchase of professional services to update the NIMS/SEMS Emergency Response Plan and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator or his designee may select a consultant following a solicitation of proposals from the firms identified by staff and award a contract for services to update the NIMS/SEMS Emergency Response Plan in an amount not-to-exceed \$149,500 without return to Council; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to execute any further documents necessary to implement this resolution; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to modify, extend or amend the Agreement, except for increasing the contract amount, without prior Council approval; and be it

FURTHER RESOLVED: That the agreement shall be reviewed by the City Attorney for form and legality and a copy placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California