

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR TO: (A) ENTER INTO A GRANT AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO TO RECEIVE UP TO ONE MILLION AND FIFTY THOUSAND DOLLARS (\$1,050,000.00) OF URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS ANNUALLY FOR FISCAL YEARS (FY) 2021-2026, FOR A TOTAL AMOUNT NOT TO EXCEED FIVE MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$5,250,000); (B) APPROPRIATE AND ADMINISTER SAID FUNDS; (C) APPROVE THE FY 2021-2026 UASI RECOMMENDED SPENDING PLANS; (D) ACCEPT AND APPROPRIATE ADDITIONAL FY 2021-2026 UASI GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT (50%) OF THE ORIGINAL GRANT AWARD, FOR A TOTAL AUTHORIZED AMOUNT OF SEVEN MILLION EIGHT HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$7,875,000); (E) EXPEND FUNDS IN ACCORDANCE WITH SAID SPENDING PLANS WITHOUT FURTHER COUNCIL APPROVAL, INCLUDING PURCHASES IN EXCESS OF THE CITY ADMINISTRATOR'S PURCHASING AUTHORITY OF EQUIPMENT AND SERVICES REQUIRED BY THE GRANT PROVIDED THE CITY'S HIRING AND CONTRACT REQUIREMENTS/POLICIES ARE FOLLOWED; (2) AUTHORIZING A GENERAL PURPOSE FUND CONTRIBUTION AT A RATE OF 13.34% TO COVER DISALLOWED CENTRAL SERVICE OVERHEAD (CSO) CHARGES ESTIMATED AT SEVENTY ONE THOUSAND, TWO HUNDRED SIXTY THREE DOLLARS (\$71,263) ANNUALLY; AND (3) WAIVING THE CITY'S ADVERTISING AND COMPETITIVE BIDDING AND PURCHASING REQUIREMENTS FOR PROCUREMENT OF EQUIPMENT WHEN REQUIRED BY THE GRANT**

**WHEREAS**, the City and County of San Francisco is the fiscal agent for the fiscal years (FY) 2021-2026 UASI grant award and an agreement with the City and County of San Francisco is required for the distribution, administration, and reimbursement of grant funds to the City of Oakland (City); and

**WHEREAS**, the City’s FY 2021 UASI grant proposal was approved by the Bay Area UASI Approval Authority and the City and has been awarded a grant allocation of up to one million, fifty thousand dollars (\$1,050,000.00) annually, plus up to fifty percent (50%) of the original grant award for the performance period starting November 1, 2021, through December 31, 2022, and for each subsequent year through December 31, 2026, or as extended up to 24 months as approved by the Bay Area UASI, for a total authorized amount not to exceed five million two hundred and fifty thousand dollars (\$5,250,000);

**WHEREAS**, the City’s proposed and grantor-authorized expenditures estimated at eight hundred, eighty-nine thousand (\$889,000) are for staff positions to support up to five (5) full-time equivalent (FTE) positions for each of the FY2021-2026 UASI grant periods of November 1<sup>st</sup> through June 30, 2028, or as extended up to 24 months as approved by the Bay Area UASI; and

**WHEREAS**, staffing the Fire Department’s Emergency Management Services Division is essential to ensure that the City is prepared to support appropriate responses to terrorist events and simultaneously prepare for other emergencies and hazards, including natural disasters and other major incidents that effect the City and the Bay Area region; and

**WHEREAS**, the City’s proposed and grantor-authorized expenditures estimated at fifty thousand dollars (\$50,000) are for Operational Communication Infrastructure Enhancement for critical communication and data system coordination within the East Bay hub, which will be available for use as a regional asset; and

**WHEREAS**, the City’s proposed and grantor-authorized expenditures estimated at one hundred-eleven thousand, two hundred forty-five dollars (\$111,245) are for Operational Communication Infrastructure Enhancement and Support within Oakland’s Emergency Operations Center;

**WHEREAS**, Oakland Municipal Code Section 2.04.050.1.5 permits the City Council to waive the City’s advertising, bidding, and purchasing requirements upon a finding that it is in the best interest of the City to do so. Staff recommends that it is in the City’s best interest to waive this requirement for projects identified in the grant spending plans to expedite the purchasing process for all equipment in grant-approved and recommended projects identified on the Federally Authorized Equipment List (AEL) when required by the UASI FY 2021 grant; and

**WHEREAS**, staff also recommends that the City Administrator be authorized to make all purchases and enter into contracts identified on the UASI FY 2021-2026 spending plans as identified in the accompanying staff report and memorandum of agreements, without further review or action by the City Council; and

**WHEREAS**, staff also recommends that in the event the allocated grant funds are not spent on the projects outlined in the spending plan, that City Council authorize the City Administrator to reallocate said funds to another project without further Council approval, so long as such a project is approved by the grantor, is within the guidelines of the grant, and staff provides an informational report to City Council explaining what the reallocation project is; and

**WHEREAS**, the City is committed to cooperating with regional partners to prevent, protect, mitigate, respond, and recover from acts of terrorism and other disasters; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator to enter into the Bay Area UASI Grant Administration Agreement with the City and County of San Francisco to accept up to one million, fifty thousand dollars (\$1,050,000) annually for Fiscal Years 2021-2026, for a total authorized amount not to exceed five million two hundred and fifty thousand dollars (\$5,250,000); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to accept and appropriate said FY2021-2026 UASI grant funds into U.S. Department of Homeland Security Fund (2123), Emergency Management Services Division Organization (20711), a grant project to be determined, and emergency management services/homeland security program (PS21); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to accept and appropriate additional FY 2021-2026 UASI grant funds in an amount not to exceed fifty percent (50%) of the original grant award, for a total authorized amount of seven million eight hundred and seventy-five thousand dollars (\$7,875,000); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to approve the FY 2021-2026 UASI recommended spending plans; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to approve allocations estimated at eight hundred, eighty-nine thousand (\$889,000) for staff positions to support up to five (5) full-time equivalent (FTE) positions for the FY2021-2026 UASI Grant periods of November 1, 2021 – December 31, 2026, or as extended up to 24 months as approved by the Bay Area UASI; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to approve allocations estimated at fifty thousand dollars (\$50,000) for Operational Communication Infrastructure Enhancement for critical communications and data system coordination for the East Bay Hub; for inter-regional communication; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to approve expenditures estimated at one hundred-eleven thousand, two hundred forty-five dollars (\$111,245) for Operational Communication Infrastructure Enhancement and Support within Oakland's EOC; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to approve a General Purpose fund contribution at a department central service overhead rate of 13.34% estimated at seventy one thousand, two hundred sixty three dollars (\$71,263) for each Fiscal Year from 2021-2026 to cover the City's Central Services Overhead (CSO) charges for disallowed personnel costs associated with the grant; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to make all purchases of equipment and services identified in the FY2021-2026 spending plans identified in the Memorandum of Agreement accompanying the resolution without further review or action by the City Council, including purchases that exceed the City Administrator's purchasing authority under Oakland Municipal Code Section 2.04.020 provided such purchase are in accord with the approved

spending plan and the City's bidding and request for proposal requirements and purchasing program/policies; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.050.I.5, for the reasons specified above and in the report accompanying this resolution, the City Council finds that it is in the best interest of the City to waive the City's advertising, bidding, and purchasing requirements and so waives such requirements for purchases identified in the spending plan and when required by the grant and/or related government pricing schedules; and be it

**FURTHER RESOLVED:** That in the event the allocated grant funds are not spent on the projects outlined in the spending plan, the City Administrator is authorized to reallocate said funds to another project without further Council approval, so long as the project is approved by the grantor, within the guidelines of the grant and staff provides an informational report to City Council explaining what the reallocation project is; and be it

**FURTHER RESOLVED:** That all agreements authorized hereunder shall be approved for form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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