

**CITY OF OAKLAND
AGENDA REPORT**

OFFICE OF THE CITY CLERK

2006 JAN 12 PM 1:25

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Fire Department
DATE: January 24, 2006

RE: Resolution Authorizing The City Administrator To Accept And Appropriate Funds From State And Federal Agencies For Oakland Fire Department Emergency Rescue And Recovery Actions And Support Activities, And Waiving Oakland's Competitive Request For Proposal Or Qualifications Processes For Emergency Consultant Services For Such Contracts Within The City Administrator's Authority Which Is \$150,000.00

SUMMARY

Oakland Fire Department (OFD) periodically engages in critical emergency response actions in Oakland and other jurisdictions involving rescue and recovery of persons and related support activities which are paid for by the State of California and the federal agencies.

Emergency response actions require expeditious contracting and payment procedures as well as appropriation and deposit procedures to get timely reimbursement of the City's response costs from state and federal agencies. OFD requests that the City Council approve this resolution authorizing the City Administrator or his/her designees to accept and appropriate funds available for emergency responses from State of California and Federal agencies, waiving Oakland's competitive processes for consultant services needed for emergency responses and authorizing the City Administrator to execute such contracts without returning to the Council.

FISCAL IMPACT

This resolution requests authorization for the City Administrator or his/her designees to accept and appropriate funds for emergency response activities from state and/or federal emergency management agencies. Therefore, there is no fiscal impact. The costs incurred by the Oakland Fire Department for emergency responses should be entirely offset by funds appropriated from state and federal emergency response agencies. The fund, organization, account, project, and program codes should be determined by the appropriate State and/or Federal agencies' activities.

BACKGROUND

The Oakland Fire Department (OFD) periodically engages in emergency rescue and recovery actions and support related activities such as the 1994 Northridge Earthquake, September 11, 2001 Terror Attack Incident, October 2003 San Diego Fire, August 2004 Bear Incident, August 2004 French Incident, September 2004 Geysers Incident, August 2005 Hurricane Katrina and September 2005 Hurricane Rita. These emergency response actions are approved and funded by

State of California and the federal government agencies. The costs incurred by OFD in performing these emergency response actions are above and beyond the City's adopted budget, but are eligible for reimbursement by state and federal agencies. With the reimbursement, the net cost to the City of Oakland is zero.

KEY ISSUES AND IMPACTS

City Charter Section 801 requires the Council to project expenditures and make necessary appropriations for such projected expenditures as part of the City's biennial budget process. Emergency response expenditures can not be anticipated and provided for in the City's two-year budget because the need for OFD emergency response actions is erratic and unpredictable.

The aforementioned emergency activities demonstrate the cost efficiency of having a resolution that authorizes the City Administrator or his/her designee to accept and appropriate funds spent on reimbursable activities without returning to the council each time for acceptance and appropriation.

Additionally, emergency situation may require expedition of the contracting process for purchase of supplies, materials, equipment and services for emergency response actions on the site of the emergency. To expedite the purchase of supplies, materials and equipment for OFD's emergency response actions, the City Council waived competitive bidding requirements for such purchases "during any declared disaster that requires the activation of the OFD's Urban Search and Rescue Team" on April 26, 1994, Resolution No. 70943 C.M.S. OFD proposes this resolution authorizes the City Administrator to purchase supplies, materials and equipment without further Council action for all local, state, and federal emergency events.

Currently, the City Administrator must undertake a competitive request for proposal or qualifications process when such as consultant contracts exceed \$25,000 and must obtain a waiver of these processes from the City Council, even for contracts within her purchasing authority which is \$150,000. The RFP/RFQ process hinders OFD's response actions. The proposed resolution waives the RFP/RFQ process for consultant contracts within the City Administrator's contract authority for professional services (\$150,000).

PROJECT DISCUSSION

Emergency response actions require expeditious contracting and payment procedures as well as appropriation and deposit procedures to assure timely reimbursement of the City's response costs from state and federal agencies.

The resolution 70943 C.M.S. adopted in 1994 does not authorize the City Administrator to accept and appropriate state and federal funds intended for and available to reimburse local government agencies for costs incurred in disaster-related emergency response actions, nor does it waive Oakland's competitive process for necessary consultant services.

Therefore, a resolution has been prepared to pre-authorize the City Administrator to: 1) accept and appropriate state and federal emergency response funds; and 2) waive the Oakland's competitive RFP/RFQ processes for emergency response consultant contracts within the City Administrator's authority for professional services contracts which (\$150,000.00). This proposed resolution will expedite OFD's emergency response efforts and funding stream.

SUSTAINABLE OPPORTUNITIES

This report contains no identified sustainable opportunities.

DISABILITY AND SENIOR ACCESS

This report has no impact to ADA or senior citizens access.

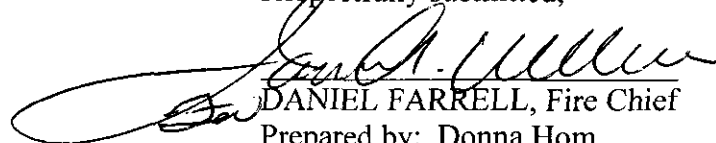
RECOMMENDATION

It is recommended that the City Council adopt the resolution pre-authorizing the City Administrator or his/her designees to: 1) accept and appropriate state and federal emergency response funds from State of California and Federal agencies; and 2) waive Oakland's competitive RFP/RFQ processes for emergency response consultant contracts within the City Administrator's authority for professional services contracts which is \$150,000. This resolution allows for expeditions appropriation and recovery of the expenditures and revenues spent outside of the Oakland jurisdiction(s) for emergency rescue, recovery, and support related activities and expedite OFD's emergency response efforts.

ACTION REQUESTED OF COUNCIL

Adopt the resolution pre-authorizing the City Administrator or his/her designees to: 1) accept and appropriate state and federal emergency response funds from State of California and Federal agencies; and 2) waive Oakland's competitive RFP/RFQ processes for emergency response consultant contracts within the City Administrator's authority for professional services contracts which is \$150,000.

Respectfully submitted,



DANIEL FARRELL, Fire Chief

Prepared by: Donna Hom
Fire Division Manager

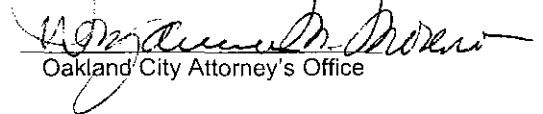
APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE


OFFICE OF THE CITY ADMINISTRATOR

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2006 JAN 12 PM 1:25

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE FUNDS FROM STATE AND FEDERAL AGENCIES FOR OAKLAND FIRE DEPARTMENT EMERGENCY RESCUE AND RECOVERY ACTIONS AND SUPPORT ACTIVITIES, AND WAIVING OAKLAND'S COMPETITIVE REQUEST FOR PROPOSAL OR QUALIFICATIONS PROCESSES FOR EMERGENCY CONSULTANT SERVICES FOR SUCH CONTRACTS WITHIN THE CITY ADMINISTRATOR'S AUTHORITY WHICH IS \$150,000.00

WHEREAS, the Oakland Fire Department (OFD) periodically engages in actual emergency rescue and recovery actions and support activities approved by the State of California and federal agencies such as the 1994 Northridge Earthquake, September 11, 2001 Terror Attack Incident, October 2003 San Diego Fire, August 2004 Bear Incident, August 2004 French Incident, September 2004 Geysers Incident, August 2005 Hurricane Katrina and September 2005 Hurricane Rita; and

WHEREAS, the City incurs costs for supplies, materials, equipment and consultant services that are eligible for reimbursement by state and federal agencies; and

WHEREAS, those costs are above and beyond the City's adopted budget and with federal and state reimbursement the net cost of emergency rescue and recovery and support activities to the City of Oakland is zero; and

WHEREAS, City Charter Section 801 requires the Council to establish expenditures and make necessary appropriations for such expenditures as part of the budget process; and

WHEREAS, the *aforementioned emergency rescue and recovery actions and support related activities* are not foreseeable when preparing the two-year budget, and the emergency actions require quick turnaround financial support to incur expenditures or deposit reimbursements; and

WHEREAS, OFD needs advance City Council authorization for the City Administrator or his/her designees to accept and appropriate funds from the State of California and Federal agencies for reimbursable costs of emergency response actions; and

WHEREAS, this resolution would authorize the City Administrator or his/her designees to accept and appropriate funds from state and/or federal agencies for emergency response activities, therefore, there would be no fiscal impact on the City; and

WHEREAS: the City Council has waived competitive bidding requirements for the purchase of supplies, materials and equipment during any declared disaster that requires the activation of the City's Urban Search and Rescue Team (Resolution No. 70943 C.M.S., adopted April 26, 1994); and

WHEREAS: the City Administrator needs similar waiver of Oakland's competitive process for, and authorization to, execute agreements with consultants needed for emergency response actions; and

WHEREAS, the appropriation for expenditure amounts related to state- and federal-approved emergency rescue, recovery and support activities should be offset by the same amount of state and federal funding, and the fund, organization, account, project, and program codes would be determined by the appropriate State and/or Federal agency requirements and funding sources; now, therefore, be it

RESOLVED: that the City Council for the City of Oakland hereby authorizes the City Administrator or his/her designees to accept and appropriate state and/or federal funds from State of California and Federal agencies for actual emergency rescue and recovery actions and support activities carried out by the Oakland Fire Department; and be it

FURTHER RESOLVED: That, pursuant to O.M.C. section 2.04.051.B, the City Council finds and determines that it is in the City's best interests to waive Oakland's competitive requirement for consultants needed for emergency response actions and authorizes the City Administrator to execute contracts with such consultants in accord with federal and state competitive requirements, if any, without return to City Council; and be it

FURTHER RESOLVED: That all contracts executed hereunder will be approved for form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk and Oakland Fire Department.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES – BRUNNER, BROOKS, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES –

ABSENT –

ABSTENTION --

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California