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2019 JAN 10 PM 4:23

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Darin White
Fire Chief

SUBJECT: Staffing for Adequate Fire Emergency
Response (SAFER) 2017 Funding
Request

DATE: December 28, 2018

City Administrator
Approval

Date

1/10/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To: 1) Enter Into A Grant Agreement With The Federal Emergency Management Agency (FEMA) To Accept Staffing For Adequate Fire Emergency Response (SAFER) Grant Funds In The Amount Of Four Million Two Hundred And Fourteen Thousand One Hundred And Ninety-Nine Dollars (4,214,199.00); 2) Accept, Appropriate, And Administer Said SAFER Funds; And 3) Expend Funds To Hire Up To Fifteen (15) Firefighters And/Or Firefighter Paramedics For The Grant Performance Period Of April 15, 2019 To April 14, 2022, In Accordance With The City's Hiring Policies.

EXECUTIVE SUMMARY

In March 2018, the Oakland Fire Department (OFD) applied for and was awarded on August 24, 2018 the SAFER grant in the amount of four million two hundred and fourteen thousand one hundred and ninety-nine dollars (\$4,214,199.00). The grant is intended to fund the salary and benefits for up to fifteen (15) currently vacant Firefighter and/or Firefighter Paramedic positions for three (3) years. OFD requests City Council approval to accept, appropriate, and administer these grant funds.

BACKGROUND AND LEGISLATIVE HISTORY

The SAFER grant was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase the number of trained, "front line" firefighters available in their communities.

The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response, and operational standards established by the National Fire Prevention Association (NFPA) and Occupational Safety and Health Administration (OSHA). The SAFER program provides funding for the salary and benefits of firefighters in eligible agencies with staffing needs.

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The City of Oakland first received a SAFER grant award in 2009 (Resolution #83026). Since that time, there have been four (4) grant awards to the Fire Department for hiring firefighters and/or firefighter paramedics. The grant award amounts are summarized in the table below.

ANALYSIS AND POLICY ALTERNATIVES

Adequate staffing in the OFD Field Operations Bureau is both essential and necessary to the City's ability to provide quality emergency response services to the residents of Oakland. Acceptance of this grant will provide funding for up to fifteen (15) full-time firefighters and/or firefighter paramedics, thereby enhancing the ability of the Department to provide public safety services, without additional cost to the General Purpose Fund during the three (3) year performance period.

Two (2) types of grants are authorized by the SAFER Act: hiring grants and recruitment and retention grants. The City of Oakland has received a hiring grant. Hiring grants cover a three-year term and are cost shared with the local jurisdiction. According to the federal statute, the federal share shall not exceed seventy-five percent (75%) in the first year of the grant, seventy-five percent (75%) in the second year, and thirty-five percent (35%) in the third year.

FISCAL IMPACT

Following are the budgeted estimates for this grant (including Federal share plus recipient match):

Personnel: \$3,860,055
Fringe Benefits \$2,973,780
Travel \$0.00
Equipment \$0.00
Supplies \$0.00
Contractual \$0.00
Construction \$0.00
Other \$0.00
Indirect Charges \$0.00
Total \$6,833,835

Approval of this resolution will authorize the acceptance and appropriation of SAFER funds. The SAFER grant totals four million two hundred and fourteen thousand one hundred and ninety-nine dollars (\$4,214,199.00) for a three-year period. As a condition of this award, the City of Oakland is required to contribute a cost match in the amount of two million six hundred and nineteen thousand six hundred and thirty-six dollars (\$2,619,636.00). The funding and match shall be distributed as follows:

- Year 1: FEMA provides 75% of all personnel costs, Oakland 25% match
- Year 2: FEMA provides 75% of all personnel costs, Oakland 25% match

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• Year 3: FEMA provides 35% of all personnel costs, Oakland 65% match
The cost match cannot include any federal funds received by the City. The total approved project cost is six million eight hundred and thirty-three thousand eight hundred and thirty-five dollars (\$6,833,835.00).

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Grant Amount: four million two hundred and fourteen thousand one hundred and ninety-nine dollars (\$4,214,199.00).

Cost Match: two million six hundred and nineteen thousand six hundred and thirty-six dollars (\$2,619,636.00).

Total Project Amount: six million eight hundred and thirty-three thousand eight hundred and thirty-five dollars (\$6,833,835.00).

Performance Period: Adjusted to April 15, 2019 To April 14, 2022

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Cost Category	Program Category/Project Title	Amount (Estimated)
Personnel Salaries	Salaries for up to 15 firefighters and/or firefighter paramedics	\$3,860,055.00
Personnel Benefits	Benefits for up to 15 firefighters and/or firefighter paramedics	\$2,973,780.00
Total		\$6,833,835.00

Grant funds shall be appropriated into Federal Emergency Management Fund (2124), Oakland Fire Department, Field Operations Bureau (20411), a grant project to be determined, and Fire Suppression Program (PS17).

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures.

COORDINATION

The Office of the City Attorney and the Budget Bureau were consulted in the preparation of this report.

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SUSTAINABLE OPPORTUNITIES

Economic: Acceptance of this grant will provide funding for up to fifteen (15) full-time firefighters and/or firefighter paramedics.

Environmental: There are no environmental opportunities associated with this item.

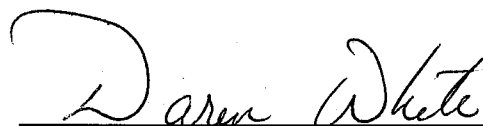
Social Equity: Acceptance of this grant will provide funding for up to fifteen (15) full-time firefighters and/or firefighter paramedics thereby enhancing the ability of the Department to provide public safety services to residents of the Oakland community.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends City Council adopt a resolution authorizing the City Administrator, or her designee, to: 1) enter into a grant agreement with the Federal Emergency Management Agency (FEMA) to accept Staffing for Adequate Fire Emergency Response (SAFER) grant funds in the amount of four million two hundred and fourteen thousand one hundred and ninety-nine dollars (\$4,214,199.00); 2) accept, appropriate, and administer said SAFER funds; and 3) expend funds to hire up to fifteen (15) firefighters and/or firefighter paramedics for the adjusted grant performance period of April 15, 2019 to April 14, 2022, in accordance with the City's hiring policies.

For questions regarding this report, please contact Deputy Chief Melinda Drayton at (510) 238-4053.

Respectfully submitted,



Darin White
Fire Chief

Attachment:

A. SAFER 2017 Award Package

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Attachment A

U.S. Department of Homeland Security
Washington, D.C. 20472**FEMA**

Ms. Melinda Drayton
Oakland Fire Department
150 Frank H. Ogawa Plaza, Suite 3354
Oakland, California 94612-2021

Re: Award No. EMW-2017-FH-00506

Dear Ms. Drayton :

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2017 Staffing for Adequate Fire and Emergency Response (SAFER) Grant has been approved in the amount of \$6,833,835.00. As a condition of this award, you are required to contribute a cost match in the amount of \$2,619,636.00 of non-Federal funds. The Federal share is \$4,214,199.00 of the approved total project cost of \$6,833,835.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2017 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Notice of Funding Opportunity

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov). As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

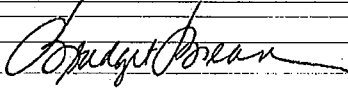
Step 1: Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your recruitment period has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

Step 2: If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please

complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and keep the original form in your grant files. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

Sincerely,



Bridget Bean
Acting Assistant Administrator for Grant Programs
Grant Programs Directorate

Summary Award Memo

INSTRUMENT: GRANT
AGREEMENT NUMBER: EMW-2017-FH-00506
GRANTEE: Oakland Fire Department
DUNS NUMBER: 603919432
AMOUNT: \$6,833,835.00, Hiring

Project Description

The purpose of the Staffing for Adequate Fire and Emergency Response Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Staffing for Adequate Fire and Emergency Response Grant program's purpose and worthy of award. The projects approved for funding are indicated by the budget or negotiation comments below. The recipient shall perform the work described in the grant application for the recipient's approved project or projects as itemized in the request details section of the application and further described in the grant application narrative. The content of the approved portions of the application - along with any documents submitted with the recipient's application - are incorporated by reference into the terms of the recipient's award. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

Period of Performance

18-FEB-19 to 17-FEB-22

Amount Awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel:	\$3,860,055.00
Fringe Benefits	\$2,973,780.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$6,833,835.00

NEGOTIATION COMMENTS IF APPLICABLE (max 8000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Edith Myerly at Edith.Myerly@fema.dhs.gov

FEMA Officials

Program Officer: The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

~~**Grants Assistance Officer:** The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.~~

Grants Operations POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 8000 characters)

Agreement Articles



FEMA

U.S. Department of Homeland Security

Washington, D.C. 20472

AGREEMENT ARTICLES

STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) Grants

GRANTEE: Oakland Fire Department

PROGRAM: Staffing for Adequate Fire and Emergency Response (SAFER) - Hiring

AGREEMENT NUMBER: EMW-2017-FH-00506

AMENDMENT NUMBER:

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Article XL	Terrorist Financing
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Article XLII	Universal Identifier and System of Award Management (SAM)
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Article XLIV	Use of DHS Seal, Logo and Flags
Article XLV	Whistleblower Protection Act

The FY 2017 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2017. The DHS financial assistance awards terms and conditions flow down to subrecipients, unless a particular award term or condition specifically indicates otherwise.

Article I. Assurances, Administrative Requirements, Cost Principles, and Audit Requirements

DHS financial assistance recipients must complete either the OMB Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs as applicable. Certain assurances in these documents may not be

applicable to your program, and the DHS financial assistance office (DHS-FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 C.F.R. Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article II. DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency

(LEP)), sex, age, disability, religion, or familial status; recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the ~~DHS Office of Civil Rights and Civil Liberties~~ (GRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.

6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above. The United States has the right to seek judicial enforcement of these obligations.

Article III. Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. If you have questions about these procedures, please contact the AFG Help Desk at 1-866-274-0960, or send an email to firegrants@dhs.gov.

Article IV. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article V. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article VI. Age Discrimination Act of 1975

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* ([Title 42](#))

U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article VII: Americans with Disabilities Act of 1990

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities. (42 U.S.C. §§ 12101- 12213).

Article VIII. Animal Welfare Act of 1966

Where applicable, recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

Article IX. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.

Article X. Civil Rights Act of 1964 - Title VI

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XI. Civil Rights Act of 1968

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on

the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on ~~disability discrimination includes the requirement~~ that new multifamily housing with four or more dwelling units i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) be designed and constructed with certain accessible features. (See 24 C.F.R. § 100.201.)

Article XII. Contract Provisions for Non-federal Entity Contracts under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the recipient under the Federal award must contain provisions as required by Appendix II of 2 C.F.R. Part 200, Contract Provisions for Non-Federal Entity Contracts Under Federal Awards, including but not limited to the following:

a. Contracts for more than the simplified acquisition threshold set at \$150,000. All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate. b. Contracts in excess of \$10,000. All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Article XIII. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XIV. Debarment and Suspension

All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

When original or replacement equipment acquired under this award by the recipient or its sub-

**Article XV. Disposition of Equipment
Acquired Under the Federal
Award**

recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

**Article XVI. Drug-Free Workplace
Regulations**

All recipients must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8101 et seq.), which requires all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR part 3001, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 8101-8107).

Article XVII. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

**Article XVIII. Education Amendments of
1972 (Equal Opportunity In
Education Act) - Title IX**

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

**Article XIX. Energy Policy and
Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

**Article XX. Environmental Planning and
Historic Preservation Screening**

AFG funded activities that may require an EHP review, involving the installation or requiring renovations to facilities, including but not limited to air compressor/fill station/cascade system (Fixed) for filling SCBA, air improvement systems, alarm systems, antennas, gear dryer, generators (fixed), permanently mounted signs, renovations to

facilities, sprinklers, vehicle exhaust systems (fixed) or washer/extractors are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to our Department of Homeland Security/Federal Emergency Management Agency website at: <https://www.fema.gov/library/viewRecord.do?id=6906>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds.

Article XXI. False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of 31 U.S.C. § 3729-3733 which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.)

Article XXII. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article XXIII. Federal Leadership on Reducing Text Messaging while Driving

All recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article XXIV. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981 amendment to Comptroller General Decision B-138942.

Article XXV. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, all recipients must ensure that all ~~conference, meeting, convention, or training~~ space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225.

Article XXVI. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article XXVII. Lobbying Prohibitions

All recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action concerning the award or renewal.

Article XXVIII. National Environmental Policy Act

All recipients must comply with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XXIX. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. All recipients must

comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXX. Non-supplanting Requirement

All recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XXXI. Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article XXXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

Article XXXIII. Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article XXXIV. Procurement of Recovered Materials

All recipients must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest

percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXXV. Protection of Human Subjects

Where applicable, recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

Article XXXVI. Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XXXVII. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200: Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXVIII. Reporting Subawards and Executive Compensation

All recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is

incorporated here by reference in the award terms and conditions.

Article XXXIX. SAFECOM

All recipients receiving federal financial assistance ~~awards made under programs that provide~~ emergency communication equipment and its related activities must comply with the **SAFECOM** Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XL. Terrorist Financing

All recipients must comply with E.O. 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article XLI. Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 108(g) of the Trafficking Victims Protection Act of 2000, (TVPA) as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference in the award terms and conditions.

Article XLII. Universal Identifier and System of Award Management (SAM)

All recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference in the terms and conditions.

Article XLIII. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

Article XLIV. Use of DHS Seal, Logo and Flags

All recipients must obtain permission from their DHS FAO, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XLV. Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if

applicable) at 10 U.S.C § 2409, 41 U.S.C.
4712, and 10 U.S.C. § 2324, 41 U.S.C. §§
4304 and 4310.

**FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1. AGREEMENT NO. EMW-2017-FH-00506	2. AMENDMENT NO. 0	3. RECIPIENT NO. 94-6000384	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX03041N2018T
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6. RECIPIENT NAME AND ADDRESS Oakland Fire Department 150 Frank H. Ogawa Plaza, Suite 3354 Oakland California, 94612-2021	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Walter Pickett 202-786-9524	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472
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9. NAME OF RECIPIENT PROJECT OFFICER Melinda Drayton	PHONE NO. 5102384053	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960
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11. EFFECTIVE DATE OF THIS ACTION 18-FEB-19	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:18-FEB-19 To:17-FEB-22
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Budget Period
From:13-MAY-18 To:29-SEP-18

15. DESCRIPTION OF ACTION
a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
SAFER	97.083	2018-F7-C211-P4310000-4101-D	\$0.00	\$4,214,199.00	\$4,214,199.00	\$2,619,636.00
TOTALS			\$0.00	\$4,214,199.00	\$4,214,199.00	\$2,619,636.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

SAFER recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

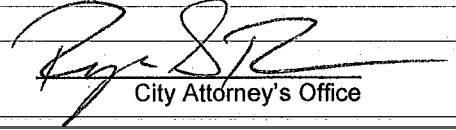
This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) N/A	DATE N/A
18. FEMA SIGNATORY OFFICIAL (Name and Title) Rosalle Vega	DATE 30-JUL-18

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 JAN 10 PM 4:23

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: 1) ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO ACCEPT STAFFING FOR ADEQUATE FIRE EMERGENCY RESPONSE (SAFER) GRANT FUNDS IN THE AMOUNT OF FOUR MILLION TWO HUNDRED AND FOURTEEN THOUSAND ONE HUNDRED AND NINETY-NINE DOLLARS (4,214,199.00); 2) ACCEPT, APPROPRIATE, AND ADMINISTER SAID SAFER FUNDS; AND 3) EXPEND FUNDS TO HIRE UP TO FIFTEEN (15) FIREFIGHTERS AND/OR FIREFIGHTER PARAMEDICS FOR THE GRANT PERFORMANCE PERIOD OF APRIL 15, 2019 TO APRIL 14, 2022, IN ACCORDANCE WITH THE CITY'S HIRING POLICIES.

WHEREAS, the Federal Emergency Management Agency's (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant funding program was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help increase the number of trained, "front line" firefighters available; and

WHEREAS, the goal of the SAFER grant program is to enhance local fire departments' ability to comply with staffing, response, and operational standards established by the National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA). The SAFER grant program provides funding for the salary and benefits of firefighters in eligible agencies with staffing needs; and

WHEREAS, in March of 2018, the Oakland Fire Department (OFD) applied for and was awarded on August 27, 2018 the SAFER grant in the amount of four million two hundred and fourteen thousand one hundred and ninety-nine dollars (\$4,214,199.00); and

WHEREAS, as a condition of this award, the City of Oakland is required to contribute a cost match in the amount of two million six hundred and nineteen thousand six hundred and thirty-six dollars (\$2,619,636.00); and

WHEREAS, the total approved project cost is six million eight hundred and thirty-three thousand eight hundred and thirty-five dollars (\$6,833,835.00); and

WHEREAS, adequate staffing in the Fire Department's Field Operations Bureau is essential to the City's ability to provide effective emergency response services to the residents of Oakland and will allow the hiring of up to fifteen (15) Firefighters and/or Firefighter Paramedics; now, therefore, be it

RESOLVED: That the City Administrator or her designee is authorized to enter into an agreement with the Federal Emergency Management Agency (FEMA) to accept Staffing for Adequate Fire Emergency Response (SAFER) grant funds in the amount of four million two hundred and fourteen thousand one hundred and ninety-nine dollars (\$4,214,199.00); and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to accept, appropriate, and administer SAFER grant funds; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to expend said SAFER grant funds to hire and fund up to fifteen (15) Firefighters and/or Firefighter Paramedics for the Oakland Fire Department and based on an extension from FEMA, adjusted performance period from April 15, 2019 through April 14, 2022 in accordance with the City's hiring policies; and be it

FURTHER RESOLVED: That these SAFER funds shall be deposited into the Federal Emergency Management Agency (FEMA) Fund (2124), Field Operations Bureau, Organization (20411), Fire Suppression Program (PS 17) various accounts according to the grant award agreement (all personnel) and a project to be determined; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said agreement as to form and legality and copies of said agreement shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BASS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California

2643863v1