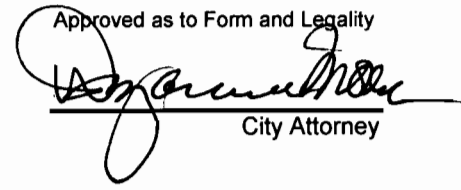


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney

OAKLAND CITY COUNCIL

2010 JUN 30 AM 11:01

RESOLUTION No. 82932 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS  
DESIGNEE TO:**

- 1. ENTER INTO A PORT SECURITY GRANT PROGRAM (“PSGP”) GRANT ADMINISTRATION AGREEMENT WITH THE MARITIME EXCHANGE OF THE SAN FRANCISCO BAY REGION FOR FISCAL YEAR 2010 PSGP GRANT FUNDS IN THE AMOUNT UP TO SIX HUNDRED EIGHTY TWO THOUSAND SIX HUNDRED AND NINETY FOUR DOLLARS (\$682,694); AND**
- 2. ACCEPT, APPROPRIATE AND ADMINISTER THE FISCAL YEAR 2010 PSGP GRANT ALLOCATION; AND**
- 3. APPROVE THE PRELIMINARY SPENDING PLAN; AND**
- 4. EXPEND FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN WITHOUT FURTHER COUNCIL AUTHORIZATION, INCLUDING PURCHASES APPROVED IN THE FEDERALLY AUTHORIZED EQUIPMENT LIST, PROVIDED COMPETITIVE SOLICITATION AND PURCHASING PROGRAMS/POLICIES ARE FOLLOWED.**

**WHEREAS**, the U.S. Department of Homeland Security’s Port Security Grant Program allocates grant funds to address ports considered of the highest risk status to assist ports in enhancing risk management capabilities and support a strategic, area-wide focus around ports, providing funding for the development and implementation of port-wide risk management and mitigation activities, as well as continuity of operations by building capacity to prevent, protect against, respond to, and recover from acts of terrorism and terrorist threats against the Port; and

**WHEREAS**, The City of Oakland Port Security Grant Program (“PSGP”) grant proposal was approved and the City of Oakland Fire Department’s Office of Emergency Services has been awarded a grant allocation of six hundred eighty two thousand six hundred and ninety four dollars (\$682,694) by the Fiscal Year 2010 PSGP Grant governing body for Port security; and

**WHEREAS**, the Maritime Exchange of the San Francisco Bay Region is the Fiscal Agent for the FY 2010 PSGP grant award and an agreement with the Maritime Exchange of the San Francisco Bay Region is required for the distribution, administration, and reimbursement of grant funds to the City of Oakland; and

**WHEREAS**, the Oakland Fire Department, Office of Emergency Services and Homeland Security staffing are essential to ensure that Oakland is prepared for major incidents and natural disasters as well as to support the regional planning efforts to and functions to protect the Port; and

**WHEREAS**, the grant designates the amount of \$682,694 be expended for the purchase specified equipment, supplies and contracted services identified on the Federally Authorized Equipment List (“AEL”); and

**WHEREAS**, the Oakland Fire Department, Office of Emergency Services and Homeland Security staff are also essential in managing and coordinating the FY2010 PSGP which provides for \$20,480 or 3% funding for maintenance and administration of the total grant award; and

**WHEREAS**, the City of Oakland is committed to cooperating with our regional partners to detect, prevent, prepare for, respond to and recover from acts of terrorisms and threats of terrorism and effectively carry out the program of the FY 2010 PSGP grant; and

**WHEREAS**, the performance period for the Fiscal Year 2010 PSGP grant is through September 30, 2013; and

**WHEREAS**, it is anticipated that other administrative costs such as central services overhead (CSO) fees, central stores or contract assessment will not be incurred; and

**WHEREAS**, Oakland Municipal Code Section 2.04.030.A requires Council approval for any purchase of goods and/or services over \$100,000.00; and

**WHEREAS**, the City Administrator recommends that he be authorized to expend Fiscal Year 2010 PSGP Grant funds in connection with the purposes of the grant in excess of \$100,000.00 without further Council review or action because of the limited time available for completion of grant projects and the required grant performance period, provided competitive solicitation and other City purchasing policies and programs are followed; and

**WHEREAS**, the City Administrator has determined that any services that may be provided under contracts authorized hereunder would be of a professional, scientific or technical and temporary nature and 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 the City Council Authorizes the City Administrator or his designee to enter into the PSGP grant agreement with the Maritime Exchange of the San Francisco Bay Region for Six hundred and eight two thousand six hundred and ninety four dollars (\$682,694) in FY 2010 PSGP Grant Funds; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is authorized to accept and appropriate said FY 2010 PSGP Grants funds into U.S. Department of Homeland Security Fund (2123), Office of Emergency Services (20711) a grant project to be determined, and Office Emergency Services/Homeland Security Program (PS21), the full grant funds will be appropriated to the Miscellaneous Federal Grants Accounts 46129; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to award all contracts for purchases paid for with FY 2010 PSGP Grant funds for any amount, even those purchases in excess of the City Administrator's authority in Oakland Municipal Code Section 2.04.020 or that otherwise require Council approval under Oakland Municipal Code Section 2.04.030, without further City Council review or action authorization, including contracts involving the purchase of goods, material, equipment, services or combination thereof on the Federally Authorized Equipment List (AEL) and services required by the grant, provided such contracts are in accord with the approved spending plan, the City's bidding and request for proposal requirements and purchasing programs/policies; and be it

**FURTHER RESOLVED:** That ongoing costs, such as maintenance for equipment or goods purchased with FY 2010 PSGP grant will be absorbed in each of the respective city of Oakland agencies' existing budget with no additional General Purpose fund appropriations; and

**FURTHER RESOLVED:** That the City Administrator or his designee is authorized to approve preliminary spending plan

**FURTHER RESOLVED:** That all contracts 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, JUL 20 2010, 20    

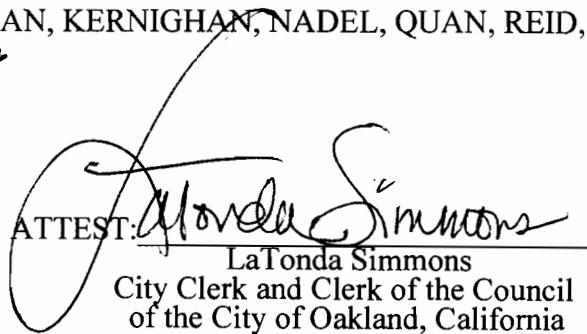
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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