

CITY OF OAKLAND
AGENDA REPORT

2010 JUN 30 AM 11:00

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Fire Department
DATE: July 13, 2010

RE: A Report and Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A Memorandum Of Understanding/Grant Administration Agreement With The Port Of Oakland Under Which The City Will Receive Fiscal Year 2009 American Recovery And Reinvestment Act (ARRA) Port Security Grant Program (PSG) Funding In The Amount Of Two Million Nine Hundred Twenty One Thousand Seven Hundred Dollars (\$2,921,700) To Jointly Develop, Establish And Operate A Port/City Domain Awareness Center (DAC), And 2) Accept, Appropriate And Administer Said ARRA PSG Program Grant Funds, And 3) Approve The Preliminary Spending Plan For The City Of Oakland Associated With Said Grant, And 4) Expend Funds In Accordance With The Preliminary Spending Plan Without Further Council Authorization, Including Purchases In Excess Of The City Administrator's Purchasing Authority For Equipment On The Federally Authorized Equipment List (AEL) And Services Required By The Grant, Provided City Competitive Solicitation And Purchasing Program/Policies Are Followed

SUMMARY

The proposed report and resolution requests City Council's approval to enter into Memorandum of Understanding/Grant Administration Agreement with The Port of Oakland for the Distribution of the Fiscal Year 2009 American Recovery and Reinvestment Act (ARRA) Port Security Grant Program (PSG) funding for a Joint Port/City Domain Awareness Center (DAC) in the amount of \$2,921,700 to the City of Oakland, approval of the preliminary spending plans and authorization for the City Administrator or his designee to administer the programs included in the grant.

The performance period for the fiscal year 2009 ARRA PSGP grant is from October 1, 2010 through January 31, 2012, as established by the granting authority.

FISCAL IMPACT

Approval of the report and resolution will authorize the acceptance and appropriation of the Fiscal Year 2009 American Recovery and Reinvestment Act (ARRA) Port Security Grant Program (PSG) funding for a Joint Port/City Domain Awareness Center (DAC) in the amount of \$2,921,700 to the City of Oakland.

Item: _____
Public Safety Committee
July 13, 2010

Said funds will be appropriated to Homeland Security Fund (2123), Office of Emergency Services (OES) Homeland Security (20711), various expenditure accounts according to the grantor approved spending plan and offset by the revenue account of Miscellaneous Federal Grant Account (46129).

There is a \$400,000 cash or in-kind services match that the City of Oakland must provide as part of the grant requirement and budget. The Oakland Police Department (OPD), Oakland Fire Department (OFD) and Oakland Fire Department, Office of Emergency Services (OES), and Department of Information Technology (DIT) staff will provide the match as in-kind services by committing personnel time to the project management and oversight once the project is underway. Additionally, OPD has committed personnel to staff the center once it is operational.

Below is the Estimated Preliminary Spending Plan/Budget Summary for the Joint City/Port Domain Awareness Center:

Budget Category	Federal Amount	Non-Federal Amount	Total
Personnel	\$49,800	\$220,000	\$ 269,800
Fringe Benefits	\$34,860	\$180,000	\$214,860
Travel	-0-	-0-	-0-
Equipment	\$637,040		\$637,040
Supplies	-0-	-0-	-0-
Consultants/Contracts	\$450,000	-0-	\$450,000
Construction	\$985,000	-0-	\$985,000
Systems Integration	\$765,000	-0-	\$765,000
TOTAL PROJECT COSTS	\$2,921,700	\$400,000	\$3,321,700

The Oakland Fire Department, Office of Emergency Services staff will be responsible for administering the grant, any agreements and ensuring that all requirements set forth in the agreement and in the grant guidelines are met.

There will also be an allowance of up to 3% for Management and Administration funding. The 3% M&A funding will go to OES to cover some of the costs affiliated with grant administration and coordination of the project.

Item: _____
Public Safety Committee
July 13, 2010

BACKGROUND

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5). The Act provided approximately \$787 billion in stimulus funds to the Nation and laid out new requirements for Federal agencies in their grants process to allow for more transparency and accountability across all programs. ARRA set aside approximately \$150 million of the stimulus funds for the Port Security Grant Program (PSG Program).

Congress and the Administration intended the PSG Program to be one of the tools in a comprehensive set of measures to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks. The Maritime Transportation Security Act of 2002, as amended (46 U.S.C. §70107), established the PSG Program to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies required to provide port security services. The PSG Program is designed to harden our Nation's ports and stimulate the economy.

The PSG Program established four funding priorities:

1. Activities that enhance Maritime Domain Awareness;
2. Activities that enhance Improvised Explosive Device and Weapons of Mass Destruction prevention, protection, response and recovery capabilities;
3. Efforts supporting implementation of the Transportation Worker Identification Credential (TWIC); and
4. Construction or infrastructure improvement projects that are identified in each port's, marine terminal operator's, or shipping carrier's Port Wide Risk Management Plan and/or Facility Security Plans, and/or Vessel Security Plans

On June 17, 2009, Oakland staff provided the City's Public Safety Committee with an Informational Report regarding the City's role in the Port's application for Port Security funds under the ARRA. The Public Safety Committee and City Council approved the informational report and there were no objections to the City/Port collaboration on this project.

Port of Oakland Award

On September 23, 2009, the Federal Emergency Management Agency's (FEMA) Grants Program Directorate announced that the Port of Oakland would receive \$7,620,950 to fund two Port Security projects. The two projects approved for funding are:

Item: _____
Public Safety Committee
July 13, 2010

Project 1: Joint City/Port Domain Awareness Center (sometimes referred to as DAC) (\$2.9M);
and

Project 2: Transportation Worker Identification Credential (TWIC) Infrastructure at Marine
Terminals (\$4.7M)

This Council report is related to Project 1, the Joint City/Port Domain Awareness Center.

PROGRAM DESCRIPTION

The proposed Joint City/Port Domain Awareness Center (DAC) will utilize the City of Oakland Emergency Operations Center (EOC) to consolidate a network of existing surveillance and security sensor data to actively monitor critical Port facilities, utility infrastructure, City facilities and roadways. Information management software would be utilized together with video analytics to efficiently screen and monitor the data as well as coordinate incident management. The information management software would include situation awareness and response capabilities, linking monitoring data with dispatch and automated access controls at some facilities.

Another significant function of the DAC would be to eventually serve as a 24/7 center that would focus on interoperability and coordination of prevention, preparedness, response, recovery and mitigation efforts. This institutional framework for the DAC would establish and enhance new partnerships and coalitions, including expansion of the successful partnership of Oakland Police, Fire and Oakland Offices of Emergency Services and the Port. This would improve regional readiness and response capabilities through information collection and sharing while facilitating a regional Common Operating Picture.

Project Justification

In addition to meeting funding priority one of the PSG Program noted above, this project has been identified as a high priority in support of the San Francisco Bay Region Wide Risk Mitigation and Trade Resumption/Resiliency Plan (RM/TRRP). FEMA required each Port region in the country to develop such a plan, and the RM/TRRP was funded through the FY 2007 Supplement Port Security Grant funding and completed by the Port of Oakland in January, 2009.

City/Port Memorandum of Agreement (MOA)

The City and Port signed a Memorandum of Agreement (MOA) on June 26, 2009, establishing a Domain Awareness and Response Coordination Work Group. The MOA outlined the relationship between the City and Port to collectively address risk mitigation and preparedness needs, as well as deficiencies in current homeland security preparedness and response capabilities and capacities. The Domain Awareness and Response Coordination Work Group are comprised of representatives from both the City and the Port, respectively. Objective number six of that MOA is entitled "Explore the Development of a Joint Port-OPD-OFD-OES Domain Awareness Coordination Center at the City's existing Office of Emergency Services Emergency Operations Center (EOC) and would include:

Item: _____
Public Safety Committee
July 13, 2010

- Integration of efforts and interoperability between regional security partners
- Focus on domain awareness, situational awareness and management and improved response capabilities
- Development of sustainable recommendations guided by:
 - Leveraging existing initiatives
 - Strengthening linkages between existing command and control nodes
 - Expansion of detection and deterrence capabilities
 - Improving effective information management as a force multiplier
 - Developing detailed Concept of Operations
 - Enhancing immediate readiness capabilities
- Support National Preparedness Priorities
- Strengthen Chemical, Biological, Radiological, Nuclear and Explosive Detection and Response Capabilities

Implementation Strategy

The City EOC was jointly chosen by the Domain Awareness and Response Coordination Work Group as the site for the DAC because of its inherent function as a focal point for the assessment of the impact of emergency events and the dispatch of resources in the event of a significant emergency incident in the Oakland or East Bay region. The EOC is also co-located with the Fire Department's dispatch function which operates on a 24-hour basis thereby ensuring better coordination and more timely response to an event in the Port area.

Future Actions

The following actions must be coordinated to implement the Domain Awareness Center (DAC):

a. Complete a Phase 1 Engineering Concept Design for the Joint Domain Awareness Center.

This project has been detailed in an Investment Justification and proposed for FY 2008 Port Security Grant funding. This project has been approved by the local Screening Committee and the San Francisco Bay Area Maritime Security Committee and is expected to be approved by FEMA in the very near future. The project will result in a detailed conceptual engineering design and will include the Concept of Operations, Command and Control hierarchy and a framework of institutional agreements amongst agencies participating in the DAC, including the Oakland Police Department (OPD), the Oakland Fire Department (OFD), OFD, Office of Emergency Services (OES), and the Port of Oakland.

b. Develop a written agreement between the Port and the City that designates the City as a sub-recipient of grant funding.

This written agreement will establish terms and conditions for the sub-recipient's use of such grant funds, and details the reporting requirements and relationship between the Port and the City. This agreement is being sent to the City Council for approval as part of this report and resolution. Once approved, it will also be sent to the Port's Board for approval at a future date.

Item: _____
Public Safety Committee
July 13, 2010

c. Collaborate with the City on all aspects of the design, construction and implementation of the DAC.

d. Collaborate with the City to ensure sustained maintenance and operations support for the DAC.

The City of Oakland and Port of Oakland will work together to ensure the sustainment of the DAC including the identification of funding sources to support the future 24/7 operation and to ensure proper management for this regional security initiative, documenting this support in a MOA.

KEY ISSUES AND IMPACTS

The Port Security Grant Program (PSG) was established to assist Ports, the U.S. Coast Guard, Maritime Exchange, businesses and first responders, in their efforts to protect critical port infrastructure and port operations from potential acts of terrorism.

Due to the proximity to port facilities and administrative offices, OPD and OFD are the first responders to the Port, the Oakland International Airport, the San Francisco Bay Bridge, and other critical maritime infrastructure in the Bay Area. To this extent, it is critical that Oakland Fire Department, OES, OPD, and OFD continue development of jointly coordinated response plans and protocols with all regional partners in order to identify and close gaps in training, capacity and equipment necessary to prevent, detect, protect and recover from major emergencies.

The grantor has approved the equipment procurement and project completion within the FY 2009 PSG program. City staff is requesting that City Council approve the preliminary spending plan associated with the grant and allow staff to expend grant funds without further Council Authorization including purchases in excess of the City Administrator's purchasing authority for equipment on the AEL list and services required by the grant provided City Competitive Solicitation and Purchasing Program/Policies are followed. This request is being made because of the short timeline for the grant performance period and to ensure the project will be completed with the grant timelines.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed project within the PSG program will be completed in phases so that they may be completed either before or not later than the end of the grant period. Emergency preparedness and planning activities enhance the City of Oakland's efforts to provide a climate in which economic development can flourish. The PSG Program will provide resources and tools for first responders in protecting against acts and threats against the port and will ultimately save lives, protect property, the environment, and enhance economic resiliency in the Bay Area region by reducing or minimizing potential disruptions to commerce at the Port.

Environmental: There are no environmentally sustainable opportunities affiliated with the PSGP that staff is aware of.

Item: _____
Public Safety Committee
July 13, 2010

Social Equity: The procurement of the approved equipment will enhance public safety efforts that serve all residents in the City of Oakland and the surrounding areas.

DISABILITY AND SENIOR CITIZEN ACCESS

All City of Oakland programs developed with funding secured through the Port Security Grant Program (PSG) are designed and operated in compliance with the Americans with Disabilities Act (ADA) and Older American's Act, as applicable.

RECOMMENDATION AND RATIONALE

The City of Oakland and the City Council continue to make emergency preparedness and emergency management a priority for the Oakland community.

The proposed Domain Awareness Center will provide tools, technology, staffing and resources that will assist in sustaining and enhancing the City of Oakland's ability to effectively respond to and protect the Port of Oakland and the surrounding area.

Staff recommends that the City Council continue its commitment to cooperating with our regional partners to detect, prevent, prepare for, respond to, and recover from major emergencies including human caused and natural disasters that could impact the City and the Port of Oakland by approving this report and accompanying resolution.

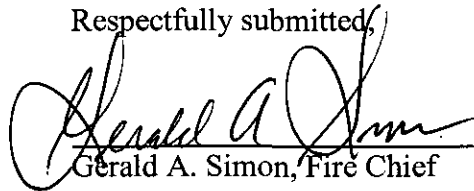
ACTION REQUESTED OF THE CITY COUNCIL

It is requested that the City Council authorize the City Administrator or his designee to: 1) Enter into a Memorandum of Understanding/Grant Administration Agreement with the Port of Oakland for the Distribution of Fiscal Year 2009 American Recovery and Reinvestment Act (ARRA) Port Security Grant Program (PSGP) funding for a Joint Port/City Domain Awareness Center (DAC) in the amount of two million and nine hundred twenty one thousand and seven hundred dollars (\$2,921,700) to the City of Oakland, And 2) Accept, Appropriate and Administer the Fiscal Year 2009 ARRA PSGP grant allocations, And 3) Approve the City of Oakland as the subrecipient/subgrantee for the said grant funding including approval of the Preliminary Spending plan And 4) Expend Funds in Accordance with The Preliminary Spending Plan Without Further Council Authorization, Including Purchases In Excess of the City

Item: _____
Public Safety Committee
July 13, 2010

Administrator's Purchasing Authority for Equipment on the Federally Authorized Equipment List (AEL) and Services Required By The Grant Provided City Bidding Requirements and Purchasing Program/Policies Are Followed.

Respectfully submitted,



Gerald A. Simon, Fire Chief

Fire Department

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

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

Item: _____
Public Safety Committee
July 13, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUN 30 AM 11:00

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO:

- 1) ENTER INTO A MEMORANDUM OF UNDERSTANDING/GRANT ADMINISTRATION AGREEMENT WITH THE PORT OF OAKLAND UNDER WHICH THE CITY WILL RECEIVE FISCAL YEAR 2009 AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) PORT SECURITY GRANT PROGRAM (PSGP) FUNDING IN THE AMOUNT OF TWO MILLION NINE HUNDRED TWENTY ONE THOUSAND SEVEN HUNDRED DOLLARS (\$2,921,700) TO JOINTLY DEVELOP, ESTABLISH AND OPERATE A PORT/CITY DOMAIN AWARENESS CENTER (DAC), , AND
- 2) ACCEPT, APPROPRIATE AND ADMINISTER SAID ARRA PSGP GRANT FUNDS, AND
- 3) APPROVE THE PRELIMINARY SPENDING PLAN FOR THE CITY OF OAKLAND ASSOCIATED WITH SAID GRANT AND WAIVE CITY OF OAKLAND CENTRAL SERVICES OVERHEAD OF \$87,000, AND
- 4) EXPEND FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN WITHOUT FURTHER COUNCIL AUTHORIZATION, INCLUDING PURCHASES IN EXCESS OF THE CITY ADMINISTRATOR'S PURCHASING AUTHORITY FOR EQUIPMENT ON THE FEDERALLY AUTHORIZED EQUIPMENT LIST (AEL) AND SERVICES REQUIRED BY THE GRANT, PROVIDED CITY COMPETITIVE SOLICITATION AND PURCHASING PROGRAM/POLICIES ARE FOLLOWED

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5) set aside approximately \$150 million of the stimulus funds for the Port Security Grant Program (PSG Program); and

WHEREAS, Congress and the Administration intended the PSG Program to be one of the tools in a comprehensive set of measures to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks; and

WHEREAS, the Port of Oakland and City of Oakland submitted a ARRA PSG grant proposal to jointly develop, establish and operate a City/Port Domain Awareness Center (DAC) utilizing the City of Oakland Emergency Operations Center (EOC) to consolidate a network of existing surveillance and security sensor data to actively monitor critical Port facilities, utility infrastructure, City facilities and roadways; and

WHEREAS, on September 23, 2009, the Federal Emergency Management Agency's (FEMA) Grants Program Directorate announced that the Port of Oakland would receive \$2,921,700 to fund the joint development, establishment and operation of a City/Port Domain Awareness Center (DAC);

WHEREAS, the City Administrator recommends that the City Council authorize waiver of the central services overhead (CSO) fees of approximately \$87,000 for this project, in relation to contract assessments or other project related costs, to ensure that there is adequate funding for the project; and

WHEREAS, the grant funding includes up to 3% for grant maintenance and administration costs that will be utilized by the Oakland Fire Department, Office of Emergency Services; 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 ARRA PSG grant funds in connection with the establishment and operation of the City/Port Domain Awareness Center in excess of \$100,000.00 without further Council review or action because this project has a short, time sensitive grant performance deadline of January 2012, provided competitive solicitation and other City purchasing policies and programs are followed; and

WHEREAS, the City Administrator has determined that 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 a Memorandum of Understanding/Grant Administration Agreement with the Port of Oakland for Fiscal Year 2009 American Recovery and Reinvestment Act (ARRA) Port Security Grant Program (PSGP) funding in the amount of two million and nine hundred twenty one thousand and seven hundred dollars (\$2,921,700), to jointly develop, establish and operate a City/Port Domain Awareness Center (DAC); and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to accept and appropriate said FY 2009 ARRA PSG Program 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 appreciated 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 2009 ARRA PSG Program 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, 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 purchases are in accord with the approved spending plan, the City's bidding or request for proposal requirements and purchasing programs/policies; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to approve preliminary spending plan; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to waive the central services overhead (CSO) fees of approximately \$87,000 for this project in relation to contract assessments or other project related costs; and be it

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, _____, 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