

Approved as to Form and Legality
[Signature]
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2010 DEC -9 PM 1:04 **RESOLUTION No. 83131 C.M.S.**

RESOLUTION DISPENSING WITH THE ADVERTISING REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO SELECT A VENDOR AND AWARD A CONTRACT FOR THE UPDATE AND REVISION OF THE CITY OF OAKLAND'S NATIONAL INCIDENT MANAGEMENT SYSTEM/STANDARDIZED EMERGENCY RESPONSE PLAN (NIMS/SEMS) MULTI-HAZARDS EMERGENCY RESPONSE PLAN IN AN AMOUNT NOT-TO-EXCEED \$149,500 WITHOUT RETURN TO COUNCIL

WHEREAS, the potential for a major catastrophe due to natural or human-caused disaster in the San Francisco Bay Area Region will cause all government entities including the City of Oakland to activate its emergency response system in order to protect public welfare; and

WHEREAS, the Oakland City Council supports proactive actions as they relate to emergency management practices to ensure effective and efficient emergency mitigation, prevention, preparedness, response, and recovery for the City of Oakland and the Bay Area Region; and

WHEREAS, the Oakland City Council also supports the City of Oakland's compliance with the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) as it relates to management practices in emergency mitigation, prevention, preparedness, response, and recovery efforts, activities and programs for the City of Oakland; and

WHEREAS, the City of Oakland's NIMS/SEMS Emergency Response Plan must be immediately revised and updated to meet federal NIMS/SEMS requirements; and

WHEREAS, the City of Oakland has secured Urban Area Security Initiative (UASI) grant funding to update the City's Emergency Response Plan and the City Council has approved the allocation of the UASI grant funding to update the City's Emergency Response Plan; and

WHEREAS, it is imperative that the plan be revised and updated within the grant deadline for expenditure, which ends on June 30, 2011; and,

WHEREAS, Fire Department staff has researched the market and determined that there are approximately 8 firms that can perform the specialized emergency plan development services and wishes to dispense with advertising because it is not likely to result in a different result, and instead solicit proposals based on the Fire Department's research; and

WHEREAS, the City is required to advertise contracts for professional, technical or scientific services and the City Administrator is charged with establishing an appropriate solicitation process for such services (Oakland Municipal Code section 2.04.051.A), but the City Council may dispense with the advertising requirement for professional services upon a finding that it is in the best interests of the City to do so (Oakland Municipal Code section 2.04.051.B); and

WHEREAS, dispensing with advertising for the services needed will: 1) make it feasible to complete the plan update within the grant deadline as grant funding must be expended by June 30, 2011, 2) it will reduce the administrative burden on staff of hiring a consultant, and 3) it will save the

City staff and vendor costs related to advertising, which are not eligible for reimbursement from the grant because the City was required to waive central services overhead as a grant condition; and

WHEREAS, the City Administrator has approved the solicitation process to be used for the purchase of consultant services to update the NIMS/SEMS Emergency Response Plan; and

WHEREAS, staff recommends that it would be in the best interests of the City to waive advertising for the purchase of services to update the NIMS/SEMS Emergency Response Plan for the above reasons; and

WHEREAS, this contract is for services of a professional and temporary nature and the City lacks personnel to perform the work; and

WHEREAS, the City Administrator has determined that this contract shall 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 pursuant to Oakland Municipal Code section 2.04.051.B and for the reasons stated in the City Administrator's report accompanying this Resolution and above, the City Council finds that it is in the City's best interests to waive the advertising requirements of the Municipal Code for the purchase of professional services to update the NIMS/SEMS Emergency Response Plan and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator or his designee may select a consultant following a solicitation of proposals from the firms identified by staff and award a contract for services to update the NIMS/SEMS Emergency Response Plan in an amount not-to-exceed \$149,500 without return to Council; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to execute any further documents necessary to implement this resolution; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to modify, extend or amend the Agreement, except for increasing the contract amount, without prior Council approval; and be it

FURTHER RESOLVED: That the agreement shall be reviewed by the City Attorney for form and legality and a copy placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 21 2010, 20

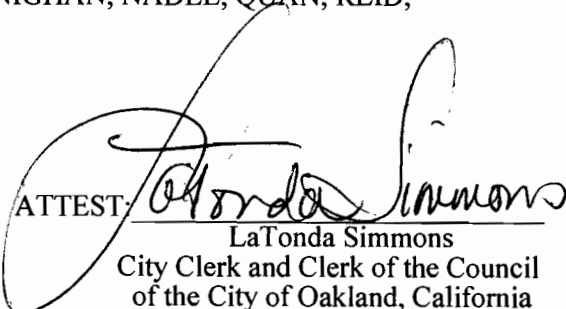
PASSED BY THE FOLLOWING VOTE:

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