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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 84042 C.M.S.

Introduced by Councilmember _____

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A GRANT COOPERATIVE AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO ACCEPT AND APPROPRIATE FISCAL YEAR 2012 URBAN SEARCH AND RESCUE (US&R) GRANT FUNDS IN THE AMOUNT OF ONE MILLION TWO HUNDRED SIXTY-ONE THOUSAND ONE HUNDRED EIGHT DOLLARS (\$1,261,108) TO THE OAKLAND FIRE DEPARTMENT FOR THE PERIOD AUGUST 1, 2012 THROUGH JANUARY 31, 2014; 2) AUTHORIZING THE CITY ADMINISTRATOR TO EXPEND FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN WITHOUT FURTHER CITY COUNCIL APPROVAL, INCLUDING THE PURCHASE OF US&R EQUIPMENT FROM THE GENERAL SERVICES ADMINISTRATION AGENCY AND OTHER GOVERNMENT PRICING SCHEDULES; 3) WAIVING THE CITY'S ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF THE US&R EQUIPMENT; AND 4) APPROVING TRAVEL FOR CITY PERSONNEL WHO PROVIDE SERVICES UNDER THE FEMA GRANT AND COOPERATIVE AGREEMENT ON SHORT NOTICE WITHOUT FURTHER COUNCIL AUTHORIZATION

WHEREAS, in 2009, City Council via Resolution No. 82021 C.M.S., authorized the City of Oakland (City) to enter into a memorandum of agreement for participation in the National Urban Search and Rescue system in coordination with the Federal Emergency Management Agency (FEMA) and the State of California; and

WHEREAS, the Oakland Fire Department is the Sponsoring Agency for California Task Force 4 (CA-TF4), an Urban Search and Rescue (US&R) Task Force, which includes members of 15 Local Participating Fire Agencies including: Alameda Fire Department, Alameda County Fire Department, Berkeley Fire Department, Monterey County Regional Fire District, Contra Costa County Fire Protection District, Fremont Fire Department, Livermore Pleasanton Fire Department, Moraga-Orinda Fire District, Marin County Fire Department, Novato Fire Protection District, Parks Reserve Forces, Salinas Fire Department, San Ramon Valley Fire Protection District, Santa Rosa Fire Department, and Seaside Fire Department; and

WHEREAS, California Task Force 4 is one of eight (8) California, and twenty-eight (28) National US&R teams trained to respond to natural disasters and possible weapons of mass destruction (WMD) events; and

WHEREAS, the Federal Emergency Management Agency (FEMA), is a component of the United States Department of Homeland Security (DHS), a federal management agency; and

WHEREAS, FEMA supports all 28 US&R teams with federal grant cooperative agreements; and

WHEREAS, Oakland Fire Department sponsored CA-TF4 is eligible to apply for a FEMA preparedness grant cooperative agreement program in the amount of \$1,261,108 to fund emergency response and operational readiness, preparedness training, personnel and equipment; and

WHEREAS, there is no other source of funding available for the Oakland Fire Department Sponsored CA-TF4; and

WHEREAS, if the FEMA US&R grant cooperative funding Agreement is not authorized, the Oakland Fire Department sponsored CA-TF4 will be dissolved due to lack of funding;

WHEREAS, the FEMA US&R grant cooperative funding agreement funds shall be deposited into is the Federal Emergency Management Agency (FEMA) Fund (2124), Special Operation Division (20815), Special Operation Program (PS18), in various accounts and a project to be determined, and the revenue received from this grant will be deposited to the same fund, organization, project, program and the FEMA Grants Revenue account (46130); and

WHEREAS, this FEMA grant cooperative agreement requires the City to provide training to other agency member participants of CA-TF4, respond as requested to local, state and national emergencies, and to procure and store equipment as directed by FEMA in a fully reimbursed and cost neutral manner; and

WHEREAS, when necessary this FEMA program grant cooperative agreement requires the City to purchase equipment from various General Service Administration Agency (GSA) and/or other Governmental Purchasing Schedules in order to maintain consistency in training and equipment among the jurisdictions participating in the state and national US&R Teams. At all other times City of Oakland purchasing requirements are followed to purchase equipment; and

WHEREAS, the Oakland Fire Department will not be distributing fiscal year 2012 FEMA Urban Search and Rescue grant funds to other agency member participants of CA-TF4; and

WHEREAS, Oakland Municipal Code Section 2.04.050.1.5 permits the City Council to waive the advertising and bidding requirements upon a finding that it is in the best interests of the City to do so; and

WHEREAS, staff recommends that it is in the City's best interest to waive the City's advertising and bidding requirement so that the Fire Department can purchase equipment from various General Service Administration Agency (GSA) and/or other Governmental Purchasing Schedules as required by the FEMA program grant cooperative agreement;

WHEREAS, staff recommends that the City Administrator be authorized to award the contracts for equipment designated by the FEMA program grant cooperative agreement from the various General Service Administration Agency (GSA) and/or other Governmental Purchasing Schedules without return to Council since these are government cooperative purchases, with vendors selected from government established vendor lists, ; and

WHEREAS, the City requires that the Fire Chief and City Administrator obtain Council approval for the payment of travel expenses for Fire Department personnel in advance, and this FEMA program grant requires the City to send Oakland Fire Department firefighters and other personnel from other jurisdictions to do FEMA required business, training or response activities on short notice; and

WHEREAS, the Oakland Fire Department sponsored CTF- 4 is available to serve the City in the event of a natural disaster or Weapons of Mass Destruction (WMD) attack within the City or surrounding communities; now, therefore, be it

RESOLVED: The City Administrator, or her designee is authorized to enter into a grant cooperative agreement with the Federal Emergency Management Agency (FEMA) to accept and appropriate fiscal year 2012 FEMA Urban Search and Rescue grant funds in the amount of one million two hundred sixty-one thousand one hundred and eight dollars (\$1,261,108) to the Oakland Fire Department for the period of August 1, 2012 through January 31, 2014; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to expend fiscal year 2012 FEMA Urban Search and Rescue grant funds in accord with the preliminary spending plan without further City Council approval, including the purchase of urban search and rescue equipment specifically designated on the General Services Administration Agency procurement list and other government pricing schedules;

FURTHER RESOVLED: That the City Council finds that pursuant to Oakland Municipal Code section 2.04.050.1.5, for the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interest of the City to waive the advertising and bidding requirements for the purchase of urban search and rescue equipment required for the California Task Force 4 US&R team training and designated on the General Services Administration Agency procurement list and other government pricing schedules, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or her designee, for timeliness and security reasons, to approve City personnel participating in the FEMA grant cooperative agreement program to travel on short notice pursuant to FEMA directives for FEMA required business, training, or response activities without prior authorization from Council; and be it

FURTHER RESOLVED: That all contracts issued hereunder shall be reviewed and approved by the office of the City Attorney, for form and legality, and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____ OCT 02 2010 _____

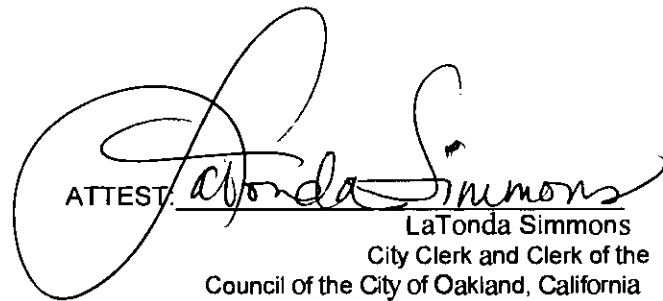
PASSED BY THE FOLLOWING VOTE:

BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER and PRESIDENT REID — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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