

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. 82933 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, JUL 20 2010, 20

PASSED BY THE FOLLOWING VOTE:

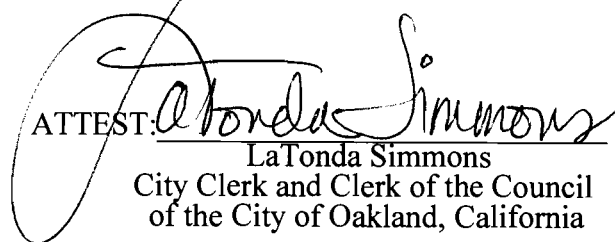
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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