

CITY OF OAKLAND

AGENDA REPORT

2010 JUN 30 AM 11:01

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Fire Department
DATE: July 13, 2010
RE: **A Report And Three Resolutions Authorizing The City Administrator Or His Designee To: 1) Enter Into Grant Administration Agreements With The Maritime Exchange Of The San Francisco Bay Region For Fiscal Year 2008, 2009 And 2010 Port Security Grant Program (PSGP) Funds In An Amount Of Up To \$944,942 For The FY 2008 Grant, And In An Amount Of Up To \$744,453 For The FY 2009 Grant, And In An Amount Of Up To \$682,694 For The FY 2010 Grant; And 2) Accept, Appropriate And Administer The Fiscal Years 2008, 2009 And 2010 Port Security Grant Program Allocations; And 3) Approve The Preliminary Spending Plans For Fiscal Years 2008, 2009 And 2010 PSGP grants; And 4) Expend Funds In Accordance With The Preliminary Spending Plans 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 Competitive Solicitation And Purchasing Programs/Policies Are Followed**

SUMMARY

The proposed report and three resolutions seek the City Council's approval to enter into Grant Administration Agreements with The Maritime Exchange of the San Francisco Bay Region for fiscal year 2008, 2009 and 2010 Port Security Grant Program (PSGP) funds in amounts up to \$944,942 for fiscal year 2008; \$744,453; for fiscal year 2009, and \$682,694 for fiscal year 2010, 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 FY2008 PSGP is through September 30, 2011. The performance period for the FY2009 PSGP is through September 30, 2012. The performance period for FY2010 PSGP is through September 30, 2013.

FISCAL IMPACT

Approval of these resolutions will authorize the acceptance and appropriation of the Port Security Grant Program (PSGP) funds in amounts up to \$944,942 for fiscal year 2008; \$744,453; fiscal year 2009; and \$682,694 for fiscal year 2010.

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The City of Oakland Port is one of eight Port regions designated as a Tier I Port, ports considered of the highest risk status, therefore making it an eligible applicant for Port Security Grant Program (PSGP) funding. PSGP grant funds are intended 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 for Tier I ports.

The performance period for the FY2008 PSGP is through September 30, 2011. The performance period for the FY2009 PSGP is through September 30, 2012. The performance period for FY2010 PSGP is through September 30, 2013.

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, in a project to be determined and offset by the revenue account of Miscellaneous Federal Grant Account (46129).

There is only a 25% in-kind and/or cash match requirement of non-Federal funds to accept the Fiscal Year 2009 PSGP grant funds. The Oakland Fire Department and Oakland Police Department will provide in-kind services or cash matches to meet all grant match requirements. The in-kind or cash match amount for the FY2009 PSGP is \$248,151. Each of the respective agencies will identify the cash and in-kind match requirements in their existing General Fund budgets, once City Council approves the acceptance of the grant funding. There is no new impact to the General Fund and all maintenance costs have already been incorporated into the respective agencies existing operating and maintenance budgets.

The Maritime Exchange of the San Francisco Bay Region is the fiscal agent for the FY 2008, 2009 and 2010 PSGP grants and will be processing reimbursement requests for all authorized grant expenditures. The Oakland Fire Department, Office of Emergency Services and Homeland Security will be responsible for administering the grants, affiliated agreements and ensuring that all requirements set forth in the grant guidelines and agreements will be met.

The grant for each fiscal year (2008, 2009, and 2010) allows for 3% Management and Administration funding. This will be 3% of each fiscal year grant total. The 3% M&A funding will go to OES for the administration of each grant.

PSGP fiscal year management and administration funding is as follows:

PSGP Fiscal Year	Management and Administration Amount at 3% of the grant amount
2008	\$28,348
2009	\$15,759
2010	\$20,480

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A total of \$2,152,936 in funding (for all three grants) will be available for pre-approved, eligible equipment. The matrix below provides the details for FY 2008, FY 2009, and FY2010 grants' approved equipment items for procurement.

All equipment purchased with PSGP funds must be listed on the federal 2010 Authorized Equipment List (AEL) and be approved by the State of California prior to purchase.

<u>Fiscal Year 2008</u> PSGP	<u>Authorized Equipment</u> List (AEL)	<u>Proposed PSGP</u> Funding	<u>Non- Federal</u> Match Amount
Oakland Police Department	Surveillance and Communications Project Equipment	\$247,519	\$0
Oakland Police Department	Waterside Law Enforcement Project Equipment	\$352,529	\$0
Oakland Police Department	Waterside Law Enforcement Readiness and CBRNE Detection Equipment	\$269,168	\$0
Oakland Fire Department	Heavy and Confined Space Rescue Unit Equipment	\$75,726	\$0
	TOTAL GRANT AWARD:	\$944,942	
<u>Fiscal Year 2009</u> PSGP			
Oakland Fire Department	Ports' Landside-Waterside Confined Space and Heavy Rescue System Equipment	\$525,300	\$175,100
Oakland Police Department	Tactical SWAT Command Project	\$219,153	\$73,051
	TOTAL GRANT AWARD	\$744,453	\$248,151
<u>Fiscal Year 2010</u> PSGP			
Oakland Police Department	Law Enforcement Maritime Domain Awareness Shallow Water Response Equipment	\$682,694	\$0

BACKGROUND

The U.S. Department of Homeland Security's (DHS) Port Security Grant Program (PSGP) is providing funding to port areas for the protection of critical port infrastructure and operations from potential acts of terrorism. The PSGP funding provided to the City of Oakland is primarily intended to assist ports, partners and first responders in enhancing risk management capabilities, enhancing domain awareness, developing capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs) and other non-conventional weapons, as well as training and exercises.

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As mentioned earlier, Oakland's Port has the designation of a Tier I Port, therefore considered a Port area with the highest risk. Risk to a port area is assessed using a methodology consisting of threat, vulnerability, and consequence factors.

The Oakland Fire Department, Office of Emergency Services (OES), in collaboration with the Oakland Police Department, Oakland Fire Department and the Port of Oakland work together to develop projects/plans and equipment necessary to address homeland security performance needs and deficiencies in current port security preparedness, response, recovery and training capabilities on a local and regional basis.

The purpose of the PSGP equipment purchase is to implement a sustainable, risk-based effort to protect ensure the security of critical port infrastructure and port operations from attacks or threats that could cause major damage and disruption to commerce.

The equipment identified in the spending plan will address the following priority criteria of the PSGP:

- Enhancing Maritime Domain Awareness (MDA)
This is the critical enabler that allows leaders at all levels to make effective decisions and act early against threats to the security of the Port of Oakland.
- Enhancing Improvised Explosive Device (IED) and Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) prevention, protections, response and recovery capabilities
This is the critical enabler that enhances Oakland's Port capabilities to prevent, detect, respond to and recover from terrorist attacks employing IEDs, CBRNE and other non-conventional weapons
- Training and Exercises
This priority ensures that appropriate capabilities exist among staff within the City of Oakland and our local and regional partners to regularly test our capabilities through emergency exercises and drills

KEY ISSUES AND IMPACTS

The Port Security Grant Program (PSGP) 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 OES, the OPD, and OFD continue development of jointly coordinated response plans and protocols with

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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.

Once again the grantor has approved the equipment to be procured within the PSGP FY 2008, FY 2009, and FY 2010.

The performance period for the FY2008 PSGP is through September 30, 2011. The performance period for the FY2009 PSGP is through September 30, 2012. The performance period for FY2010 PSGP is through September 30, 2013.

When the submitted FY2008, FY2009 and FY2010 PSGP grants are approved by FEMA, each PSGP grant requires an Environmental Planning and Historical Preservation (EHP) review process that can take anywhere from 30 days to 6 months depending the complexity of the projects. Currently, the average time for the EHP review has been approximately 4-6 months. Additionally, there may be requirements that have to be met as a result of the EHP review, which can also add additional time in completing a project and shortens the grant performance period available. Based upon lessons learned, staff requests that City Council authorize the City Administrator or his designee to be authorized to expend the Fiscal Year 2008 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 because of the required grant performance period and grant requirements provided competitive solicitation and other City purchasing policies and programs are followed.

PROGRAM DESCRIPTION

The purpose of the FY 2008, FY 2009, and FY 2010 Port Security Grant Program (PSGP) is to create a sustainable, risk-based effort to protect critical port infrastructure and port operations. An overall priority of all three PSGP applications is to address regional partnership, collaboration, and cooperation both locally and regionally. The grant proposals and projects submitted for the Oakland Fire Department and Oakland Police Department met the overall priorities.

The Oakland Fire Department's, Office of Emergency Services coordinated port security planning efforts and grant proposals' development through coordination with jurisdictional partners and disciplines such as United States Coast Guard (USCG), Captain of the Port (COTP) for the Bay Region, Oakland Police Department (OPD), Oakland Fire Department (OFD) as first responders to any incident or threat, and the Area Maritime Security Committee (AMSC). The process ensured a non-duplication of efforts, buy-in by partners and clear goals and objectives for the entities that will be working together to respond to Port emergency incidents or threats.

The following four areas are the priority objectives and programs for the FY 2008, FY 2009, and FY 2010 PSGP funding:

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- Enhancing Maritime Domain Awareness (MDA)
- Enhancing Improvised Explosive Device (IED) and Weapons of Mass Destruction (WMD) prevention, protection, response and recovery capabilities
- Training and Exercises
- Efforts supporting implementation of the Transportation Worker Identification Credential (TWIC)

In addition, there were four core PSGP criterion that were utilized to rank and score grant proposals that met atleast one or up to all four of the priority objectives and programs:

- Projects that support PSGP funding priorities identified in the program guidance and application kit package
- Projects that address priorities outlined in the applicable Area Maritime Security Plan
- Projects that address additional security priorities based on the Captain of The Port (COTP)'s expertise and experience within specific port areas
- Projects that offer the highest potential for risk reduction for the least cost

SUSTAINABLE OPPORTUNITIES

Economic: The proposed projects within the PSGP 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 PSGP 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.

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 (PSGP) are designed and operated in compliance with the Americans with Disabilities Act (ADA) and Older American's Act, as applicable.

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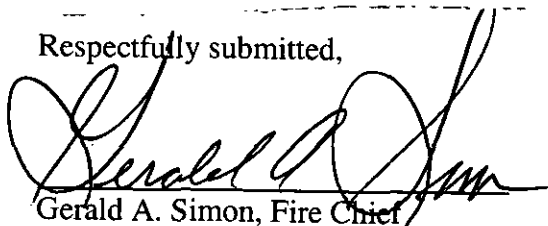
RECOMMENDATION AND RATIONALE

The City of Oakland is committed to cooperating with our regional partners to detect, prevent, prepare for, respond to, and recover from major emergencies including any potential acts of terrorism and threats against the Port of Oakland. To sustain and enhance the City of Oakland's ability to effectively protect the Port of Oakland and the surrounding area, it is recommended that the City Council approve that the City Administrator or his designee be authorized to enter into a Grant Administration Agreement with the Maritime Exchange of the San Francisco Bay Region for the distribution of fiscal years 2008, 2009 and 2010 Port Security Grant Programs (PSGP) in amounts up to \$944,942 for fiscal year 2008; \$744,453 for fiscal year 2009; and \$682,694 for fiscal year 2010 grant funds allocated to the City of Oakland, approval of the preliminary spending plans and authorize the City Administrator or his designee to administer the programs included in the grant.

ACTION REQUESTED OF THE CITY COUNCIL

It is requested that the City Council authorize the City Administrator or his designee to enter into grant administration agreements with the Maritime Exchange Of The San Francisco Bay Region for the Distribution of fiscal years 2008, 2009 and 2010 Port Security Grant Program (PSGP) in amounts up to \$944,942 for the FY 2008 grant; \$744,453 for the FY 2009 grant; and \$682,694 for the FY 2010 Grant, and to accept, appropriate and administer the fiscal Years 2008, 2009 and 2010 Port Security Grant Program Allocations, and 3) approve the preliminary spending plans for fiscal years 2008, 2009 and 2010 PSGP grants, and 4) expend funds in accord with the preliminary spending plans without further council authorization, including purchases in excess of the City Administrator's purchasing authority for equipment on the Federally Authorized Equipment List and services required by the grant, provided competitive solicitation and purchasing programs/policies are followed

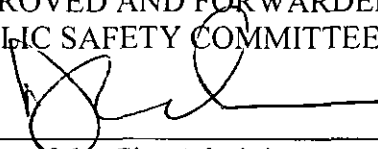
Respectfully submitted,



Gerald A. Simon, Fire Chief

Fire Department

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

Prepared by:

Cynthia Chimonyo, Emergency Planning
Coordinator

Reviewed by:

Renee A. Domingo
Director of Emergency Services and Homeland
Security

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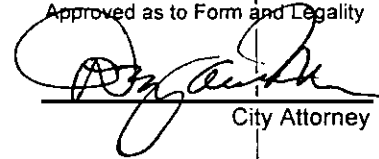
FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUN 30 AM 11:01

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Approved as to Form and Legality


City Attorney

**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 2008 PSGP GRANT FUNDS IN THE AMOUNT UP TO NINE HUNDRED FORTY FOUR THOUSAND NINE HUNDRED AND FORTY TWO DOLLARS (\$944,942); AND
2. ACCEPT, APPROPRIATE AND ADMINISTER THE FISCAL YEAR 2008 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 CITY 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 nine hundred forty four thousand nine hundred and forty two dollars (\$944,942) by the Fiscal Year 2008 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 2008 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 \$944,942 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 FY2008 PSGP which provides for \$28,348 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 2008 PSGP grant; and

WHEREAS, the performance period for the Fiscal Year 2008 PSGP grant is from October 1, 2010 through September 30, 2011; 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 2008 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 now, there 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 nine hundred forty four thousand nine hundred forty two dollars (\$944,942) in FY 2008 PSGP grant Funds; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to accept and appropriate said FY 2008 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 2008 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, 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 2008 PSGP grant will be absorbed in each of the respective city of Oakland agencies' existing budget with no additional General Purpose fund appropriations; 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 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

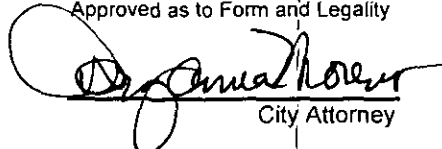
NOES -

ABSENT -

ABSTENTION -

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

2010 JUN 30 AM 11:01


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ 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 2009 PSGP GRANT FUNDS IN THE AMOUNT UP TO SEVEN HUNDRED FORTY FOUR THOUSAND FOUR HUNDRED AND FIFTY THREE DOLLARS (\$744,453); AND
2. ACCEPT, APPROPRIATE AND ADMINISTER THE FISCAL YEAR 2009 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 seven hundred forty four thousand four hundred and fifty three dollars (\$744,453) by the Fiscal Year 2009 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 2009 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 \$744,453 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 FY2009 PSGP which provides for \$15,759 or 3% funding for maintenance and administration of the total grant award; and

WHEREAS, the performance period for the Fiscal Year 2009 PSGP grant is through September 30, 2012; 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 2009 PSGP grant; 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; now, there be it

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 2008 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 Seven hundred and forty four thousand four hundred and fifty three dollars (\$744,453) in FY 2009 PSGP grant Funds; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to accept and appropriate said FY 2009 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 2009 PSGP Grant funds for any amount, event 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: the Office of Emergency Services will monitor the in-kind services from all City departments to ensure that the grant match requirement in an amount up to \$248,151 is met with no additional General Purpose fund appropriations; and be it

FURTHER RESOLVED: That ongoing costs, such as maintenance for equipment or goods purchased with 2009 PSGP grant will be absorbed in each of the respective city of Oakland agencies' existing budget with no additional General Purpose fund appropriations; 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 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

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. _____ 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, _____, 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