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OAKLAND

2013 OCT 31 PM 3:20

# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Teresa Deloach-Reed

SUBJECT: DAC Phase 2

DATE: October 22, 2013

City Administrator  
Approval

Date

10-25-13

COUNCIL DISTRICT: City-Wide

## RECOMMENDATION

Staff recommends that the City Council adopt a Resolution authorizing the City Administrator to award a contract for Phase 2 of the Domain Awareness Center (DAC) project implementation to a vendor from the pool of vendors responding to the Request for Proposal titled "City of Oakland/Port of Oakland Joint Domain Awareness Center", October 2012, in an amount not to exceed \$2M (two million dollars) to be selected later with a return to Council with an informational report.

## OUTCOME

Passage of the resolution will grant the City Administrator or her designee the authority to award a contract for Phase II of the Domain Awareness Center (DAC) project implementation to a vendor in an amount not to exceed \$2,000,000.00 to be selected later with a return to council with an informational report.

Phase 2 of the DAC implementation to a responsive and responsible vendor and allow staff the opportunity to adhere to timelines established by the grantor.

## BACKGROUND/LEGISLATIVE HISTORY

The City and Port of Oakland have jointly developed and advanced the Domain Awareness Center (DAC) initiative in an effort to consolidate a network of existing security, safety, and emergency management systems to enhance protection of, and response to, critical City/Port facilities, utility infrastructure, roadways, etc.

A Request for Proposal (RFP) was released titled "City of Oakland/Port of Oakland Joint Domain Awareness Center -- Provide Professional Services to Design/Build/Maintain City of Oakland/Port of Oakland Joint Domain Awareness Center" in October 2012.

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In March of 2013, City Council authorized the City of Oakland to enter into a professional services agreement with Science Applications International Corporation (SAIC) for Phase I of the City/Port Domain Awareness Center (Resolution No. 82933).

The scope included the design/build phase of the project and the beginning of key public safety and surveillance systems integration between the Port of Oakland and the City.

On July 30, 2013 the City Council approved Resolution 84593, that amended the contractual agreement between the City of Oakland and SAIC to increase the amount to be paid to SAIC for completion of the City/Port Domain Awareness Center.

The work of the City/Port team is progressing favorably. DAC implementation was completed in June 2013. This phase completed a percentage of Part A (Design-Build-Maintain Technology Linkage System) and fully completed Part B (Design-Build Existing Building Improvements). Phase 2 or, completion of Part A, will primarily consist of additional system integrations (City, Port and Third Party) into the Physical Security Information Management System (PSIM), development of end user workflows in the PSIM software platform and system maintenance.

Due to a subsequent substantive change in grant funding requirements, the City/Port has developed a revised, phased implementation plan in order to address changes and to insure the DAC will "go live" for operations in Calendar Year (CY) 2014.

We believe it is in the City's best interest to solicit from the existing pool of responders. Staff will solicit responses from the existing pool of responders who will be provided with a) DAC Phase 1 Implementation Information, b) DAC Phase 2 Scope of Work, and c) Supplemental Proposal Instructions/Guidelines. The potential respondent will have approximately two weeks to review such information and develop a supplemental proposal. During this two week period, respondents can request clarifications and/or submit questions regarding DAC Phases 1 and 2 - related materials.

If a supplemental proposal is submitted, the respondent will be required to provide an in-person, oral presentation of the supplemental proposal. Selection of a respondent for DAC Phase 2 will be based on evaluation scoring of the written supplemental proposal and the oral presentation.

As a result, staff seeks the authority to select a vendor specific to the substantive changes. The City/Port team anticipates selection of a successful respondent for DAC in December 2013.

## ANALYSIS

Staff must insure that the selected vendor is in compliance with all City Ordinances in general. Compliance with the Nuclear Free Zone Ordinance (NFZO) in particular was raised as a concern during Phase 1 of DAC.

On November 8, 1988, the citizens of Oakland adopted "Measure T". On December 6, 1988, the City approved Ordinance No. 11062 C.M.S. designating the City of Oakland as a "Nuclear Free Zone" and mandating a policy concerning the city's relations with companies that knowingly engage in nuclear weapons work. Under this ordinance, the City is restricted from doing business with professional and consulting service providers which would be considered nuclear weapons makers. The Ordinance was challenged in federal court, and the US District Court invalidated the measure as being in conflict with the US Constitution, with the exception of 2 provisions which were not challenged.

On March 9, 1992, the US Court of Appeals denied an appeal of the District Court ruling. On June 30, 1992, a revised Nuclear Free Zone ordinance was passed by the City Council. The revised ordinance was designed to avoid the problems with the original initiative that caused it to be invalidated by the US District Court.

Under the revisions, the City still holds to the basic premise of the Ordinance.

Based upon public comment and council feedback, the merits of the NFZO as it applied to contracting were questioned. Staff conducted a review of the Ordinance and compliance with that Ordinance by the Phase 1 vendor.

The findings were as follows:

1. Vendor compliance with the NFZO is self reported by the vendor.
2. Vendors are asked to declare compliance on the "Combined Form".
3. The Phase 1 vendor declared compliance with the NFZO.
4. Under further review the Phase 1 vendor declared non compliance with the NFZO.
5. City staff's review corroborated SAIC's assertion that they were in fact in non-compliance with the NFZO.
6. The Ordinance provides for an option to hold a public hearing and council waiver.
  - o Staff does not recommend a public hearing and council waiver.
7. Because on the nature of the work, staff will exercise additional caution with regard to establishing compliance with the NFZO prior to contract execution as well as establishing references to include previous activities, commendations and penalties if applicable.

In addition to the Nuclear Free Zone compliance matter, staff conducted a performance review of Phase I and determined that given the substantive changes and timing, the City/Port team can reasonably take the recommended action as noted above.

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For these reasons, staff feels that it would be in the City's best interest to solicit proposals from the other vendors who initially expressed an interest in bidding for the project. This will ensure some continuity and conformity with scope of work and staff's attempts to adhere to the originally proposed timelines for completion of the project.

### PUBLIC OUTREACH/INTEREST

The DAC implementation has very high visibility. A number of stakeholders representing various points of view are closely following this effort. The City/Port team is sensitive to all stakeholders and at the same time sensitive to the mandates of the funding source.

### COORDINATION

The Oakland/Port Team includes coordination and collaboration with and between the City's Fire Services, Information Technology, City Administrator's office and the Port of Oakland.

### COST SUMMARY/IMPLICATIONS

#### COST ELEMENTS OF AGREEMENT/CONTRACT:

Supplemental FY 2009 and FY 2010 PSGP Grant Funding	Up to \$2,000,000
Construction (if applicable)-	200,000
Consultant Contracts	350,000
Systems Integration	550,000
Equipment and Supplies	900,000
Total Project Costs	<u>2,000,000</u>

1. **SOURCE OF FUNDING:**

Grantee for Federal FY 2009 and FY 2010 U.S. Department of Homeland Security (DHS) Port Security Grant Program (PSGP) funding up to \$2,000,000

2. **FISCAL IMPACT:**

There is no fiscal impact to the General Fund. There are no in-kind services matches for this PSGP grant.

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**SUSTAINABLE OPPORTUNITIES**

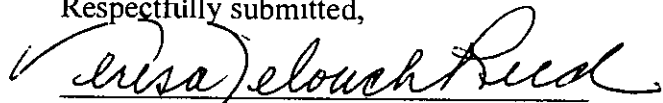
**Economic:** Effective and consistent emergency preparedness and planning activities enhance the City of Oakland's efforts to provide a climate in which economic development and resiliency can flourish.

**Environmental:** There are no environmental impacts associated with this project.

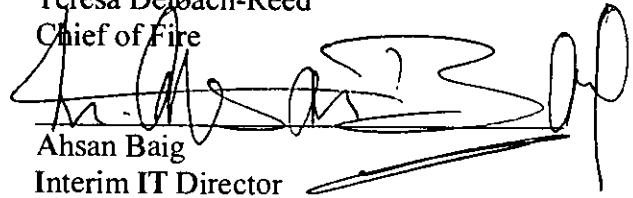
**Social Equity:** The procurement of the approved services and equipment will enhance public safety efforts that serve all residents of the City of Oakland and the Bay Area region.

Please contact Renee Domingo 238-6353 and/or Ahsan Baig 238-3010 for questions regarding this report.

Respectfully submitted,



Teresa Deloach-Reed  
Chief of Fire



Ahsan Baig  
Interim IT Director

FILED  
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OAKLAND

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Approved as to Form and Legality

**DRAFT**

# OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONTRACT FOR PHASE 2 OF THE DOMAIN AWARENESS CENTER (DAC) PROJECT IMPLEMENTATION TO A VENDOR FROM THE POOL OF VENDORS RESPONDING TO THE REQUEST FOR PROPOSAL TITLED "CITY OF OAKLAND/PORT OF OAKLAND JOINT DOMAIN AWARENESS CENTER, OCTOBER 2012" IN AN AMOUNT NOT TO EXCEED \$2M DOLLARS (TWO MILLION) TO BE SELECTED LATER WITH A RETURN TO COUNCIL WITH AN INFORMATIONAL REPORT.**

**WHEREAS**, Congress and the Obama Administration intended the Port Security Grant Program (PSGP) 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 submitted PSGP grant proposals 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**, in March 2013, pursuant to Council authorization by Resolution 82933, the City of Oakland entered into a Professional Services Agreement with Science Applications International Corporation (SAIC) for Phase 1 of the Domain Awareness Center which included the Design/Build phase and the beginning of key public safety and surveillance systems integration between City and Port of Oakland; and

**WHEREAS**, on May 23, 2013, the Port of Oakland Board of Directors approved a resolution for the Port of Oakland to enter into a Memorandum of Understanding and Grant Administration Agreement to provide up to two million dollars (\$2,000,000) of supplemental FY09 and FY10 PSGP grant funding with the City of Oakland to further expand the development of the City/Port Domain Awareness Center (DAC) and embark upon Phase 2 of the expansion of the systems integration as well as equipment/system enhancements; and

**WHEREAS**, the City seeks to utilize these additional funds to complete Phase 2

of the Domain Awareness Center (Phase 2); and

**WHEREAS**, In July of 2013, the City Council pursuant to Resolution 84593 authorized the City's current contract with SAIC to be amended to include the Phase 2 work which consists of, but is not limited to, additional enhancements to the Emergency Operations Center, additional systems' integration such as the Port Geographic Information Systems (GIS) and other key City Public Safety Information Technology systems for an amount of services and equipment because Phase 2 is not part of the current scope of work for the March 2013 Agreement with SAIC, and capped the amount SAIC may charge the City at not to exceed two million dollars; and

**WHEREAS**, A review of an assertion brought forward by SAIC determined that SAIC could not fulfill its contractual obligations to the City due to non-compliance with city policy relative to the Nuclear Free Zone Ordinance, and

**WHEREAS**, staff recommends it is in the best interests of the City to contact the original DAC project RFP respondents to determine their interest in the development of a supplemental proposal for DAC Phase II Implementation, based on the fact that the FY 2009 PSGP supplemental funds must be used by June 30, 2014. Conducting the RFP/Q process using the original respondents will serve to expedite the proposal process and allow the City to adhere to predetermined timelines, and will help ensure the FY 2009 PSGP are expended by the grantee's deadline and will facilitate the City's ability to implement Phase 2 of the DAC project efficiently and effectively in order to maintain consistency, cohesiveness and uniformity as well; and

**WHEREAS**, the City finds and determines that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, the City finds and determines 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 the City Administrator or her designee is authorized to commence a RFP/Q process to solicit supplemental proposals from the respondents to the original DAC Project RFP with the amount to be paid up to two million dollars for completion of Phase 2 of the DAC work project, bringing the total contract amount authorized to four million nine hundred thousand dollars (\$4,900,000); and be it

**FURTHER RESOLVED:** That the City Council finds that pursuant to Oakland Municipal Code sections 2.04.050.1.5 and 2.04.051.B, for the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to expedite the advertising and bidding requirements and the request for proposal/qualifications (RFP/Q) process for the products and services to be purchased; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to execute any amendments or modifications to said Port/City agreement and the Professional Services Contract without return to Council in an amount not to exceed two million dollars (\$2,000,000.00); and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to accept and appropriate said FY 2009 and FY2010 PSGP Grants funds into U.S. Department of Homeland Security Fund (2123), Emergency Management Services Division (20711) a grant project to be determined, and Emergency Management Service Program (PS21), the full grant funds will be appreciated to the Miscellaneous Federal Grants Accounts 46129; and be it

**FURTHER RESOLVED:** That the agreement(s) and other actions authorized hereunder shall be reviewed and approved by the Office of the City Attorney for form and legality and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonja Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California