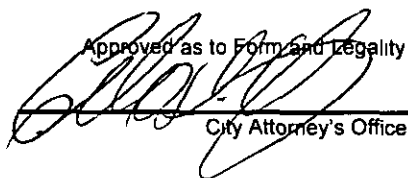


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JAN 21 PM 3:52

REVISED AT CITY COUNCIL ON NOVEMBER 19, 2013

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 84725 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) AWARD A CONTRACT FOR PHASE 2 OF THE DOMAIN AWARENESS CENTER (DAC) PROJECT IMPLEMENTATION IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000); (2) TO A SELECT A VENDOR FROM THE POOL OF VENDORS THAT RESPONDED TO THE REQUEST FOR PROPOSALS TITLED "CITY OF OAKLAND/PORT OF OAKLAND JOINT DOMAIN AWARENESS CENTER, OCTOBER 2012"; (3) IN AN AMOUNT NOT TO EXCEED \$2M DOLLARS (TWO MILLION) TO BE SELECTED LATER WITH A RETURN TO COUNCIL WITH AN INFORMATIONAL REPORT FOR APPROVAL OF THE RECOMMENDED VENDOR AND CONTRACT AWARD.

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, on July 30, 2013 the City Council passed Resolution No 84593, approving the appropriation of grant funds, required agreements between the City and the Port, and the spending plans for this project; and City Council further required that the City develop and adopt safeguards, procedures and policies to protect the privacy rights of individuals relative to the operation of City/Port Joint Domain Awareness Center, 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 staff shall return to Council for approval of the recommended vendor and the award of the contract, and be it

FURTHER RESOLVED: That the City Council finds that pursuant to Oakland Municipal Code sections 2 04 050 I 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 Resolution No 84593 approved by the City Council on July 30, 2013 remains in effect except as modified by this subsequent resolution, 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 FY 2010 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 three "Further Resolved" sections added by the City Council to Resolution No 84593 at the City Council meeting of July 30, 2013 are incorporated into this resolution and are also provided immediately below in the following three "Further Resolved" sections, and be it

FURTHER RESOLVED: During Phase 2, City/Port staff will develop a Privacy and Data Retention Policy that governs the collection, retention, storage and dissemination of information processed by the DAC ensuring the protection of privacy rights of individuals, and will return said policy to the Council for approval no longer than March 2014, and be it

FURTHER RESOLVED: The City/Port Joint Domain Awareness Center (DAC) system video data recording, storage, and video analytics capability has not been activated and shall not be activated until the City Council approves the Privacy and Data Retention Policy for the City/Port Domain Awareness Center, and be it

FURTHER RESOLVED: The City/Port Joint Domain Awareness Center (DAC) Phases 1 and 2 includes data and video feeds from the following surveillance, security sensor and video analytics sources only Port Video and Intrusion Detection Cameras, Port of Oakland Vessel Tracking System, City of Oakland traffic cameras, City of Oakland-owned cameras operated by the City in non-residential areas, City of Oakland Shot Spotter Audio Sensor System, and License Plate Recognition systems, and that the addition of any new surveillance, security sensor or video analytics capability, feed, or data sources shall require approval of the Council,

including confirmation of compliance by the DAC and all City and Port data sources with the City's Privacy and Data Retention Policy to the extent allowed by law, and be it

FURTHER RESOLVED: that the staff process for developing the Privacy and Data Retention Policy shall include public outreach and engagement with experts and community stakeholders with at least one public meeting and a public comment period prior to submission of the proposed Privacy and Data Retention Policy and return to the Public Safety Committee and City Council in March 2014, 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.

NOV 19 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE.

AYES - BROOKS, GALLO, ~~GIBSON, McELHANEY~~, KALB, KAPLAN, ~~REID~~, SCHAAF and PRESIDENT KERNIGHAN - 6

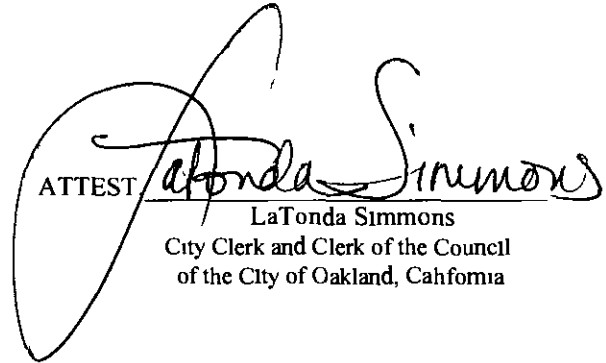
NOES - Gibson McElhaneY - 1

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST



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