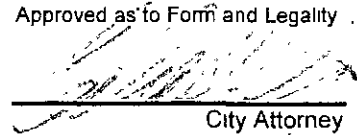


FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney

2014 FEB 20 PM 12:45
REVISED AT PUBLIC SAFETY COMMITTEE ON JANUARY 28, 2014
OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- 1) — NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SCHNEIDER ELECTRIC INC. TO PROVIDE PROFESSIONAL SERVICES FOR DESIGN/BUILD/MAINTAIN SERVICES REPRESENTED IN PHASE 2 OF THE CITY AND PORT JOINT DOMAIN AWARENESS CENTER (DAC) PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,600,000; AND**
- 2) — ~~IF NEGOTIATIONS FAIL WITH SCHNEIDER ELECTRIC INC, THE CITY ADMINISTRATOR OR HER DESIGNEE IS AUTHORIZED TO NEGOTIATE AND ENTER INTO A CONTRACT WITH ANOTHER VENDOR ON THE DAC PHASE 2 EVALUATIONS RANKING LIST, WITHOUT RETURNING TO COUNCIL~~**

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, 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, 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

WHEREAS, on November 19, 2013, the City Council pursuant to Resolution 84725, waived further advertising and the competitive Request For Proposals selection requirements of the Oakland Municipal Code, and authorized the staff to select a vendor from the pool of vendors that responded to the RFP titled, “City of Oakland/Port of Oakland Joint Domain Awareness Center, October 2012” in an amount not to exceed \$2 million dollars, and

WHEREAS, the City seeks to utilize these additional funds to complete Phase 2 of the Domain Awareness Center (Phase 2); and

WHEREAS, the City wishes to negotiate a new contract for 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, 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 accept, appropriate, and administer up to two million dollars (\$2,000,000) of American Recovery and Reinvestment Act (ARRA) supplemental Port Security Grant funds for (PSGP) fiscal years 2009 and 2010 for Phase 2 of the joint Port of Oakland/City Domain Awareness Center (DAC) project; 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 with Schneider Electric, Inc. in an amount not to exceed \$1.6 million dollars pending a determination of its full compliance with applicable laws, including the Nuclear Free Zone Act; and be it

~~**FURTHER RESOLVED:** If such negotiations are unsuccessful with Schneider Electric Inc., that the City Administrator is hereby authorized to negotiate and enter into a contract with another vendor on the DAC Phase 2 evaluations ranking list, without returning to Council, and be it~~

FURTHER RESOLVED: That funds to complete this project will be drawn from Fund (2123), Org (20711), Program (PS21), Accounts and Projects to be Determined; 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 appropriated 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, and shall comply with previous resolutions regarding this particular project's successful adoption of a privacy and data retention policy as a condition of project implementation.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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