

OAKLAND CITY COUNCIL

2014 AUG -4 PM 1:03

RESOLUTION No. 85153 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO:

1. ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO ACCEPT FISCAL YEAR 2013 PORT SECURITY GRANT PROGRAM (PSGP) FUNDS; AND
2. ACCEPT, APPROPRIATE AND ADMINISTER FISCAL YEAR 2013 PSGP GRANT FUNDS IN AN AMOUNT UP TO ONE HUNDRED SIXTY-NINE THOUSAND, SIX HUNDRED AND SEVENTY-NINE DOLLARS (\$169,679); AND
3. APPROVE THE PRELIMINARY SPENDING PLAN; AND
4. EXPEND FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN WITHOUT FURTHER COUNCIL AUTHORIZATION, INCLUDING PURCHASES OF EQUIPMENT AND SERVICES APPROVED IN THE FEDERAL AUTHORIZED EQUIPMENT LIST (AEL) AND REQUIRED BY THE GRANT, PROVIDED THE CITY'S COMPETITIVE SOLICITATION AND PURCHASING PROGRAMS/POLICIES ARE FOLLOWED; AND
5. ALLOCATE FORTY-TWO THOUSAND AND FOUR HUNDRED TWENTY DOLLARS (\$42,420) FROM THE GENERAL PURPOSE FUND TO SATISFY THE IN-KIND OR CASH MATCH REQUIREMENT

WHEREAS, the U.S. Department of Homeland Security's FY 2013 Port Security Grant Program (PSGP) 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 Emergency Management Services Division has been awarded a FY 2013 PSGP grant allocation of one hundred sixty-nine thousand, six hundred and seventy-nine dollars (\$169,679) by the Fiscal Year 2013 U.S. Department of Homeland Security; and

WHEREAS, the U.S. Department of Homeland Security awarded the City of Oakland \$169,679 in grant funds for the federal fiscal year 2013 to fund the Oakland Fire Department, Emergency Management Services Division for the grant performance period of October 1, 2013 through May 1, 2015; and

RESOLVED: That the City of Oakland do hereby authorize the City Administrator or his designee to:

WHEREAS, the grant designates the amount not to exceed \$169,679 be expended for the purchase of specified equipment, supplies and contracted services identified on the Federally Authorized Equipment List ("AEL"); and

WHEREAS, the City of Oakland Port Security Grant Program ("PSGP") requires a match of in-kind/cash in an amount not to exceed forty-two thousand and four hundred and twenty dollars (\$42,420); and

WHEREAS, the Oakland Police Department and the Oakland Fire Department will provide an in-kind match allocation of up to forty two thousand and four hundred and twenty dollars(\$42,420) from its (General Purpose Fund) personnel, to satisfy the in-kind/cash match requirement; and

WHEREAS, the Oakland Fire Department, Office of Emergency Management Services Division and Homeland Security staff are also essential in managing and coordinating the Fiscal Year 2013 PSGP which provides for \$8,484 or 5% 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 Fiscal Year 2013 PSGP grant; and

WHEREAS, the performance period for the Fiscal Year 2013 PSGP grant is from October 1, 2013 through May 1, 2015; and

WHEREAS, other administrative costs such as central services overhead (CSO) fees, will not be incurred; and

WHEREAS, the Oakland Municipal Code Section 2.04.030.A requires Council approval for any purchase of goods and/or services over \$100,000; and

WHEREAS, the City Administrator recommends that he or his designee be authorized to expend Fiscal Year 2013 Port Security Grant Program (PSGP) U.S. Department of Homeland Security grant funds in connection with the purposes of the grant in excess of \$100,000 and up to \$169,679 without further Council review or action because of the limited time available for completion of grant projects, provided competitive solicitation and other City purchasing policies and programs are followed; and

WHEREAS, funds will be appropriated to the Homeland Security Fund (2123), the Emergency Management Services Division Organization (20711), Emergency Management Services Program (PS 21) and project number to be determined; 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 Administrator or his designee is authorized to enter into a grant agreement on with the United States Department of Homeland Security's, Federal Emergency Management Agency (FEMA) to accept \$169.679 in FY13 Port Security Grant Funding; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to accept and appropriate the federal fiscal year 2013 Port Security Grant Program (PSGP) grant allocation in the amount of one hundred sixty-nine thousand, six hundred and seventy-nine dollars (\$169,679) from the U.S. Department of Homeland Security; and

FURTHER RESOLVED: That the City Administrator or his designee is authorized to allocate from existing appropriation forty two thousand and four hundred and twenty dollars \$42,420 from its (General Purpose Fund) **1010.20411.PS17 Project To Be Determined (TBD) and 1010.107410. Project To Be Determined (TBD)** to satisfy the in-kind/cash match requirement; and

FURTHER RESOLVED: That the City Administrator or his designee is authorized to expend fiscal year 2013 PSGP grant funding up to the grant allocation amount even for those purchases in excess of the City Administrator's authority in Oakland Municipal Code Section 2.04.020 or that otherwise would 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 Federal 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

FURTHER RESOLVED: That the 2013 Port Security Grant Program (PSGP) grant allocation funds received by the City of Oakland may only be used expressly for the purchase of remotely operated underwater vehicles (ROV), waterside interoperable communication radios, and related training; and

FURTHER RESOLVED: That the 2013 Port Security Grant Program (PSGP) grant allocation funds received by the City of Oakland may only be used expressly for the purchase of Tough Books, the ROV Repair kit and training, the Law Enforcement Data Solution Intelligence Software that allows for Situational Awareness in the OFD Field Command Post as described in the Supplemental City Council report; and

FURTHER RESOLVED: That the 2013 Port Security Grant Program (PSGP) grant allocation funds received by the City of Oakland may only be used expressly for the following allowable purchases should there be any remaining 2013 Port Security Grant Program funding available: OPD Waterside Interoperable Communications Radios, OFD Moose boat and/or equipment, specifically, Wireless Headset System for radio communications, Thermal Imaging equipment (FLIR), Side Scan Sonar Equipment, Exterior Flood Lighting, Electric Anchor Windlass, Water Wash Down Spigots and Cabin Heating; and

FURTHER RESOLVED: That the 2013 Port Security Grant Program (PSGP) grant allocation funds received by the City of Oakland may not be used for the purchase of any aerial drones, stingray, or facial recognition technology or facial recognition software; and

FURTHER RESOLVED: That staff will return to council for contract authority for purchasing 2013 PSGP funded equipment not specified in this resolution; and

FURTHER RESOLVED: That ongoing costs, such as maintenance for equipment or goods purchased with 2013 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 the 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,

AUG 13 2014

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks, Gallo~~, KAPLAN, KALB, MCELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN - 6

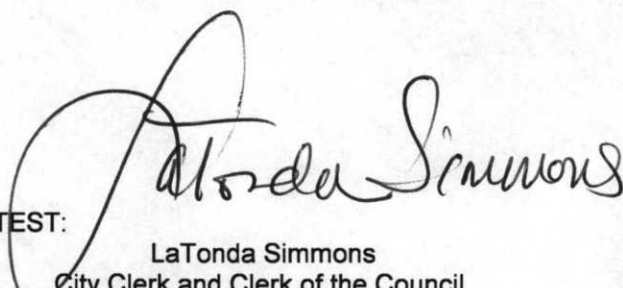
NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

Excused - GALLO - 1

ATTEST:


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