



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 JAN 10 PM 4:21

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Darin White
Fire Chief

SUBJECT: Fiscal Year 2018 Urban Search and
Rescue (US&R) Funding

DATE: January 1, 2019

City Administrator Approval

Date:

1/10/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution:

- 1) Authorizing The City Administrator, Or Her Designee To: (A) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) For Receipt Of Funds For The Period September 1, 2018 To August 31, 2021, In The Amount Of One Million Two Hundred Thirty-Seven Thousand And Nine Hundred Ninety Dollars (\$1,237,990); (B) Accept And Appropriate Said FEMA Funds For The Fire Department's Urban Search And Rescue (US&R) Task Force (US&R Task Force); (C) To Host The US&R Medical Team Training In June 2019; (D) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration And Other Government Pricing Schedules;
- 2) Waiving The City's Advertising And Competitive Bidding And Purchasing Requirements For Procurement Of Equipment When Required By The Grant Funds;
- 3) Approve Travel For City Personnel On Short Notice Without Further Council Authorization; And
- 4) Approve A Contribution From The General Purpose Fund (GPF) In An Amount Equivalent To The Information Technology Department (ITD) - Internal Service Fund (ISF) Charges Affiliated With Said Grant, For Fiscal Year 2018-2019, And To Provide A Contribution Equivalent To The ITD-ISF Charge For The Duration Of The Grant Period.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the acceptance of grant funds in the amount of \$1,237,990, needed to maintain implementation of the US&R Response System, Cooperative Agreement through August 31, 2021, which includes providing training for members of the US&R Team, the purchase and maintenance of equipment, lease of storage and office facility,

Item: _____
Public Safety Committee
January 15, 2019

and salaries for personnel required for program management. In addition, this resolution authorizes a contribution from the General Purpose Fund (GPF) to cover the Information Technology Department (ITD) -- Internal Service Fund (ISF) charges associated with this grant.

BACKGROUND/LEGISLATIVE HISTORY

There are twenty-eight (28) FEMA US&R Task Forces in the United States, with eight (8) in California. The City of Oakland is the Sponsoring Agency for a Federal Emergency Management Agency (FEMA) US&R Task Force, California Task Force 4 (CA-TF4). The Oakland Fire Department Task Force has agreements with fifteen (15) participating fire agencies from the Bay Area that provide Task Force personnel and support the training and responses of the Oakland Task Force. Federal funds are provided to sponsoring agencies to support a US&R Response System that provides for the coordination, development, and maintenance, of the effort to locate, extricate, and provide immediate medical treatment to victims trapped in collapsed structures, and to conduct other lifesaving operations.

In addition to the Federal funding, The State of California supports the eight (8) California US&R Task Forces with funding through the California Fire and Rescue Training Authority (CFRTA) that facilitates Mobilization Exercises and conducts other pertinent trainings, in preparation for response to disasters such as earthquakes, wildfires, flooding, and terrorist attacks.

Since the Loma Prieta Earthquake in October of 1989, the City of Oakland Fire Department has taken an active role in preparing for an US&R response. In 1991 FEMA sponsored twenty five (25) National US&R Task Forces and Oakland CA-TF4 has been a part of the National Response System since the inception.

The City Council has approved similar agreements each year since 1991. Last year, Council approved the agreement (Resolution No. 86959 C.M.S.) for a grant in the amount of \$1,240,013.

ANALYSIS AND POLICY ALTERNATIVES

When procurement is necessary, this FEMA program grant requires the City to purchase equipment from various Federal General Service Administration Agency (GSA) and/or other Governmental Purchasing Schedules in order to maintain consistency in training and equipment among the jurisdictions participating in the state and national US&R Teams. Oakland Municipal Code (OMC) Section 2.04.050.1.5 authorizes the City Council to waive City bid procedures upon determining that it is in the best interest of the City to do so. Staff finds that it is in the City's best interest to waive the City's advertising and bid requirement based on the aforementioned government purchasing requirement, and recommends that the City Administrator be authorized to award the contracts for goods, not to exceed the amount of the grant, without return to Council since these are government cooperative purchases, with vendors selected from government established vendor lists, and it would expedite the purchasing process.

As the Sponsoring Agency, US&R CA-TF4 provides training, including to agencies that do not Participate in US&R CA-TF4, to ensure that they are prepared and well trained to respond to emergencies alongside and in support of US&R CA-TF4. Costs from these trainings are not currently being charged by the City, and as a result, training costs for outside agencies are being subsidized by the General Purpose Fund (1010). Approval of this resolution would permit US&R CA-TF4 to collect fees for these trainings, and to deposit the revenue into the account specified for this award. Charges to participants will be based upon the actual cost incurred by the US&R CA-TF4 (i.e. staff time and materials) to deliver the training.

The project supports roughly up to three and a half (3.50) full time equivalent (FTE) staff, which includes:

- One (1.0) FTE Program Coordinator to oversee the US&R Task Force;
- One (1.0) FTE Warehouse Specialist to supervise the storage and tracking of US&R equipment;
- Six tenths (0.60) FTE Administrative Assistant I; and
- One and a half (1.50) FTE Management Interns, Part-Time.

This grant has and will continue to have a positive impact for the City of Oakland. The members of the Task Force are members of OFD and other Participating Fire Agencies, and they receive training for response to man-made and natural disasters. The training provides knowledge, skills, and abilities to a network of local first responders so they can perform search and rescue operations, victim extrication, wide area search and patient treatment to reduce loss of life as the result of emergency incidents in the City and region.

FISCAL IMPACT

Approval of this resolution will authorize the acceptance and appropriation of the Federal Emergency Management Agency (FEMA) funds in an amount not to exceed \$1,237,990. The fiscal impact to the City would be a GPF contribution for ITD-ISF charges associated with the FY 2018 US&R Grant for FY 2018-19, and to continue to provide a GPF contribution equivalent to the ITD-ISF charges for the duration of the grant period.

This contribution is necessary because FEMA representatives have informed staff that these charges are not payable by this grant because the US&R program is not located in a building owned or maintained by the City of Oakland, its vehicles and other assets are owned by the federal government and are not serviced by the City of Oakland staff. The ITD does provide some services to the US&R Task Force, hence the charge, but as stated previously FEMA has advised staff that these charges may not be paid by the grant; therefore, a GPF contribution is requested to cover these charges.

1. Amount of Recommendation/Cost of Project:
Cooperative Agreement Amount: \$1,237,990
Performance Period: September 1, 2018 to August 31, 2021
2. Source of Funding: FEMA Cooperative Agreement

3. Cost Elements of Agreement/Contract:

Cost Category	Description	Amount
Administration and Management	Management of office and staff salaries	\$724,052
Storage and Maintenance	Lease and maintenance of warehouse space	\$303,524
Equipment	Tools, supplies and equipment as required by FEMA	\$115,246
Training	Continuing and new education to maintain readiness of staff and responders	\$95,168
	TOTAL	\$1,237,990

Revenue received from this grant, as well as reimbursement for training courses hosted by US&R CA-TF4, shall be deposited into the Federal Emergency Management Agency (FEMA) Fund (2124), Special Operation Division (20815), the Miscellaneous Grants Revenue account (46129), US&R FEMA 2018-21 Project (1003887), Special Operation Program (PS18), and in various accounts to be determined.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures.

COORDINATION

The Office of the City Attorney and the Budget Bureau were consulted in the preparation of this report and resolution.

SUSTAINABLE OPPORTUNITIES

Economic: Acceptance of this grant will allow for the rental of warehouse space and the purchase and maintenance of equipment, which will contribute to the local economy. There are roughly up to three and one-half (3.50) full-time equivalent positions in the City of Oakland paid through this grant.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: The FEMA US&R Cooperative Agreement provides the City of Oakland Fire Department with access to training and equipment needed for Technical Rescues, Structural Collapse, and Disaster Response, which represents a significant enhancement of the local capabilities in the event of a local incident, such as an earthquake, and benefits all of the people of Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution:

- 1) Authorizing The City Administrator, Or Her Designee To: (A) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) For Receipt Of Funds For The Period September 1, 2018 To August 31, 2021, In The Amount Of One Million Two Hundred Thirty-Seven Thousand And Nine Hundred Ninety Dollars (\$1,237,990); (B) Accept And Appropriate Said FEMA Funds For The Fire Department's Urban Search And Rescue (US&R) Task Force (US&R Task Force); (C) To Host The US&R Medical Team Training In June 2019; (D) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration And Other Government Pricing Schedules;
- 2) Waiving The City's Advertising And Competitive Bidding And Purchasing Requirements For Procurement Of Equipment When Required By The Grant Funds;
- 3) Approve Travel For City Personnel On Short Notice Without Further Council Authorization; And
- 4) Approve A Contribution From The General Purpose Fund (GPF) In An Amount Equivalent To The Information Technology Department (ITD) - Internal Service Fund (ISF) Charges Affiliated With Said Grant, For Fiscal Year 2018-2019, And To Provide A Contribution Equivalent To The ITD-ISF Charge For The Duration Of The Grant Period.

For questions regarding this report, please contact Battalion Chief Robert Lipp at (510) 615-5872.

Respectfully submitted,



DARIN WHITE
Fire Chief

Reviewed by:
Robert Lipp, Battalion Chief

Prepared by:
Nick Luby, Deputy Chief of Operations

Attachments (1):
A – US&R 2018 Grant Award Letter

Item: _____
Public Safety Committee
January 15, 2019

U.S. Department of Homeland Security
Washington, D.C. 20472



ROBERT LIPP
City of Oakland
150 Frank Ogawa Plaza #3354
Oakland, CA 94612 - 2021

Re: Grant No.EMW-2018-CA-00023

Dear ROBERT LIPP:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2018 National Urban Search & Rescue (US&R) Response System Readiness Cooperative Agreement has been approved in the amount of \$1,237,990.00. You are not required to match this award with any amount of non-Federal funds.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2018 National Urban Search & Rescue (US&R) Response System Readiness Cooperative Agreement Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please log in to the ND Grants system at <https://portal.fema.gov>.

Step 2: After logging in, you will see the Home page with a Pending Tasks menu. Click on the Pending Tasks menu, select the Application sub-menu, and then click the link for "Award Offer Review" tasks. This link will navigate you to Award Packages that are pending review.

Step 3: Click the Review Award Package icon (wrench) to review the Award Package and accept or decline the award. Please save or print the Award Package for your records.

System for Award Management (SAM): Grant recipients are to keep all of their information up to date in SAM, in particular, your organization's name, address, DUNS number, EIN and banking information. Please ensure that the DUNS number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in the SAM; therefore, it is imperative that the information is correct. The System for Award Management is located at <http://www.sam.gov>.

If you have any questions or have updated your information in SAM, please let your Grants Management Specialist (GMS) know as soon as possible. This will help use to make the necessary updates and avoid any interruptions in the payment process.

Thomas Dinanno

THOMAS GEORGE DINANNO GPD Assistant Administrator



AGREEMENT ARTICLES

National Urban Search & Rescue (US&R) Response System Readiness Cooperative Agreement

GRANTEE: City of Oakland
PROGRAM: National Urban Search & Rescue
(US&R) Response System Readiness
Cooperative Agreement
AGREEMENT NUMBER: EMW-2018-CA-00023-S01

TABLE OF CONTENTS

Article I	DHS Specific Acknowledgements and Assurances
Article II	Assurances, Administrative Requirements, Cost Principles, and Audit Requirements
Article III	Whistleblower Protection Act
Article IV	Use of DHS Seal, Logo and Flags
Article V	USA Patriot Act of 2001
Article VI	Universal Identifier and System of Award Management (SAM)
Article VII	Reporting of Matters Related to Recipient Integrity and Performance
Article VIII	Rehabilitation Act of 1973
Article IX	Trafficking Victims Protection Act of 2000
Article X	Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX
Article XI	Terrorist Financing
Article XII	SAFECOM

Article XIII	Procurement of Recovered Materials
Article XIV	Notice of Funding Opportunity Requirements
Article XV	Patents and Intellectual Property Rights
Article XVI	Non-supplanting Requirement
Article XVII	Lobbying Prohibitions
Article XVIII	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Article XIX	Hotel and Motel Fire Safety Act of 1990
Article XX	Fly America Act of 1974
Article XXI	Federal Leadership on Reducing Text Messaging while Driving
Article XXII	Federal Debt Status
Article XXIII	False Claims Act and Program Fraud Civil Remedies
Article XXIV	Reporting Subawards and Executive Compensation
Article XXV	Energy Policy and Conservation Act
Article XXVI	Duplication of Benefits
Article XXVII	Drug-Free Workplace Regulations
Article XXVIII	Debarment and Suspension
Article XXIX	Copyright
Article XXX	Civil Rights Act of 1964 - Title VI
Article XXXI	Civil Rights Act of 1968
Article XXXII	Best Practices for Collection and Use of Personally Identifiable Information (PII)
Article XXXIII	Americans with Disabilities Act of 1990
Article XXXIV	Age Discrimination Act of 1975
Article XXXV	Activities Conducted Abroad
Article XXXVI	Acknowledgment of Federal Funding from DHS

Article XXXVII	Acceptance of Post Award Changes
Article XXXVIII	Disposition of Equipment Acquired Under the Federal Award
Article XXXIX	National Environmental Policy Act
Article XL	Nondiscrimination in Matters Pertaining to Faith-Based Organizations
Article XLI	Prior Approval for Modification of Approved Budget
Article XLII	Program Income
Article XLIII	Cooperative Agreement; Federal Involvement

Article I - DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the DHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

Article II - Assurances, Administrative Requirements, Cost Principles, and Audit Requirements

DHS financial assistance recipients must complete either the OMB Standard Form) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations, Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article III - Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. Section 2409, 41 U.S.C. 4712, and 10 U.S.C. Section 2324, 41 U.S.C. Sections 4304 and 4310.

Article IV - Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article V - USA Patriot Act of 2001

Recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, which amends 18 U.S.C. Sections 175-175c.

Article VI - Universal Identifier and System of Award Management (SAM)

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A.

Article VII - Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article VIII - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, (29 U.S.C. Section 794), as amended, which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article IX - Trafficking Victims Protection Act of 2000

Recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended by 22 U.S.C. Section 7104. The award term is located at 2 C.F.R. Section 175.15, the full text of which is incorporated here by reference.

Article X - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19

Article XI - Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article XII - SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XIII - Procurement of Recovered Materials

Recipients must comply with Section 6002 of the *Solid Waste Disposal Act*, as amended by the *Resource Conservation and Recovery Act*. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XIV - Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. Recipients must comply with any such requirements set forth in the program NOFO.

Article XV - Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the *Bayh-Dole Act*, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. Section 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. Section 401.14.

Article XVI - Non-supplanting Requirement

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XVII - Lobbying Prohibitions

Recipients must comply with 31 U.S.C. Section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article XVIII - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with the *Title VI of the Civil Rights Act of 1964* (42 U.S.C. Section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article XIX - Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, (15 U.S.C. Section 2225a), recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, (15 U.S.C. Section 2225).

Article XX - Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. Section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. Section 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981 amendment to Comptroller General Decision B-138942.

Article XXI - Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article XXII - Federal Debt Status

Recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article XXIII - False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of The False Claims Act (31 U.S.C. Section 3729-3733) which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. Section 3801-3812 which details the administrative remedies for false claims and statements made.)

Article XXIV - Reporting Subawards and Executive Compensation

Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article XXV - Energy Policy and Conservation Act

Recipients must comply with the requirements of The Energy Policy and Conservation Act (42 U.S.C. Section 6201) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XXVI - Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article XXVII - Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR part 3001, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 8101).

Article XXVIII - Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article XXIX - Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. Sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XXX - Civil Rights Act of 1964 - Title VI

Recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. Section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XXXI - Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race,

color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. Section 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Section 100.201.)

Article XXXII - Best Practices for Collection and Use of Personally Identifiable Information (PII)

Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.

Article XXXIII - Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities. (42 U.S.C. Sections 12101- 12213).

Article XXXIV - Age Discrimination Act of 1975

Recipients must comply with the requirements of the *Age Discrimination Act of 1975* (Title 42 U.S. Code, Section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article XXXV - Activities Conducted Abroad

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article XXXVI - Acknowledgment of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article XXXVII - Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article XXXVIII - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

Article XXXIX - National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XL - Nondiscrimination In Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social

services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XLI - Prior Approval for Modification of Approved Budget

~~Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from~~ DHS/FEMA where required by 2 C.F.R. Section 200.308. For awards with an approved budget greater than the simplified acquisition threshold as defined at 2 C.F.R Section 200.88 (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article XLII - Program Income

Per 2 CFR Part 200.307, Grantees are encouraged to earn income to defray program costs where appropriate. Program income includes income from fees for services performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under a grant agreement, and from payments of principal and interest on loans made with grant funds. Program Income does not include interest on grant funds, rebates, credits, discounts, refunds, etc. and interest earned on any of them. When the grantee earns program income under this cooperative agreement, this program income may be added to the funds committed to the grant agreement by the Federal agency and the grantee (as defined in 2 CFR Part 200.307(e)(2)). The program income shall be used for the purposes and under the conditions of the cooperative agreement.

Article XLIII - Cooperative Agreement; Federal Involvement

Program authority and responsibility under this cooperative agreement resides with FEMA and the recipient, consistent with the terms of the award, including the Notice of Funding Opportunity. FEMA will work with the recipient to review and refine work plans to ensure program goals and objectives can be effectively accomplished. The recipient and its subrecipients shall not develop or engage in the development of tasks not approved in recipient's application without post-award approval from the FEMA program office, and the issuance of a Grant Amendment from FEMA. FEMA will monitor the project on a continual basis by maintaining ongoing contact with the recipient and will provide input to the program's direction, in consultation with the recipient, as needed.

BUDGET COST CATEGORIES

Personnel	\$346,187.00
Fringe Benefits	\$280,139.00
Travel	\$26,700.00
Equipment	\$83,985.00
Supplies	\$18,017.00
Contractual	\$407,684.00
Construction	\$0.00
Indirect Charges	\$44,278.00
Other	\$31,000.00

Obligating Document for Award/Amendment

1a. AGREEMENT NO. EMW-2018-CA-00023-S01	2. AMENDMENT NO. ***	3. RECIPIENT NO. 946000384	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX03471N2018T
--	-------------------------	-------------------------------------	----------------------------	---------------------------------

6. RECIPIENT NAME AND ADDRESS City of Oakland 150 Frank Ogawa Plaza #3354 Oakland, CA, 94612 - 2021	7. ISSUING FEMA OFFICE AND ADDRESS FEMA-GPD 400 C Street, SW, 3rd floor Washington, DC 20472-3645 POC: 866-927-5646	8. PAYMENT OFFICE AND ADDRESS FEMA Finance Center 430 Market Street Winchester, VA 22603
---	---	---

9. NAME OF RECIPIENT PROJECT OFFICER Pat Lee	PHONE NO. 5102387203	10. NAME OF FEMA PROJECT COORDINATOR Central Scheduling and Information Desk
---	-------------------------	---

Phone: 800-368-6498
Email: Askcsid@dhs.gov

11. EFFECTIVE DATE OF THIS ACTION 09/01/2018	12. METHOD OF PAYMENT PARS	13. ASSISTANCE ARRANGEMENT Cost Reimbursement	14. PERFORMANCE PERIOD From: 09/01/2018 To: 08/31/2021 Budget Period 09/01/2018 08/31/2021
---	----------------------------	--	--

1 5. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
National Urban Search & Rescue (US&R) Response System Readiness Cooperative Agreement	97.025	2018-OS-A392-D60D- -4101-D	\$0.00	\$1,237,990.00	\$1,237,990.00	See Totals
			\$0.00	\$1,237,990.00	\$1,237,990.00	\$0.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.

N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

National Urban Search & Rescue (US&R) Response System Readiness Cooperative Agreement recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

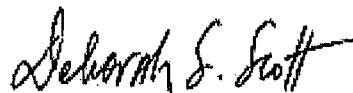
This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)

DATE

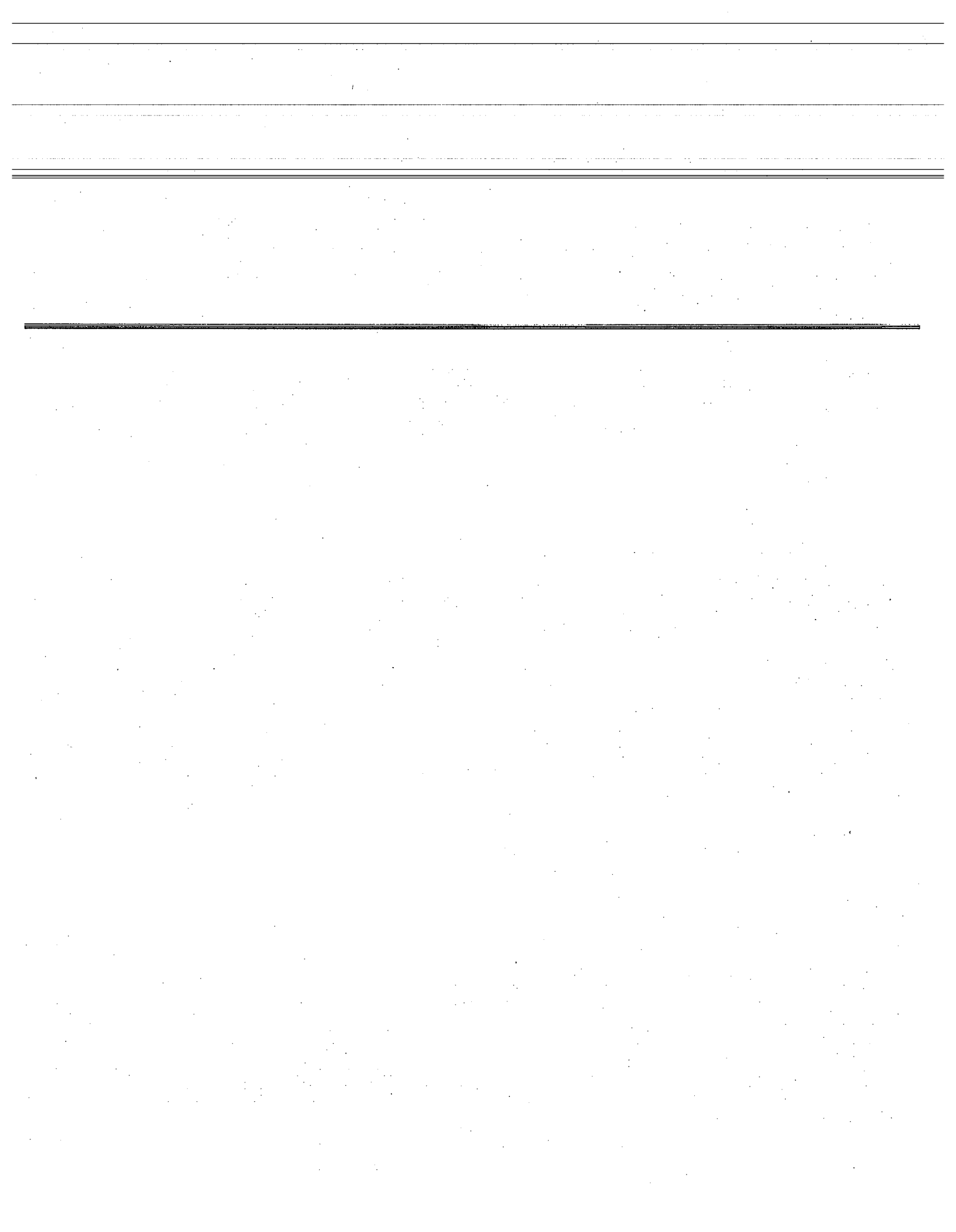
18. FEMA SIGNATORY OFFICIAL (Name and Title)

DATE



Wed Aug 29 18:43:55 GMT 2018

DEBORAH SUSAN SCOTT, Assistance Officer



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2019 JAN 10 PM 4:21

Approved as to Form and Legality

Armeda
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE TO: (A) ENTER INTO A GRANT COOPERATIVE AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR RECEIPT OF FUNDS FOR THE PERIOD SEPTEMBER 1, 2018 TO AUGUST 31, 2021, IN THE AMOUNT OF ONE MILLION TWO HUNDRED THIRTY-SEVEN THOUSAND AND NINE HUNDRED NINETY DOLLARS (\$1,237,990); (B) ACCEPT AND APPROPRIATE SAID FEMA FUNDS FOR THE FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE (US&R) TASK FORCE (US&R TASK FORCE); (C) TO HOST THE US&R MEDICAL TEAM TRAINING IN JUNE 2019; (D) EXPEND THE FEMA FUNDS IN ACCORDANCE WITH THE PRELIMINARY SPENDING PLAN WITHOUT FURTHER COUNCIL APPROVAL, INCLUDING FUNDING FOR TRAINING AND THE PURCHASE OF EQUIPMENT FROM THE GENERAL SERVICES ADMINISTRATION AND OTHER GOVERNMENT PRICING SCHEDULES; (2) WAIVING THE CITY'S ADVERTISING AND COMPETITIVE BIDDING AND PURCHASING REQUIREMENTS FOR PROCUREMENT OF EQUIPMENT WHEN REQUIRED BY THE GRANT FUNDS; (3) APPROVE TRAVEL FOR CITY PERSONNEL ON SHORT NOTICE WITHOUT FURTHER COUNCIL AUTHORIZATION; AND (4) APPROVE A CONTRIBUTION FROM THE GENERAL PURPOSE FUND (GPF) IN AN AMOUNT EQUIVALENT TO THE INFORMATION TECHNOLOGY DEPARTMENT (ITD) - INTERNAL SERVICE FUND (ISF) CHARGES AFFILIATED WITH SAID GRANT, FOR FISCAL YEAR 2018-2019, AND TO PROVIDE A CONTRIBUTION EQUIVALENT TO THE ITD-ISF CHARGE FOR THE DURATION OF THE GRANT PERIOD.

WHEREAS, the Oakland Fire Department is the Sponsoring Agency for Urban Search and Rescue (US&R), California Task Force Four (CA-TF4), which includes members of 15 Local Participating Fire Agencies including: Alameda Fire Department, Alameda County Fire Department, Berkeley Fire Department, Central Fire Authority of Sonoma County, Contra Costa County Fire Protection District, Fremont Fire Department, Hayward Fire Department, Livermore Pleasanton Fire Department, Moraga-Orinda Fire District, Novato Fire Protection District, Parks Reserve Forces, Salinas Fire Department, San Ramon Valley Fire Protection District, Santa Rosa Fire Department; and

WHEREAS, CA-TF4 is one of 8 California and 28 national US&R teams trained and equipped to respond to natural disasters and weapons of mass destruction (WMD) events; and

WHEREAS, the Federal Emergency Management Agency (FEMA), a component of the Department of Homeland Security (DHS), administers this grant; and

WHEREAS, FEMA supports all 28 US&R teams with federal cooperative agreements; and

WHEREAS, CA-TF4 is eligible to apply for a FEMA preparedness cooperative agreement program grant in the amount of one million two hundred thirty-seven thousand and nine hundred ninety dollars (\$1,237,990) for disaster response and operational readiness, preparedness training, personnel and equipment; and

WHEREAS, FEMA has approved this funding to support the following positions:

1.00 FTE	Program Coordinator
1.00 FTE	Warehouse Specialist
0.60 FTE	Administrative Assistant I
1.50 FTE	Student Trainees, PT; and

WHEREAS, the preliminary spending plan approved by FEMA has allocated: seven hundred twenty-four thousand and fifty-two dollars (\$724,052) to administrative and management costs; Ninety-five thousand and one hundred sixty-eight dollars (\$95,168) to training costs; one hundred fifteen thousand and two hundred forty-six dollars (\$115,246) to equipment costs; and three hundred three thousand and five hundred twenty-four dollars (\$303,524) to storage and maintenance costs; and

WHEREAS, this FEMA Program Grant requires the City to provide training to members of CA-TF4, respond as requested to Local, State and National Incidents, and to procure and store equipment as directed by FEMA in a fully reimbursed and cost neutral manner; and

WHEREAS, Oakland Municipal Code Section 2.04.050.I.5 permits the City Council to waive the City's advertising, bidding, and purchasing requirements upon a finding that it is in the best interests of the City to do so; and

WHEREAS, when necessary this FEMA program grant requires the City to purchase equipment from various General Service Administration Agency (GSA) and/or other Governmental Purchasing Schedules in order to maintain consistency in training and equipment among the jurisdictions participating in the state and national US&R Teams; and

WHEREAS, staff recommends that it is in the best interests of the City to waive the City's advertising, bidding, and purchasing requirements for the purchase of equipment

~~with the FEMA grant funds so that the City can receive the full FEMA grant funding amount and be in compliance with the procurement lists of the General Services Administration and other related government pricing schedules; and~~

WHEREAS, the City requires the Fire Chief and City Administrator to obtain Council approval for the payment of travel expenses for Fire Department personnel in advance, and this FEMA program grant requires the City to send Oakland Fire Department firefighters and other personnel from other jurisdictions to do FEMA required business, training or response activities on short notice; and

WHEREAS, as the Sponsoring Agency CA-TF4 does provide training, allowing agencies not a part of CA-TF4 to participate to ensure that they are prepared and well trained to respond to emergencies alongside and in support of CA-TF4; and

WHEREAS, costs from these trainings are not currently being captured by the City from CA-TF4 supporting agencies, and as a result, trainings for outside agencies is being subsidized by the City of Oakland General Purpose Fund (Fund 1010); and

WHEREAS, CA-TF 4 is not based in a facility owned, managed or maintained by the City of Oakland, does not utilize City owned vehicles or fleet services, but instead uses facilities, vehicles and other resources that are owned or leased by the federal government; and

WHEREAS, the only City resources utilized by the CA-TF4 pertain to information technology; and

WHEREAS, it is the determination of the grantor that the payment of Information Technology Department (ITD)-Internal Service Fund (ISF) charges are not reimbursable by the grant; and

WHEREAS, the Fire Department is requesting a contribution from the General Purpose Fund to offset the cost of the Department's ITD-ISF charges for FY 2018-19, and to provide a contribution equivalent to the ITD-ISF charge for the duration of the grant period because said charges are not payable by this grant; and

WHEREAS, CA-TF4 is available to the City of Oakland in the event of an attack within the City or surrounding communities or occurrence of a local natural disaster; now, therefore, be it

RESOLVED: that the City Administrator or her designee is authorized to enter into a grant cooperative agreement with the Federal Emergency Management Agency (FEMA)

for receipt of federal funds (FEMA grant funds) for the period September 1, 2018 to August 31, 2021, in the amount not to exceed one million two hundred thirty-seven thousand and nine hundred ninety dollars (\$1,237,990) to meet continuing management, training and equipment needs of the Oakland Fire Department's Urban Search and Rescue Task Force (US&R Task Force); and, be it

FURTHER RESOLVED: that the City Administrator or her designee is authorized to accept and appropriate said FEMA grant funds; and, be it

FURTHER RESOLVED: that the General Purpose Fund (GPF) will contribute an amount equivalent to the project's ITD-ISF charges to offset those costs for the duration of the grant period; and, be it

FURTHER RESOLVED: that the City Council finds that pursuant to Oakland Municipal Code Section 2.04.050.I.5, for the reasons stated above and in the agenda report accompanying this resolution, that it is in the best interests of the City to waive the advertising and bidding requirements for the purchase of equipment needed for CA-TF4 when such purchases and services are required by FEMA to be selected from the GSA and other government procurement lists, and so waives such requirements; and, be it

FURTHER RESOLVED: that the City Council hereby authorizes the City Administrator or her designee to expend the FEMA grant funds in accordance with the preliminary spending plan, including funding for training and the purchase of equipment needed for the CA-TF4 from the GSA and/or other governmental purchasing schedules without return to Council; and, be it

FURTHER RESOLVED: that the City Council hereby authorizes the City Administrator, for timeliness and security reasons, to approve City personnel participating in the FEMA cooperative agreement program to travel on short notice per FEMA directives without return to Council; and, be it

FURTHER RESOLVED: that the Oakland Fire Department is authorized to charge and collect fees from trainings that it hosts in its capacity as the CA-TF4 Sponsoring Agency; and, be it

FURTHER RESOLVED: revenue received from this grant, as well as reimbursement for training courses hosted by shall be deposited into FEMA Fund (2124), Special Operation Division (20815), Special Operation Program (PS18), in FEMA Grants Revenue Accounts (46129), Project (1003886), Task (2124.PS18) & Award (23292), and the revenue received from this grant, including reimbursement from training courses, will be deposited to the same Project, Task, Award; and, be it

FURTHER RESOLVED: the coding block for expenditure shall be FEMA 2018
~~US&R Grant Project (1003887), Task (2124.PS18), Award (23293), Special Operation~~
Division (20815), in various Expenditure Type; and, be it

FURTHER RESOLVED: that all agreements issued hereunder shall be reviewed and approved by the office of the City Attorney for form and legality and copies shall be placed on file in the Office of the City Clerk.

PASSED BY THE FOLLOWING VOTE:

AYES – BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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