

REVISED AT CITY COUNCIL MEETING ON MARCH 4, 2014

OAKLAND CITY COUNCIL**RESOLUTION No. 84869 C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 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

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 a Professional Services Contract with Schneider Electric, Inc. in an amount not to exceed \$1,600,000 million dollars to provide design/build/maintenance services for Phase 2 of the City and Port of Oakland joint Domain Awareness Center (DAC) project, for an amount not to exceed One million six hundred thousand dollars (\$1,600,000), pending a determination of its full compliance with applicable laws, including the Nuclear Free Zone Act; and be it

FURTHER RESOLVED: That The Domain Awareness Center will only be implemented in a Port-only approach and shall hereafter be referred to as the "Port Domain Awareness Center" (DAC); and be it

FURTHER RESOLVED: That the following items will be removed from DAC Phase I Integration: (a) Shot Spotter in areas outside of the immediate Port Area, and (b) 40 City Traffic Cameras identified on pages 9 and 10 of the City Administrator's Supplemental Agenda report accompanying this Resolution; and be it

FURTHER RESOLVED: That the following items will be removed from DAC Phase II Integration: (a) Police and Fire Records Management Systems (RMS), and (b) any news feeds and alerts except those expressly listed in the City Administrator's Supplemental Agenda report accompanying this Resolution; and be it

FURTHER RESOLVED: That staff shall: (1) develop a clear definition of the Police and Fire Computer Aided Dispatch (CAD) that will be integrated into the DAC, and (2) develop a protocol for the use of such CAD data by the DAC; and be it

FURTHER RESOLVED: That operation of any DAC program beyond the Port area may only move forward upon explicit approval of the Council; and be it

FURTHER RESOLVED: That City, as opposed to Port Area, Shot Spotter is specifically excluded from the Port-only Domain Awareness Center program and may only be included in the future upon approval of Council; and be it

FURTHER RESOLVED: That there will be no data or information sharing with any local, state or federal agency/entity without a written Memorandum of Understanding that has been approved by the Council; and be it

FURTHER RESOLVED: That no new systems or capabilities can be added to the DAC without express City Council approval, including, but not limited to, technological functionalities such as facial recognition, other forms of analytics (like "gait analysis," in which someone can be identified based on the way they walk) or other capabilities that haven't yet been invented but are soon to come; and be it

FURTHER RESOLVED: That work-flow plans and a budget for the same shall be developed prior to the activation of the Port-only Domain Awareness Center; and be it

FURTHER RESOLVED: That the contract with Schneider Electric, Inc. shall include the DAC program policies and requirements set forth in all of the foregoing Resolved and Further Resolved paragraphs; and be it

FURTHER RESOLVED: That a "Data Retention" and a "Privacy Policy" shall be developed by a Council-approved advisory body prior to the activation of the Port-only Domain Awareness Center, and members of said advisory body will be appointed by each member of the City Council; and be it

FURTHER RESOLVED: That Staff will return to the Council with a status report on the project in three (3) months; and be it

FURTHER RESOLVED: That approval of this contract is contingent on inclusion in the Phase 2 contract of a liquidated damages provision should the contract be unable to meet grant deadlines as well as an indemnification clause should the contractor be found in violation of Oakland's Nuclear Free Zone Ordinance; and be it

FURTHER RESOLVED: That this Resolution does not commit any operational funding for the DAC at this time, but to the extent that staff brings any requests for funding in the future such requests shall include an a fair-share contribution option from the Port of Oakland as well as an option with no additional City staffing.

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,

MAR 4 2014

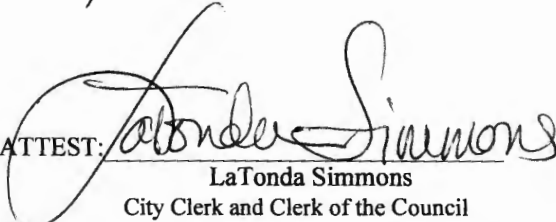
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, ~~GALLO, KAPLAN~~, KALB, ^{Quan} ~~GIBSON McELHANEY~~, REID, ~~SCHAAF~~ and PRESIDENT KERNIGHAN - 5

NOES - Gallo, Gibson McElhaney, Kaplan, Schaaf - 4

ABSENT - 0

ABSTENTION - 0

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