

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: March 26, 2014

Contract No: C-120742

To: Honorable Members of the Budget and Finance Committee

From: Anna Burton, Interim General Manager
Emergency Management Department



**SUBJECT: CITY OF LOS ANGELES EMERGENCY MANAGEMENT DEPARTMENT
CONTRACT WITH BCFS HEALTH AND HUMAN SERVICES IN SUPPORT OF
EMERGENCY PLANNING FOR PEOPLE WITH DISABILITIES AND OTHERS
WITH ACCESS AND FUNCTIONAL NEEDS**

On January 14, 2009, the Communities Actively Living Independent and Free (Plaintiffs) filed a complaint against the City of Los Angeles alleging violation of Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the California Disabled Persons Act, and California Government Code § 11153. Plaintiffs claimed that the City's emergency preparedness plans and programs did not adequately address the needs of people with disabilities. Following two (2) years of legal review, the City was found to be in violation of the acts and codes noted above, and was directed to review and revise its emergency plans accordingly.

On November 9, 2011, per the "Order Re Injunctive Relief," CASE NO: CV-09-0287 CBM (RZx): the City of Los Angeles was directed to enter into a contractual agreement with BCFS Health and Human Services (BCFS) to assist the Emergency Management Department (EMD) in the process of reviewing and revising the City's Emergency Plans. This process will ensure that the City of Los Angeles Emergency Operations Plan (EOP), Annexes, and related City policies and procedures, are in compliance with applicable federal, state and local laws and regulations mandating accommodations for persons with disabilities and others with access and functional needs (DAFN).

At the time of this direction by the Court, the City had placed \$500,000 within the Unappropriated Balance (UB) of the FY 2011-12 Budget. These funds were earmarked prior to any decision by the Court but with concern that when direction was given, the City would be required to address gaps in emergency preparedness planning for individuals with disabilities and additional funding would be required. Based on the lawsuit and Court direction to contract with BCFS, on Monday, April 9, 2012, the City of Los Angeles Budget and Finance Committee recommended approval of the Office of the City Administrative Officer April 5, 2012, Fourth Financial Status Report (CF # 11-0600-S 155) recommending this \$500,000 be transferred to

the Emergency Operations Fund (Fund 392) for this purpose. Following this transfer, the City finalized the original contract with BCFS.

The cost of the contract with BCFS was \$499,995. This contract (C-120742) was executed July 17, 2012, with the term running from July 17, 2012, through November 11, 2014.

Given the in-depth review required of the City EOP, Annexes, and policies identified in the original Project Workplan (Attachment A), EMD and BCFS agreed that having a local BCFS subject matter expert available to assist City personnel would greatly assist in the timely review of DAFN gaps and proposed solutions. To accomplish this within the contract timeline, additional funds and a contract amendment were required. EMD identified \$116,000 within the FY 2012-13 Budget (Account 3040, Contractual Services); available due to the reduction of a full time Management Analyst I position assigned to support emergency management planning. These funds were used to support the first contract amendment to Agreement Number C-120742, executed March 11, 2013. This amendment secured a DAFN subject matter expert (planner) from BCFS who works in the EMD offices two (2) days per work for nineteen consecutive months (Attachment B).

During the review of written plans and supporting documentation, BCFS identified additional planning gaps at the departmental level that are required to describe how departments complete their field or departmental responsibilities. Also lacking were the associated written Standard Operating Procedures (SOPs). Details specific to how departments communicate with the public, use of the Internet, assistance in evacuation, providing and supporting short and long-term mass care, pre-identification of supporting contract services, and providing post-disaster and recovery services to the public, are all required to be documented and compliant with current DAFN guidance. In order for the City to be fully compliant, as related to DAFN, all of these documents and processes must be identified, made available for DAFN subject matter expert review, and updated based on current law and federal guidance.

This review was beyond the Scope of Work identified in the original contract and First Amendment. To ensure compliance within the reporting period to the court, a Second Contract Amendment with supporting funding was required. This Second Amendment was approved at \$990,000 (Attachment C). It includes the identification of seventeen (17) City departments; selected based on responsibilities identified in the review of the EOP and associated Annexes. Each of the identified departments has appointed a Project Officer. Project Officers are assigned by each applicable City department as the representative for that department and are authorized to take any and all necessary action in his/her respective department to mitigate the gaps identified in the EOPs. BCFS is meeting with these City departments to develop fact finding questions that will determine the current capacity and capabilities of each respective City department to implement recommended and accepted changes or corrective actions to mitigate the gaps identified by BCFS in the EOP and Annexes.

BCFS is working with the identified City departments and recommending necessary changes to mitigate the gaps identified in the EOP as part of the overall project. BCFS is also reviewing the SOPs of each identified department that are necessary to mitigate the gaps identified in the EOP and Annexes and provide comments to the Project Officers on any necessary revisions or additions to the respective department's SOPs. Given the varying complexity of the involved departments, BCFS has assigned subject matter experts as the direct liaisons who are working with the departments on each of the required review and mitigation activities.

BCFS will also work with the Project Officers to develop presentations on SOP changes to ensure that departmental staff understand new and/or revised SOPs, affiliated changes and procedures, including staff responsibilities. Each City department will be responsible to ensure full implementation of the SOP revision by training and exercises.

EMD, in coordination with the Office of the Mayor and the court appointment expert, BCFS, is working with all identified departments to address the gaps, assist in the development of solutions as identified in the departmental task lists, and is has remained on task to reach the November 2014 deadline.

In support of the Second Contract Amendment, \$500,000 had been identified in the FY 2013-14 UB (City Disaster Planning Study – ADA Compliance) to support DAFN mitigation efforts as identified through this process. At the time the funds were included in the UB, it was unknown that gaps at the departmental SOP level would be identified. The Second Amendment requires the \$500,000 as identified in the UB, and an additional \$490,000.

EMD continues to work with BCFS, the court appointment expert, to maintain the direction of the Court and ensure all work is completed is by the November 11, 2014, deadline.

Recommendation

EMD recommends that the Controller be authorized to transfer the funds (\$990,000) from the UB, Fund 100, Department 58, Account 000037 Reserve for Economic Uncertainties (RE: 2013-14 Budget; MID- YEAR (THIRD) FINANCIAL STATUS REPORT, Attachment 7), to the Emergency Operations Fund (Fund 392), Account 3040, in support of Contract C-120742, Second Amendment.

C: Eileen Decker, Deputy Mayor
Maria Corella, Office of the City Administrative Officer

ATTACHMENT A

EXHIBIT E

Part A – 2012 City of Los Angeles Emergency Plan and Support Annexes List

Part B – 2012 City of Los Angeles Administrative Policy Related to Emergency Operations

EXHIBIT E
PART A - 2012 CITY OF LOS ANGELES EMERGENCY PLAN AND SUPPORT ANNEXES LIST

City Comprehensive Emergency Plans	Pages	Annexes	Pages	Annex Support Appendices	Pages
City of Los Angeles Master Plan		Hazard Specific Annexes Tier I			
		Adverse Weather			
		Brush Fire			
		Debris Flow		<i>Homeowner's Guide</i>	
		Earthquake			
		Major Aircraft Response			
		Urban Flooding			
		Hazard Specific Annexes Tier II			
		CBRNE		<i>Biological Chemical Improvised Explosive Device Improvised Nuclear Device Radiological Dispersal Device</i>	
		Civil Disturbance			
		Cyber Attack			
		Dam Failure			
		HAZMAT			
		Public Health Emergency Response		<i>Pandemic Influenza Points of Dispensing Pre-Positioned Antibiotics Department Template Pandemic Influenza</i>	
		Terrorism Prevention and Protection			
		Tsunami		<i>West Los Angeles, Venice and Harbor Tsunami Brochures</i>	
		Functional Support Annexes Tier I			
		Communications			
		Critical Infrastructure			
		Damage Assessment			
		Displaced Population Reception			
		Evacuation			

EXHIBIT E
PART A - 2012 CITY OF LOS ANGELES EMERGENCY PLAN AND SUPPORT ANNEXES LIST

City Comprehensive Emergency Plans	Pages	Annexes	Pages	Annex Support Appendices	Pages
City of LA Master Plan contd.		Mass Care and Sheltering		<i>Animal Support</i> <i>Local Assistance Center</i> <i>Mass Feeding</i> <i>Shelter Operations, Traditional</i> <i>Shelter Operations, Non-Traditional</i>	
		Non-Declared Emergency			
		Public Information			
		Public Warning			
		Recovery		<i>Debris Management</i>	
		Repatriation			
		Resource Management		<i>Donations Management</i> <i>Volunteer Management</i> <i>Facilities-Staging</i> <i>Facilities-Warehousing</i> <i>Facilities-Commodity (PODs)</i> <i>Mobilization Centers</i> <i>Special Issues-Fuel</i> <i>Special Issues-Food</i> <i>Special Issues-Water</i> <i>Transportation</i> <i>Points of Distribution</i> <i>Camps</i>	
		EMD Continuity of Operations			
Local Hazard Mitigation Plan					

EXHIBIT E

PART B - 2012 City of Los Angeles Administrative Policy Related to Emergency Operations

1. City of Los Angeles Administrative Code – Current through amendments effective January 28, 2012.
Specifically:
 - a. Division 8, Special Authorities, Agencies, Boards, and Commissions - Chapter 3, Local Emergencies
 - b. Division 22, Departments, Bureaus and Agencies under the Control of the Mayor and Council – Chapter 29, Emergency Management Department
2. Executive Directives. Specifically:
 - a. Executive Directive 15 – Emergency Management
 - b. Executive Directive 16 – Disaster Service Workers
 - c. Executive Directive 18 – National Incident Management System
 - d. Executive Directive 17 – Emergency Operations Center
 - e. Executive Directive 19 – Mayor’s Emergency Response Council

ATTACHMENT B

EXHIBIT 2

First Amendment to Agreement Number C-120742 of City of Los Angeles Contract between the City of Los Angeles and BCFS Health and Human Services

Exhibit 2

FIRST AMENDMENT TO AGREEMENT NUMBER C-120742 OF
CITY OF LOS ANGELES CONTRACT BETWEEN
THE CITY OF LOS ANGELES
AND BCFS HEALTH AND HUMAN SERVICES

THIS FIRST AMENDMENT to Contract No. C-120742 ("First Amendment") is made and entered into by and between the City of Los Angeles, a municipal corporation (hereinafter called the "City"), acting through the Emergency Management Department ("EMD") and BCFS Health and Human Services (BCFS HHS), (hereinafter called the "Contractor").

WHEREAS, the City and the Contractor have entered into Contract No. C-120742 (hereinafter "Agreement"), whereby the Contractor agreed to review and conduct a gap analysis of City emergency plans and related annexes, make recommendations to ensure compliance with emergency planning related Functional Needs Support Services ("FNSS"), and using City documented resolutions, revise those plans, policies and procedures. The City agreed to pay for such services from General Fund monies appropriated during the City of Los Angeles FY 2012-13 Budget year in the amount of Four Hundred Ninety Nine Thousand Nine Hundred Fifty-Five Dollars (\$499,955.00), the execution of such Agreement having been authorized by the Los Angeles City Council (C.F.# 12-1338); and

" WHEREAS, the City and the Contractor developed a multiyear work plan for said project and upon completion of said project timeline, the City would like to add additional staff in order to cover more City annexes and emergency plans; and

WHEREAS, Section §602 of the Agreement provides for amendments to the Agreement; and

WHEREAS, the City and the Contractor are desirous of amending the Agreement to increase the original allocation by One Hundred Sixteen Thousand Dollars (\$116,000.00), of general funds for a new total amount of Six Hundred Fifteen Thousand Nine Hundred Fifty Five Dollars (\$615,955) of General Funds pursuant to said project authorization provided by Section 14.8 of the Los Angeles Administration Code; and

WHEREAS, this First Amendment is necessary and proper to continue and/or complete certain activities authorized under the Agreement.

NOW, THEREFORE, the parties hereby covenant and agree as follows:

1. Contract No. C – 120742 is attached here to as Exhibit 1 and incorporated herein by this reference. The terms and conditions of said Contract shall be the terms and conditions of this Amendment, except as expressly modified herein.

2. Term: This Amendment does not change the term of this Contract: July 17, 2012 through November 9, 2014.
3. Compensation: The total compensation of this agreement will increase the original allocation of \$499,955 by \$116,000 equating to a total contract payment of Six Hundred Fifteen Thousand Nine Hundred Fifty-Five Dollars (\$615,955.00).
4. Scope of Work: Amend the scope of performance to add an Emergency Planner with expertise in FNSS who shall be responsible for assisting EMD personnel in the process of reviewing and revising the City's Emergency Plans to ensure that the documents are in compliance with applicable federal, state and local laws and regulations mandating accommodations for persons with disabilities and others with access and functional needs, as required in CASE NO: CV-09-0287 CBM (RZx): "Order Re Injunctive Relief" dated November 9, 2011. The planner will research and make recommendations on how to otherwise improve the City's Emergency Plans with regard to ensuring their inclusiveness.
5. The planner will operate in the LA City EOC (EMD Offices) two (2) days a week and ½ day from their own office for nineteen (19) consecutive months from the date of contract amendment execution.
6. The additional funds for this contract are available in EMD, Dept 35, Contractual Services Account (356040).
7. Payments to the Contractor shall be based on nineteen monthly invoices for salaries, fringe benefits, and expenses (Exhibit 2).
8. Provisions referenced in original contract, A. Scope of Work, 1.1 BCFS HHS Review Specifications, Phase 2: Review and Revision of City Emergency Plans, related to contractor's requirement to revise existing City policies and procedures, Los Angeles Administrative Code and Mayoral Executive Directives; BCFS will provide recommendations to change these documents, but will not be held responsible for the final revision of City Administrative Policies and Procedures. This final revision of City policies will be the responsibility of EMD.
9. Ratification Clause: Due to the need for the Contractor's services to be provided continuously on an ongoing basis, Contractor may have provided services prior to the execution of this Supplemental Agreement. To the extent that said services were performed in accordance with the terms and conditions of this Supplemental Agreement, those services are hereby ratified.

Exhibit 2
City of Los Angeles and BCFS Health and Human Services
Budget Detail

Budget: **\$116,000.00**

Monthly Billing: **\$6,104.95**

<i>Included within Monthly Billing</i>	<i>Monthly</i>	<i>19 Billing Cycles</i>
1 Salaries	\$3,916.00	\$74,404.00
2 Fringe	\$979.00	\$18,601.00
3 Miscellaneous	\$600.00	\$11,400.00
4 Indirect Expense	\$609.95	\$11,588.96
	\$6,104.95	\$115,993.96

ATTACHMENT C

EXHIBIT 3

To the Second Amendment to Contract C-120742 between BCFS HHS and City of Los Angeles

EXHIBIT 4

To the Second Amendment to Contract C-120742 between BCFS HHS and City of Los Angeles

Action Plan

EXHIBIT 5

To Contract C-120742 Between BCFS HHS and City of Los Angeles
Standard Operating Procedure (SAP Development and EOP Review
City Agencies

EXHIBIT 3 TO THE SECOND AMENDMENT
TO CONTRACT C-120742 BETWEEN BCFS HHS AND CITY OF LOS ANGELES
BUDGET

BCFS July 3, 2013, Proposed Contract Amendment Budget

Budget

The estimated budget for the additional services to be provided by BCFS HHS as described in the Second Amendment is an amount not to exceed nine hundred and ninety thousand dollars (\$990,000).

This budget is based on the inclusion of certain standard operating procedures (SOPs) from seventeen (17) City departments that are listed in Exhibit 5 to the Second Amendment. The budget is estimated and assumes labor, operational expenses, travel, and other direct costs necessary to support this SOW modification according to the assumptions below. Staff costs include SMEs, Project Management, Technical Editors, Administrative Support and June Kailes, Sub Contractor. Each SME is allocated a specific number of hours dependent on complexity. Should the situation necessitate hours and/or additional travel outside of those allocated, an hourly rate plus travel expenses will be billed to the City of Los Angeles. Costs are in addition to existing allocated funds for original scope and amendment one (one embedded person in LA EOC for 19 months).

EXHIBIT 3

BCFS July 3, 2013, Proposed Contract Amendment Budget

Budget

Budget is estimated and assumes labor, operational expenses, travel and other direct costs necessary to support this SOW modification according to the assumptions below. Staff costs include SMEs as outlined below, Project Management, Technical Editors, Administrative Support and June Kailes, Sub Contractor. Based on the assumptions below SME is allocated a specific number of hours dependent on complexity. Should the situation necessitate hours and or additional travel outside of those allocated; an hourly rate plus travel expenses will be billed to the City of Los Angeles. Costs are in addition to existing allocated funds for original scope and amendment one (one embedded person in LA EOC for 19 months).

One (1) SME will address three city departments of minimal complexity; three city departments are assumed to be of minimal complexity – Budget \$66,000.00 (\$22,000.00/department)	\$66,000.00
Four (4) SMEs will address two city departments each of medium complexity; eight city departments are assumed to be of medium complexity – Budget \$264,000.00 (\$33,000.00/department)	\$264,000.00
Six (6) SMEs will address one city department each of increased complexity; six city departments are assumed to be of increased complexity – Budget \$396,000.00 (\$66,000.00/department)	\$396,000.00
Four (4) SMEs will address two city departments each of significant complexity; two city departments are assumed to be of significant complexity – Budget \$264,000.00 (\$132,000.00/department)	\$264,000.00
One (1) SME will address three city departments of minimal complexity; three city departments are assumed to be of minimal complexity – Budget \$66,000.00 (\$22,000.00/department)	\$429,000.00
Total	\$990,000.00

EXHIBIT 4 TO THE SECOND AMENDMENT

TO CONTRACT C-120742 BETWEEN BCFS HHS AND CITY OF LOS ANGELES

ACTION PLAN

Overview

This Action Plan is designed to complete compliance tasks by November 2014. This expedited plan authorizes BCFS HHS to set forth the motion or expectations of each City department to a project officer assigned by each City department. This authorization shall include the ability of BCFS HHS to dictate and control the timeline assigned to each department for completing the required tasks. The Department Project Officer will be authorized to take necessary actions to mitigate the gaps defined in the Emergency Operations Plan (EOP).

1. BCFS HHS will provide SME oversight throughout this process.
2. The department project officer will be responsible for executing action items identified by BCFS HHS and will also be responsible for drafting the department's Standard Operating Procedures (SOPs).
3. The department project officer will have authority to convene interdepartmental meetings, make decisions regarding provider services and have thorough understanding of department operations and EOP identified responsibilities.

Process

BCFS HHS will:

1. Utilize the collective gap analysis and recommended corrective actions to develop fact-finding questions and meet with the department Project Officers to determine the current capacity and capabilities of each City department.
2. Utilizing information collected, BCFS HHS will provide direction to the department project officer on necessary actions to mitigate gaps.
3. BCFS HHS will provide consultation via conference call and bimonthly meetings.
4. BCFS HHS will review SOPs directly related to the gaps identified in the EOPs and provide comment to the Project Officer on any necessary edits to those plans to mitigate the identified gaps.
5. BCFS HHS will work with the Project Officer to develop presentations on SOP changes to ensure that staff understand new and/or revised SOPs and affiliated changes and procedures, including staff responsibilities.

6. It will be the responsibility of the City departments to ensure full implementation by training and exercising on the plan.

The Department Project Officer will:

1. Identify vendors, agencies and/or organizations collectively referred to as "providers" with capabilities to mitigate gaps.
2. Schedule necessary meetings with providers to discuss capabilities and to ensure provider understanding of expectations.
3. Develop and execute Memoranda of Understanding (MOUs) or contingency contracts with providers.
4. Schedule and execute interdepartmental staff meetings to develop strategies and tactics for the SOPs development.
5. Ensure providers are approved and registered with the General Services Department.
6. Draft SOP plan language to reflect actions taken to mitigate gaps.

The following Action Plan requirements are included:

1. Each City department with SOP development responsibilities, as defined by the City EMD EOPs, will assign a Project Officer to specifically work on the action items defined by BCFS HHS Subject Matter Experts (SME).
2. The project officers will take direction from BCFS HHS and will conform to the timelines set forth by BCFS HHS.
3. To date, BCFS HHS has completed gap analysis of thirteen (13) City EOP annexes. There are an additional eight (8) annexes requiring review. Annexes must be ready for BCFS HHS gap analysis review ahead of originally established timeline in order to incorporate this scope modification.
4. The scope of work and affiliated timeline assumes seventeen (17) City departments (Exhibit 5 to the Second Amendment) which require SOP review, revision, modification or development.
5. The City Department of Disabilities will be instructed to assist the department Project Officers with tactical plan development when requested either by the City department or BCFS HHS. Expectations shall include, but shall not be limited to, the identification of local and regional resources City departments can incorporate into their respective plans.
6. The City agrees to direct departments to comply with the requirements and timeline set forth by BCFS HHS for this project.

7. The City will authorize the expediting and/or suspension of procurement processes in order to hasten provider agreements to ensure plan viability.
8. The City agrees to convene a monthly situational awareness meeting with EMD, BCFS HHS and, as necessary, City department heads to mitigate obstacles encountered by City departments in completing the necessary tasks to be in compliance by November 2014.
9. BCFS HHS will not be responsible for ensuring implementation or for successful execution of operational plans.

EXHIBIT 5 TO THE SECOND AMENDMENT
TO CONTRACT C-120742 BETWEEN BCFS HHS AND CITY OF LOS ANGELES
STANDARD OPERATING PROCEDURE (SOP) DEVELOPMENT
AND EOP REVIEW

City Agencies	
1	Department of Aging
2	Animal Services Department (ANS)
3	Department of Building and Safety (LADBS)
4	Department of Transportation (DOT)
5	Department of Water and Power (DWP)
6	Department on Disabilities (DOD)
7	Emergency Management Department (EMD)
8	General Services Department (GSD)
9	Housing and Community Investment
10	Information Technology Agency (ITA)
11	Los Angeles Fire Department (LAFD)
12	Los Angeles Police Department (LAPD)
13	Los Angeles World Airports (LAWA)
14	City Planning Department
15	Port of Los Angeles (POLA)
16	Public Works Department (PWD)
17	Recreations and Parks (RAP)