

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: November 15, 2012

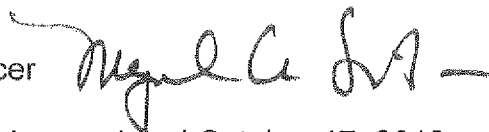
CAO File No. 0100-00144-0321

Council File No. 12-1627

Council District: ALL

To: The Public Safety Committee

From: Miguel A. Santana, City Administrative Officer



Reference: Transmittal from the Board of Fire Commissioners dated October 17, 2012

Subject: **ACCEPTANCE OF THE 2012 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT TO CONTINUE THE DEVELOPMENT AND MAINTENANCE OF NATIONAL URBAN SEARCH AND RESCUE (US&R) RESPONSE SYSTEM RESOURCES**

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### SUMMARY

This Office was requested to review and provide recommendations on a Los Angeles Fire Department (Fire) report transmitted by the Board of Fire Commissioners on October 17, 2012 relative to the acceptance of FEMA grant funds totaling \$1,276,608 to continue the development and maintenance of the Urban Search and Rescue (US&R) Response System resources. The FEMA grant, authorized for use during an 18-month period, August 1, 2012 through January 31, 2014, does not require City matching funds and provides for the purchase of needed equipment, uniforms, supplies, and training. The proposed FEMA cooperative agreement required for the acceptance and use of the \$1,276,608 in grant funds also provides \$491,258 (\$434,574 in FY 2012-13 and \$56,684 in FY 2013-14) in salary funding for program administration and training personnel consisting of three Fire Department positions (two sworn and one civilian). Accordingly, Fire has requested an extension of the employment authority for the three Fire US&R positions, two Fire Captain I and one Management Analyst II, through January 31, 2014. The cost for these three positions include salaries and fringe benefits based on the Cost Allocation Plan (CAP) 32 and will be paid directly from the Department's salary accounts and be reimbursed back into the respective salary accounts from which the expenses occurred.

Since 1993, Fire has been a sponsoring agency for one of 28 FEMA US&R Task Forces nationwide and from 1994 to date, Fire has received a number of no-match FEMA grants, in varying amounts, to assist in financing various US&R Task Force activities including salary and expense costs (C.F. 94-0082-S1; 97-1618; 02-2420; 05-0017; 08-2490, 09-2732; 10-2283; and 11-1941). The acceptance of the \$1,276,608 in grant funds will continue the financial support FEMA has provided Fire to develop and maintain the US&R Task Force. The 2011 FEMA grant provided \$1,085,078 in funding for the same purpose.

Personal services contracts are included as a provision of the grant program and are needed for

eleven specialized disciplines, including one Canine Search Specialist, six Medical Team Managers and four Structural Engineering Specialists. Due to the intermittent and specialized nature of the services provided by the contractors, the Department is requesting authority to execute sole source agreements in accordance with Los Angeles Administrative Code Section 10.15(a)(2).

The Department also requests authority for contractual services agreements for FEMA-required medical cache maintenance, medical examinations, and for a supplier of snake anti-venom. Similarly, the Department requests authority for sole source agreements for these services under Administrative Code Section 10.15(a)(2).

Subsequent to the execution of the proposed no-match FEMA cooperative agreement, Fire staff will draw down FEMA grant funds three days after a payment for eligible expenses has been completed. It should be noted that because FEMA grant funds are drawn down on a reimbursement basis, Fire must first use its budgeted funds to pay for any and all US&R related expenses. The front-funding of program expenses will be transferred from the Department's Fund 100 operating budget to Fund 335, (Fire Department Grants), and will be subsequently reimbursed by the FEMA grant funds. Fire has requested a transfer of up to \$338,175 from its Fiscal Year 2012-13 budgeted funds (Account 1012, Sworn Salaries) to provide sufficient funding to finance expenses for the first several months of the program expenditure plan. The acceptance and use of the FEMA grant funds is consistent with the City's Financial Policies in that Federal grant funds will be used to fund one-time program expenses and to fully fund three resolution authority positions to support the continued development and maintenance of the US&R Task Force.

## RECOMMENDATIONS

That the City Council, subject to the approval of the Mayor:

1. Authorize the Los Angeles Fire Department (Fire) to accept the grant award from the Federal Emergency Management Agency (FEMA) for the Urban Search and Rescue (US&R) Task Force and execute a no-match cooperative agreement in the amount of \$1,276,608 for the term August 1, 2012 through January 31, 2014, subject to the approval of the City Attorney as to form and legality;
2. Authorize the Controller to transfer up to \$338,175 from Fund No. 100, Department 38, Account 1012 to Department 38, Fund No. 335 (Fire Department Grants), account to be determined, to support the purchase of necessary expense and equipment items that will be reimbursed by the FEMA grant for the period of August 1, 2012 through January 31, 2014;
3. Authorize Fire to deposit the FEMA grant funds received under this cooperative agreement into Fund 335, Department 38, account to be determined;
4. Authorize the Controller to transfer FEMA grant funds from Fund 335/38 to Fund 100/38, Account 4681 for fringe benefits upon submission of proper documentation by Fire of actual costs incurred through January 31, 2014;

5. Authorize the Controller to transfer FEMA grant funds from Fund 335/38 to various salary accounts within Fund 100/38, upon submission of proper documentation by Fire of actual costs incurred from the continued development and maintenance of US&R Response System resources through January 31, 2014, subject to the review and approval of the Office of the City Administrative Officer (CAO);
6. Authorize the Controller to transfer the uncommitted balance of advanced funds as of May 1, 2013 from Fund No. 335, Department 38, Appropriation Account to be determined, to Fund No. 100, Department 38, Account 1012 Sworn Salaries, to meet payroll needs;
7. Find, in accordance with Los Angeles Administrative Code Section 4.133(a), that the following three positions will remain approved and authorized by Resolution, for the period August 1, 2012 through January 31, 2014:

<u>No.</u>	<u>Code</u>	<u>Class Title</u>
2	2142-1	Fire Captain I
1	9184-2	Management Analyst II

8. Authorize Fire to negotiate and execute 11 sole source, personal services contracts, each with a sum not to exceed \$99,000 during the period of this Grant, for specialized services required by FEMA, as follows: Canine Search Specialist (one contract), Medical Team Managers (six contracts) and Structural Engineering Specialist (four contracts);
9. Authorize Fire to negotiate and execute a sole source contract with Providence Health System - Southern California, DBA Providence Saint Joseph Medical Center, not to exceed \$99,000, during the period of this Grant, for medical cache maintenance, as required by FEMA;
10. Authorize Fire to negotiate and execute a contract with Westchester Medical Group, not to exceed \$55,000, during the period of this Grant, for medical examinations for California Task Force 1 (CA-TF 1) members, as required by FEMA;
11. Authorize Fire to negotiate and execute a sole source contract with UCLA Medical Center, not to exceed \$99,000, during the period of this Grant, to purchase snake anti-venom upon deployment, as required by FEMA;
12. Instruct Fire to authorize payments for contracts delineated in Recommendations Eight (8) through Eleven (11) in a total amount not to exceed \$338,175, unless a FEMA authorized deployment occurs; and,
13. Authorize Fire to prepare Controller's instructions for any technical adjustments, subject to the approval of the City Administrative Officer, and authorize the Controller to implement the instructions.



## **FISCAL IMPACT STATEMENT**

The recommended actions would not have a fiscal impact on the City's General Fund. The acceptance and use of the FEMA grant funds is consistent with the City's Financial Policies in that Federal grant funds will be used to fund one-time program expenses and to fully fund three resolution authority positions to support the continued development and maintenance of the US&R Task Force.

*MAS:MCD:04130053c*

Attachment

BOARD OF FIRE COMMISSIONERS

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PRESIDENT

CASIMIRO U. TOLENTINO  
VICE PRESIDENT

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CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

FIRE DEPARTMENT

BRIAN L. CUMMINGS  
FIRE CHIEF

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LOS ANGELES, CA 90012

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<http://www.lafd.org>

October 17, 2012

Honorable Members of the City Council  
City of Los Angeles  
City Hall, Room 395  
Attention: City Clerk

Honorable Antonio R. Villaraigosa  
Mayor, City of Los Angeles  
Room 303, City Hall  
Attention: Mandy Morales, Legislative Coordinator

[BFC 12-164] – ACCEPTANCE OF GRANT FUNDS TO CONTINUE THE DEVELOPMENT AND MAINTENANCE OF THE NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM RESOURCES – URBAN SEARCH AND RESCUE TASK FORCE FY 2012 READINESS COOPERATIVE AGREEMENT

At its meeting of October 16, 2012, the Board of Fire Commissioners approved the Fire Department's report dated September 24, 2012, requesting that the Mayor and City Council authorize the Fire Chief to accept the grant award from the Federal Emergency Management Agency (FEMA) for the Urban Search and Rescue (US&R) and execute a no-match Cooperative Agreement in the amount of one million, two hundred seventy-six thousand, six hundred eight dollars (\$1,276,608) for the term of August 1, 2012 through January 31, 2014, subject to the approval of the City Attorney as to form and legality.

The report is herewith transmitted concurrently to the City Council and the Mayor for review and approval. Should you need additional information, please contact the Board of Fire Commission Office at 213-978-3838.

Sincerely,

Leticia Gómez  
Commission Executive Assistant

Attachment

cc: Miguel A. Santana, City Administrative Officer (without attachment)  
Gerry F. Miller, Chief Legislative Analyst (without attachment)  
Board of Fire Commissioners  
Fire Chief Cummings

0100-00144-0321

October 16, 2012



BRIAN L. CUMMINGS  
FIRE CHIEF

September 24, 2012

BOARD OF FIRE COMMISSIONERS  
FILE NO. 12-164

TO: Board of Fire Commissioners

FROM: Brian L. Cummings, Fire Chief

SUBJECT: ACCEPTANCE OF GRANT FUNDS TO CONTINUE THE  
DEVELOPMENT AND MAINTENANCE OF THE NATIONAL URBAN  
SEARCH AND RESCUE RESPONSE SYSTEM RESOURCES – URBAN  
SEARCH AND RESCUE TASK FORCE FY2012 READINESS  
COOPERATIVE AGREEMENT

FINAL ACTION:  Approved  Approved w/Corrections  Withdrawn  
 Denied  Received & Filed  Other

**Recommendations:**

That the Board:

1. That the Board of Fire Commissioners accepts and approves the recommendations of staff.
2. Instruct the Commission Executive Assistant II to forward this report to the Mayor, Office of the City Administrative Officer, Office of the Chief Legislative Analyst, and City Clerk for committee and City Council consideration in accordance with Los Angeles Administrative Code, Section 14.6.
3. Request that the Mayor and City Council authorize the Fire Chief to accept the grant award from the Federal Emergency Management Agency (FEMA) for the Urban Search and Rescue (US&R) and execute a no-match Cooperative Agreement in the amount of \$1,276,608 for the term of August 1, 2012 through January 31, 2014, subject to the approval of the City Attorney as to form and legality.
4. Request that the Mayor and City Council authorize the Controller to transfer \$338,175 from Department 38, Fund 100, Account 001012 to Department 38, Fund 335, Account to be determined, to support the purchase of necessary expense and equipment items that will be reimbursed by the FEMA grant for the period of August 1, 2012 through January 31, 2014.

5. Request that the Mayor and City Council authorize the Fire Chief, or his designee, to deposit the FEMA grant funds received under this grant into the Los Angeles Fire Department (LAFD) Grant Fund No. 335, Account to be determined.
6. Request that the Mayor and City Council authorize the Fire Chief, or his designee, to deposit the FEMA grant funds received under this grant into the LAFD Fund 100, Account 004681 for fringe benefits upon submission of proper documentation by the Los Angeles Fire Department of actual costs incurred from the continued development and maintenance of US&R Response System resources through January 31, 2014.
7. Request that the Mayor and City Council authorize the Controller to transfer funds, between Fund No. 335/38, Account to be determined to various salary accounts within Fund No. 100/38, upon submission of proper documentation by the Los Angeles Fire Department of actual costs incurred from the continued development and maintenance of US&R Response System resources through January 31, 2014.
8. Request that the Mayor and City Council authorize the Controller to transfer the uncommitted balance of advanced funds as of May 1, 2013 from Fund 335, Department 38, Appropriation Account to be determined, to Fund 100, Department 38, Account, 001012 Sworn Salary, to meet payroll needs.
9. Request that the Mayor and City Council, in accordance with Administrative Code 4.133(a), that the following three positions will remain approved and authorized by Resolution, for the period August 1, 2012 through January 31, 2014 within the Fire Department.

<u>No.</u>	<u>Code</u>	<u>Class Title</u>
2	2142-1	Fire Captain I
1	9184-2	Management Analyst II

10. Request that the Mayor and City Council authorize the CAO to make any necessary technical corrections and to revise any Controller instructions consistent with this action.
11. Request that the Mayor and City Council authorize the Fire Chief to negotiate and execute a total of 11 sole-source, personal services contracts, each with a sum not to exceed \$99,000, during the period of this Grant, for specialized services, required by FEMA, as follows:

Canine Search Specialist (one contract),  
Debra Tosch

Medical Team Managers (six contracts)

Dr. Theodore Angus

Dr. Gregory Palmer

Dr. Francine Vogler

Dr. Eric Ley

Dr. Brian Wilbur

Dr. Nohemi Caldwell

Structural Engineering Specialists (four contracts)

Neville Pereira

Essam Lobnan

Sean M. Hughes

Nidham Alrayes

12. Request that the Mayor and City Council authorize the Fire Chief to negotiate and execute a contract with Providence Health System – Southern California, DBA Providence Saint Joseph Medical Center, not to exceed \$99,000, during the period of this Grant, for Medical Cache maintenance, as required by FEMA.
13. Request that the Mayor and City Council authorize the Fire Chief to negotiate and execute a contract with Westchester Medical Group, not to exceed \$55,000, during the period of this Grant, for medical exams for California Task Force 1 (CA-TF 1) members, as required by FEMA.
14. Request that the Mayor and City Council authorize the Fire Chief to negotiate and execute a sole-source contract with UCLA Medical Center, not to exceed \$99,000, during the period of this Grant, to purchase snake anti-venom upon deployment, as required by FEMA.
15. Request that the Mayor and City Council instruct the Fire Chief to authorize payments for contracts delineated in Recommendations eleven (11) through fourteen (14) in a total amount not to exceed \$338,175, unless a FEMA authorized deployment occurs.

**Summary:**

As authorized by the Mayor and City Council on April 4, 1993, the LAFD entered into a Memorandum of Agreement (MOA) with the Governor's Office of Emergency Services and FEMA to become a sponsoring agency for one of the Nation's 28 FEMA US&R Task Forces. Our Task Force is known as CA-TF1. (See Attachment 1.)

One of FEMA's ongoing methods of supporting US&R Task Forces throughout the country is through funding Cooperative Agreements with sponsoring agencies for necessary equipment, training, supplies, and program administration. In recent years



the City Council has accepted no-match Cooperative Agreements from FEMA ranging from \$632,915 to \$1,276,608.

This is a reimbursement grant. FEMA requires that funds be reimbursed after the actual payment of expenditures is made, and the appropriate documentation supporting these expenditures is submitted. As the Department incurs expenses from this program, expenditures will be reimbursed by FEMA funds on an ongoing basis.

Funds are categorized into two basic groups. One consists of funds used to pay LAFD personnel. The second group consists of funds for personal service contracts, training, supplies and equipment, as needed by CA-TF1.

Future Cooperative Agreements will continue to be made available to LAFD on a periodic basis furthering our US&R efforts. The funding breakdown of this Cooperative Agreement is contained within the attached Application and Spending Plan (See Attachment 2.)

#### 2012 Grant Agreement:

To meet the required deadline, pursuant to Administrative Code 14.6, LAFD submitted the attached application (See Attachment 3), seeking \$1,276,608, for the 2012 no-match FEMA grant. The Department received a FEMA Cooperative Agreement grant in the full amount of \$1,276,608 to administer CA-TF1. This Cooperative Agreement will fund necessary program administration, supplies, equipment, and training. Pursuant to City policy, the Department is seeking approval from the Mayor and the City Council to accept and execute this Award.

LAFD personnel costs for this program will cost \$491,258. Prior Cooperative Agreements included funding for two (2) Captain I positions, and one (1) Management Analyst II position to manage the program. These costs include salaries and the fringe based on the Cost Allocation Plan (CAP) 32 and will be paid directly from the Department's salary accounts and be reimbursed back into the respective salary accounts from which expenses incurred.

Up to \$464,150 of the remaining balance will pay for contractual services, training, supplies and necessary equipment for the programs operations. The Department is asking to transfer \$338,175 of the \$464,150 in the Fiscal Year 2012/2013. Since this grant covers both Fiscal Years 2012/2013 and 2013/2014, expiring January 31, 2014, the remaining \$125,975 will be requested to be borrowed from the sworn salary account in Fiscal Year 2013/2014. The personnel training costs are budgeted at \$321,200 of which approximately \$284,138 will be used in Fiscal Year 2012/2013 and \$37,062 in Fiscal Year 2013/2014. These personnel training costs will be paid directly from the Department's salary accounts. Personnel costs including fringe covering the resolution authorities of the Management Analyst II and the two Captain I positions will be paid for directly from the Department's salary accounts. Approximately \$434,574 will be paid in

Fiscal Year 2012/2013 and the remaining \$56,684 will be paid in the 2013/2014 Fiscal Year. This grant is for \$1,276,608 with a performance period of August 1, 2012 through January 31, 2014 and covers Fiscal Years 2012/2013 and 2013/2014. Since this is a reimbursement grant, the Department needs to transfer \$338,175 from Department 38, Fund 100, Account 001012, to Department 38, Fund 335, Account to be determined.

Personal services contracts are needed for eleven (11) required specialized positions. These include one (1) Canine Search Specialist, five (6) Medical Team Managers, and four (4) Structural Engineering Specialists. Because this is an on-going program, the City has existing relationships with these required positions. Because these positions are so specialized, it is difficult to find qualified contractors. Consequently, LAFD seeks to enter into sole source agreements with the existing contractors pursuant to Administrative Code 10.15(a)(2), which allows non-competitive contracts for the performance of professional, scientific, expert, technical, or other special services of a temporary and occasional character, where the contracting authority finds that competitive bidding is not practicable or advantageous.

Although LAFD seeks authority to execute each of these contracts for up to \$99,000, it is unlikely, absent a deployment, that these contractors will receive the full amount of the contract. Each will be paid for training and other preparation, by an hourly rate, depending upon the individual contractor's qualifications. In addition to the amount authorized under the 2012 FEMA Cooperative Agreement, FEMA will ultimately be responsible for payment to these contractors for any time spent in a FEMA authorized deployment. Because the City must advance FEMA authorized deployment compensation and then obtain reimbursement from FEMA, the City must have a mechanism to pay each contractor in addition to the time spent on training and other preparation. Consequently, each contract provides for payment of up to \$99,000.

The Cooperative Agreement requires that LAFD, as the sponsoring agency, provide medical exams for the Task Force Members. This includes both participating LAFD personnel and members who participate through personal service contracts. An amount of up to \$55,000 has been budgeted in this Cooperative Agreement for this purpose.

CA-TF 1 must maintain medical supplies including pharmaceutical inventories. While we have an existing contract with Providence Health System – Southern California, DBA Providence Saint Joseph Medical Center to provide this service, we contacted three other hospitals to obtain estimates. Unfortunately, none were willing to enter into agreements with us. We therefore seek authorization for the Fire Chief to enter into a sole source agreement with Providence Health System – Southern California, DBA Providence Saint Joseph Medical Center in accordance with Los Angeles Administrative Code 10.15 (a)(2), which allows non-competitive contracts for the performance of professional, scientific, expert, technical, or other special services of a temporary and occasional character, where the contracting authority finds that competitive bidding is not practicable or advantageous. Providence Health System – Southern California, DBA Providence Saint Joseph Medical Center currently is the regional cache center,

since it carries enough supplies to support ten hospitals in case of an emergency. Providence Health System – Southern California, DBA Providence Saint Joseph Medical Center is able to provide a locked, secure refrigerated storage area for our medical cache.

In addition to the total amount authorized under the 2012 FEMA Cooperative Agreement, FEMA will ultimately be responsible for payment under this contract, pursuant to the reimbursement process FEMA established for FEMA authorized deployment. Because the City must advance payments, and then obtain reimbursement from FEMA, the City must have a mechanism to pay this contractor if services are required. The budgeted amount for these services is up to \$99,000.

Finally, the Cooperative Agreement requires CA-TF1, upon deployment, to have access to snake anti-venom. Consequently, LAFD requests that the Fire Chief have authority to enter into a sole source agreement, in accordance with Los Angeles Administrative Code 10.15 (a)(2), with UCLA Medical Center, for the purpose of purchasing snake anti-venom when required. UCLA Medical Center is in close proximity to LAFD's Urban Search and Rescue Unit, where mobilization efforts are made for deployment. Depending on where a FEMA deployment may occur, it is necessary to procure the specific type of snake anti-venom needed for the locale, and UCLA maintains sufficient variety of snake anti-venom, since UCLA Medical Center farms snakes for the purpose of producing snake anti-venom. This agreement will allow LAFD, as the sponsoring agency of CA-TF1, to purchase the needed anti-venom upon deployment only. FEMA will ultimately be responsible for payment under this contract, pursuant to the reimbursement process FEMA established for FEMA authorized deployment. Because the City must advance payments, and then obtain reimbursement from FEMA, the City must have a mechanism to pay this contractor if services are required.

**Fiscal Impact:**

There is no impact on the General Fund.

**Conclusion:**

As a sponsor of one of the Nation's 28 FEMA US&R Task Forces, the LAFD has been the recipient of financial assistance from FEMA to supplement ongoing costs to maintain Task Force readiness. The Fire Department has been notified that FEMA has offered a no-match \$1,276,608 Cooperative Agreement. This Cooperative Agreement is to be used for program management and staffing, travel, training delivery, and equipment acquisition.

Board report prepared by Mary E. Reuschel, Management Analyst II, Emergency Services Bureau.

Attachments