

**AGREEMENT BETWEEN THE CITY AND COUNTY OF
SAN FRANCISCO AND THE CITY OF SAN JOSE
FOR THE DISTRIBUTION OF FY 2018 UASI GRANT FUNDS**

FIRST AMENDMENT

THIS AMENDMENT (this “Amendment”) is made as of **APRIL 1, 2019**, in San Francisco, California, by and between the **CITY OF SAN JOSE** (“SAN JOSE”) and the City and County of San Francisco, a municipal corporation (“City”), in its capacity as fiscal agent for the UASI Approval Authority, acting by and through the San Francisco Department of Emergency Management.

RECITALS

WHEREAS, City and SAN JOSE have entered into the Agreement (as defined below); and

WHEREAS, City and SAN JOSE desire to modify the Agreement on the terms and conditions set forth herein;

NOW, THEREFORE, SAN JOSE and the City agree as follows:

1. Definitions. The following definitions shall apply to this Amendment:

a. Agreement. The term “Agreement” shall mean the “Agreement between the City and County of San Francisco and the City of SAN JOSE for the Distribution of FY 2018 UASI Grant Funds” dated **November 1, 2018**, between SAN JOSE and City.

b. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modifications to the Agreement. The Agreement is hereby modified as follows:

a. Section 3.1, Duration of Term. Section 3.1 of the Agreement currently reads as follows:

The term of this Agreement shall commence on **NOVEMBER 1, 2018** and shall end at 11:59 p.m. San Francisco time on **FEBRUARY 28, 2020**.

Such section is hereby amended in its entirety to read as follows:

The term of this Agreement shall commence on **NOVEMBER 1, 2018** and shall end at 11:59 p.m. San Francisco time on **JUNE 30, 2020**.

b. Section 3.2, Maximum Amount of Funds. Section 3.2 of the Agreement currently reads as follows:

In no event shall the amount of Grant Funds disbursed hereunder exceed **ONE MILLION, FOUR HUNDRED FIFTY-FIVE THOUSAND, SEVEN HUNDRED SIXTEEN DOLLARS (\$1,455,716)**. The City will not automatically transfer Grant Funds to SAN JOSE upon execution of this Agreement. SAN JOSE must submit a Reimbursement Request under Section 3.10 of this Agreement, approved by the UASI Management Team and City, before the City will disburse Grant Funds to SAN JOSE.

Such section is hereby amended in its entirety to read as follows:

In no event shall the amount of Grant Funds disbursed hereunder exceed **ONE MILLION, SEVEN HUNDRED TWENTY-SIX THOUSAND, SIX HUNDRED SIXTY-ONE DOLLARS (\$1,726,661)**. The City will not automatically transfer Grant Funds to SAN JOSE upon execution of this Agreement. SAN JOSE must submit a Reimbursement Request under Section 3.10 of this Agreement, approved by the UASI Management Team and City, before the City will disburse Grant Funds to SAN JOSE.

c. Appendix A, Authorized Expenditures and Timelines. Appendix A includes project descriptions, deliverables, not to exceed (“NTE”) amounts, and deadlines for deliverables.

Such Appendix is hereby amended to reflect the following:

- i) Extend the planning deliverable date to 3/31/20 and update the project title and description for Planning Staff – Information Coordinator for Project 7; and,
- ii) Update the planning project title and description for Planning Staff - EOC Readiness Coordinator for Project 9; and,
- iii) Increase the planning funds, in the amount of \$33,333, extend the deliverable date to 6/30/20, and update the project title and description for Planning Staff – EOC Innovation Coordinator for Project 9; and,
- iv) Add the equipment funds, in the amount of \$33,333 for Rescue Tools for SJPD for Project 2; and,
- v) Add the equipment funds, in the amount of \$33,333 for Dosimeters and Search Cameras for SJFD for Project 2; and,
- vi) Add the training funds, in the amount of \$56,982 for Training Program – SJOEM for Project 10; and,
- vii) Add the training funds, in the amount of \$56,982 for Training Program – SJPD for Project 10; and,
- viii) Add the training funds, in the amount of \$56,982 for Training Program – SJFD for Project 10.

A revised Appendix A is attached to this Amendment and incorporated by reference as though fully set forth herein. The attached Appendix A supersedes all prior versions of Appendix A.

d. Appendix C, Form of Reimbursement Request dated April 1, 2019. A revised Appendix C is attached to this Amendment and incorporated by reference as though fully set forth herein. The attached Appendix C supersedes all prior versions of Appendix C.

3. Effective Date. Each of the modifications set forth in Section 2 shall be effective on and

after the date of this Amendment.

4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first specified herein.

CITY AND COUNTY OF SAN FRANCISCO:

CITY OF SAN JOSE:

SAN FRANCISCO DEPARTMENT OF
EMERGENCY MANAGEMENT

By:

By:

MARY ELLEN CARROLL
EXECUTIVE DIRECTOR

LELAND WILCOX
CHIEF OF STAFF, OFFICE OF CITY
MANAGER

Federal Tax ID #: 94-6000419

Approved as to Form:

Dennis J. Herrera
City Attorney

Approved as to Form:

Richard Doyle
City Attorney

By:

Jana Clark
Deputy City Attorney

By:

Carl B. Mitchell
Senior Deputy City Attorney

Appendices:

Amended Appendix A, Authorized Expenditures and Timelines, dated April 1, 2019

Amended Appendix C, Form of Reimbursement Request, dated April 1, 2019

Appendix A — Authorized Expenditures and Timelines

ENTITY: **SAN JOSE**

SJOEM

Total allocation to be spent on the following solution areas:

<u>IJ Number and Title</u>	<u>Program Description</u>	<u>Due Dates</u>	<u>Solution Areas</u>	<u>Amount</u>
<i>Project Title: Planning Staff - Emergency Communications Coordinator – San Jose Office of Emergency Management</i>				
IJ-4: Strengthen Communications Capabilities	Funds for an Emergency Management Coordinator to coordinate & develop critical incident communication modes and redundancies, policies and protocols for use, coordination with multi-jurisdictional agencies.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Planning	PROJECT NOT TO EXCEED \$95,000
<i>Project Title: Long Range Acoustical Devices for Public Alert and Warning - San Jose Office of Emergency Management</i>				
IJ-4: Strengthen Communications Capabilities	Funds for long-range acoustical devices (L-RADs) for pre-positioning neighborhood-level emergency public notification equipment throughout the city in support of improved alert & warning capability for all hazards.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Equipment AEL #: 13IT-00-ALRT	PROJECT NOT TO EXCEED \$142,313
<i>Project Title: Emergency Logistics Equipment Package for Type I Vehicular Commodity Point of Distribution (POD) - San Jose Office of Emergency Management</i>				

<p>J-4: Strengthen Communications Capabilities</p>	<p>Funds for trailer-based emergency logistics equipment packages with updated contents to support a Type I-III vehicular and pedestrian C-PODs to support critical logistics activities in San José.</p>	<p>Project Completion date: 12/31/2019</p> <p>Final deadline for Claim Submittal: 1/31/2020</p>	<p>Equipment</p> <p>AEL #s: 01ZA-03-EYEP 03OE-03-LTPA 04HW-01-INHW 06CP-02-BRDG 10GE-00-GENR 14SW-01-WALL 19MH-00-BULK 21GN-00-OCEQ</p>	<p>PROJECT NOT TO EXCEED \$101,403</p>
<p><i>Project Title: Planning Staff - Information Coordinator – San Jose Office of Emergency Management</i></p>				
<p>IJ-7: Enhance Community Resilience</p>	<p>Funds for an Information Coordinator to develop internal OEM emergency public information systems and publications to integrate with City PIO and County PIO.</p>	<p>Project Completion date: 03/31/2020</p> <p>Final deadline for Claim Submittal: Within 30 days of Project Completion</p>	<p>Planning</p>	<p>PROJECT NOT TO EXCEED \$105,000</p>
<p><i>Project Title: Field and EOC Applications - San Jose Office of Emergency Management</i></p>				
<p>IJ-9: Enhance Multi-Jurisdictional All Hazards Incident Planning, Response,</p>	<p>Funds to develop Esri apps that can be deployed quickly in the field to assist the EOC with damage assessment & situational awareness to facilitate re-establishing critical infrastructure, &</p>	<p>Project Completion date: 12/31/2019</p> <p>Final deadline for Claim Submittal: 1/31/2020</p>	<p>Planning</p>	<p>PROJECT NOT TO EXCEED \$75,000</p>

& Recovery Capabilities	support response and recovery operations. This will include developing field fillable PDF forms & dashboards for operational response & incident analytics. San Jose would engage a consultant for the work. This effort would be coordinated with FEMA, CalOES & the regions OP Area. The deliverable will be one or more digital apps & fillable pdf forms loaded on those apps, product documentation, testing results, and app(s) guide and staff training.			
<i>Project Title: Critical GIS Dataset Information - San Jose Office of Emergency Management</i>				
IJ-9: Enhance Multi-Jurisdictional All Hazards Incident Planning, Response, & Recovery Capabilities	Funds to develop up-to-date datasets in GIS layers to provide vital information for damage assessment & facilitate re-establishing critical infrastructure, & support response and recovery operations. These datasets would also feed other regional systems for situational awareness in the event of an incident, including potential acts of terrorism. San Jose would engage a consultant for the work.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Planning	PROJECT NOT TO EXCEED \$75,000
<i>Project Title: Planning Staff - Senior Emergency Services Planner – San Jose Office of Emergency Management</i>				

IJ-9: Enhance Multi-Jurisdictional All Hazards Incident Planning, Response, & Recovery Capabilities	Funds for a Senior Emergency Services Planner to coordinate and develop a mass care plan for San Jose including policies and procedures for the implementation of necessary actions.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Planning	PROJECT NOT TO EXCEED \$105,000
<i>Project Title: Planning Staff - Emergency Services Planner – San Jose Office of Emergency Management</i>				
IJ-9: Enhance Multi-Jurisdictional All Hazards Incident Planning, Response, & Recovery Capabilities	Funds for an Emergency Services Planner to coordinate & develop a critical logistics plan including policies and procedures for activation of the plan with pre-packaged & pre-positioned packages of critical logistics for deployment.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Planning	PROJECT NOT TO EXCEED \$87,000
<i>Project Title: Planning Staff – EOC Readiness Coordinator – San Jose Office of Emergency Management</i>				
IJ-9: Enhance Multi-Jurisdictional All Hazards Incident Planning, Response, & Recovery Capabilities	Funds for an Incident Management Coordinator / EOC Readiness Coordinator to coordinate EOC exercising, planning, maintaining operational readiness of EOC facilities and coordination with 8 department EOCs and providing technical support and oversight of EOC Operations during non-emergency and emergency conditions.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: Within 30 days of Project Completion	Planning	PROJECT NOT TO EXCEED \$103,000

Project Title: Planning Staff – EOC Innovation Coordinator – San Jose Office of Emergency Management				
IJ-9: Enhance Multi-Jurisdictional All Hazards Incident Planning, Response, & Recovery Capabilities	Funds for an EOC Innovation Coordinator who would be responsible for coordinating the development of innovative way to capture situational awareness, reports, statistics, geographic information displays, planning maps, data layers for reports and plans, and upgrading resources to meet capability needs.	Project Completion date: 06/30/2020 Final deadline for Claim Submittal: Within 30 days of Project Completion	Planning	PROJECT NOT TO EXCEED \$138,333
Project Title: Training Program - OEM				
IJ-10: Training & Exercise	Funding to provide regional training in direct support of the goals and objectives pertaining to the prevention, protection, response and recovery from acts of terrorism.	Project Completion date: 6/30/2020 Final deadline for Claim Submittal: Within 30 days of project completion	Training	PROJECT NOT TO EXCEED \$56,982
		TOTAL SAN JOSE OFFICE OF EMERGENCY MANAGEMENT ALLOCATION		SJOEM TOTAL NOT TO EXCEED: <u>\$1,084,031</u>

SJPD & SJFD

Total allocation to be spent on the following solution areas:

<u>IJ Number and Title</u>	<u>Program Description</u>	<u>Due Dates</u>	<u>Solution Areas</u>	<u>Amount</u>
Project Title: Interoperability Manager – San Jose Police Department				

IJ-4: Strengthen Communications Capabilities	Funds for an Interoperability Manager to oversee numerous interoperability projects involving all levels of government to ensure complementary efforts across projects and leveraging of funding streams to promote the interoperable communication needs of the south bay.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Planning	PROJECT NOT TO EXCEED \$150,000
Project Title: P25 Subscribers – San Jose Police Department				
IJ-4: Strengthen Communications Capabilities	Funds for P25 dual band radios.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Equipment AEL#: 06CP-01-PORT	PROJECT NOT TO EXCEED \$250,000
Project Title: Rescue Tools – San Jose Police Department				
IJ-2: Protect Critical Infrastructure and Key Resources	Funds to purchase rescue tools for SJPD.	Project Completion date: 6/30/2020 Final deadline for Claim Submittal: Within 30 days of project completion	Equipment AEL#: 03SR-01-TLPN; 03SR-01-MARK; 03SR-02-TLHN; 03SR-02-TPEL; 03SR-02-TRIG; 03SR-03-SCAM	PROJECT NOT TO EXCEED \$33,333
Project Title: Dosimeters and Search Cameras - San Jose Fire Department				
IJ-2: Protect Critical Infrastructure and Key Resources	Fund to purchase dosimeters and search cameras for SJFD.	Project Completion date: 6/30/2020 Final deadline for Claim Submittal: Within 30 days of project completion	Equipment AEL#: 03SR-03-SCAM; 07RD-01-DOSP; 07RD-01-DOSS; 07RD-01-EPD	PROJECT NOT TO EXCEED \$33,333
Project Title: Radiation Isotope Identifier Detector - San Jose Fire Department				

IJ-9: Enhance Multi-Jurisdictional All Hazards Incident Planning, Response, & Recovery Capabilities	Funds for a radiation Isotope Identifier Detector rapidly identify radiological sources and will reduce the amount of false alarms and false positives inherent in our current radiation detectors. This portable device can continuously scan for radiological sources. This unit interfaces with our current radiation detectors aiding in our ability to locate the source. Information gathered will be reported to DOE assistance program and FBI WMD coordinator.	Project Completion date: 12/31/2019 Final deadline for Claim Submittal: 1/31/2020	Equipment AEL #: 07RD-01-RIID	PROJECT NOT TO EXCEED \$62,000
<i>Project Title: Training Program – San Jose Police Department</i>				
IJ-10: Training & Exercise	Funding to provide regional training in direct support of the goals and objectives pertaining to the prevention, protection, response and recovery from acts of terrorism.	Project Completion date: 6/30/2020 Final deadline for Claim Submittal: Within 30 days of project completion	Training	PROJECT NOT TO EXCEED \$56,982
<i>Project Title: Training Program – San Jose Fire Department</i>				
IJ-10: Training & Exercise	Funding to provide regional training in direct support of the goals and objectives pertaining to the prevention, protection, response and recovery from acts of terrorism.	Project Completion date: 6/30/2020 Final deadline for Claim Submittal: Within 30 days of project completion	Training	PROJECT NOT TO EXCEED \$56,982
		TOTAL SAN JOSE POLICE DEPARTMENT & FIRE DEPARTMENT ALLOCATION		SJPD & SJFD TOTAL NOT TO EXCEED: <u>\$642,630</u>

		TOTAL SAN JOSE ALLOCATION		TOTAL NOT TO EXCEED: <u>\$1,726,661</u>
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PLANNING

Reimbursement for Organization Requires:

- **Personnel** – Prior to any expenditure for personnel, SAN JOSE must submit completed job descriptions to the UASI detailing the planning activities the personnel will complete and the deliverables to be produced. Prior to reimbursement, SAN JOSE must submit the following: all functional time sheets, payroll documentation showing payment of salaries and benefits, or cancelled checks; work product or certification that work was completed including a statement of completed activities.
- **Contracts** – All contracts must be pre-approved by the UASI prior to execution. In addition, SAN JOSE must satisfy the following guidelines:
 - Procurement of contractual services must follow local policies and procedures for competitive purchasing (provided they are not in conflict with Federal regulations which supersede them). If sole source approval is needed, SAN JOSE must transmit a sole source request to the UASI for submission to the State.
 - The contract must have a clearly stated scope of work and deliverables, deadlines for completion of work, and a schedule of contract payments.
 - All services must be performed and paid within the grant performance period.
- **Travel** - travel for planning activities must be pre-approved in accordance with the Bay Area UASI Travel Policy (adopted by the Approval Authority in August 2017) prior to scheduling. Invoices must include all backup documentation, including conference agendas, programs, brochures, lodging receipts, per diem calculations, airfare receipts/boarding passes, mileage calculations, other transportation receipts, and proof of payment.

EQUIPMENT

Reimbursement for Equipment Requires:

- An approved EHP memo, if applicable.
- A performance bond is required for any equipment item that exceeds \$250,000, or for any vehicle, aircraft, or watercraft, regardless of the cost. Failure to obtain and submit a performance bond to the UASI may result in disallowance of cost.
- As allowable under Federal guidelines, procurement of equipment must follow local policies and procedures for competitive purchasing (provided they are not in conflict with Federal regulations which supersede them). If sole source approval is needed, SAN JOSE must transmit the request to the UASI for request to the State.

- Prior to reimbursement, SAN JOSE must submit all invoices, AEL numbers, and a list of all equipment ID numbers and the deployed locations.
- SAN JOSE must inventory, type, organize and track all equipment purchased in order to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident.

TRAINING

Reimbursement for Training Requires:

- An approved EHP memo, if applicable.
- Training course expenses may include backfill/overtime, travel, tuition, per diem or other grant eligible expenses. Grant eligible training expenses are published in the FY 2018 Homeland Security Grant Program Guidance.
- When seeking reimbursement for grant eligible training expenses, SAN JOSE must submit completed ledger page indicating course title, feedback number, sub category (e.g., OT, BF, Course Development).
- Provide registration receipts and agendas.
- Provide copies of sign in sheets (must have supervisor's signature).

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- **All requests for reimbursements must be submitted within 30 days of project completion, unless an earlier deadline is set in this Appendix. SAN JOSE should submit reimbursement requests on a quarterly basis, as applicable.**
 - **Authorized expenditures must fall into one of the following categories: Planning, Organization, Equipment, Training, or Exercises. Descriptions of authorized expenditures are in the following documents:**
 - *FY 2018 Homeland Security Grant Program Notice of Funding Opportunity:* https://www.fema.gov/media-library-data/1526578809767-7f08f471f36d22b2c0d8afb848048c96/FY_2018_HSGP_NOFO_FINAL_508.pdf
 - *California Supplement to the Federal Funding Opportunity Announcement*, dated September 2018, available at <http://www.caloes.ca.gov/GrantsManagementSite/Documents/FY%202018%20HSGP%20State%20Guidance.pdf> as "FY 2018 Homeland Security Grant Program California Supplement to the Federal Notice of Funding Opportunity."
 - *Authorized Equipment List:* <http://www.fema.gov/authorized-equipment-list>
 - *Cal OES Rules and Regulations, including the Recipient Handbook:* <http://www.caloes.ca.gov/GrantsManagementSite/Documents/2018%20Subrecipient%20Handbook.pdf>
 - **Any equipment purchased under this Agreement must match the UASI 2017 Grant Application Workbook. Any modification to the inventory list in that Workbook must receive prior written approval from by the Bay Area UASI Program Manager.**
 - **No Management and Administration expenses are allowed, unless expressly identified and authorized in this Appendix.**

- **Sustainability requirements may apply to some or all of the grant funded projects or programs authorized in this Appendix. See Agreement, ¶3.12.**
- **All EHP documentation must be submitted and approved prior to any expenditure of funds requiring EHP submission.**

Appendix C -- Form of Reimbursement Request

REIMBURSEMENT REQUEST

_____, 2020

UASI Management Team
711 Van Ness Avenue, Suite 420
San Francisco, CA 94102

Re: FY 18 UASI Grant Reimbursement Request

Pursuant to Section 3.10 of the "Agreement between the City and County of San Francisco and the City of SAN JOSE for the Distribution of FY 2018 UASI Grant Funds" (the "Agreement"), dated NOVEMBER 1, 2018, and as amended by the First Amendment dated APRIL 1, 2019, between the City of SAN JOSE ("SAN JOSE") and the City and County of San Francisco, SAN JOSE hereby requests reimbursement as follows:

Total Amount of
Reimbursement
Requested in this
Request: \$ _____

Maximum Amount of
Funds Specified in
Section 3.2 of the
Agreement: \$ _____

Total of All Funds
Disbursed Prior to this
Request: \$ _____

SAN JOSE certifies that:

- (a) The total amount of funds requested pursuant to this Reimbursement Request will be used to reimburse SAN JOSE for Authorized Expenditures, which expenditures are set forth on the attached Schedule 1, to which are attached true and correct copies of all required documentation of such expenditures.
- (b) After giving effect to the disbursement requested pursuant to this Reimbursement Request, the Funds disbursed as of the date of this disbursement will not exceed the maximum amount set forth in Section 3.2 of the Agreement, or the not to exceed amounts specified in Appendix A for specific projects and programs.

- (c) The representations, warranties and certifications made in the Agreement are true and correct in all material respects as if made on the date hereof, and SAN JOSE is in compliance with all Grant Assurances in Appendix B of the Agreement. Furthermore, by signing this report, SAN JOSE certifies to the best of their knowledge and belief that the report is true, complete and accurate and expenditures, disbursements, and cash receipts are for the purpose and objectives set forth in the terms and conditions of the federal award. SAN JOSE is aware that any false, fictitious or fraudulent information or the omission of any material fact, may subject SAN JOSE to criminal civil or administrative penalties for fraud, false statements, false claims or otherwise.
- (d) No Event of Default has occurred and is continuing.
- (e) The undersigned is an officer of SAN JOSE authorized to execute this Reimbursement Request on behalf of SAN JOSE.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

SCHEDULE 1 TO REQUEST FOR REIMBURSEMENT

The following is an itemized list of Authorized Expenditures for which reimbursement is requested:

Project	Payee	Amount	Description	If final claim for project, check box
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

The following are attached as part of this Schedule 1 (Please check items that are applicable):

Planning:

- Invoice/Payroll Charges
- Payroll Register
- Cleared Check Payment
- Job Description
- Functional Timesheets
- Deliverables/Progress Reports

Organization:

- Invoice/Payroll Charges
- Payroll Register
- Cleared Check Payment
- Job Description
- Functional Timesheets
- Deliverables/Progress Reports

Equipment:

- Invoice
- Cleared Check Payment
- Purchase Order
- Packing Slip
- EHP Approval
- EOC Approval
- Watercraft or Aviation
- Sole Source
- Performance Bond
- Equipment Ledger (Please submit electronic copy to Grants Specialist)

Training:

- Invoice
- Cleared Check Payment
- Training Feedback Number
- EHP Approval
- Certificates/Proof of Participation
- Sign In Sheet
- Agenda

Exercise:

- Invoice
- Cleared Check Payment
- After Action Report
- EHP Approval
- Overtime Authorization

For inquiries/questions, please contact:

_____ Phone #: _____ Email: _____
 Print Name