



Legislation Text

File #: 2018-0015, **Version:** 1

DATE: February 6, 2018

SUBJECT:

RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO AGREEMENT 235-2016SN WITH MOZAIK SOLUTIONS, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$266,219.00 FOR A NEW MAXIMUM AMOUNT OF \$574,895.50, REIMBURSABLE THROUGH THE PORT SECURITY GRANT PROGRAM, AND EXTENDING THE AGREEMENT TERM THROUGH DECEMBER 31, 2020; FY 2018 EXPENDITURES, IF NEEDED, ARE BUDGETED

EXECUTIVE SUMMARY:

In October of 2015, Mozaik Solutions (Mozaik), a certified small woman- and minority-owned business, entered into an agreement with the Port of San Diego (District) through a direct negotiated contract. Mozaik augments the work of the District's Harbor Police Department by delivering professional emergency management consulting services. Specifically, Mozaik provides support in achieving the District's goals to have emergency plans, policies and procedures in place to allow the District to respond to disasters of any scale or complexity.

The original agreement with Mozaik in an amount payable not to exceed \$89,000 expired in September 2016. On October 6, 2016, a new agreement, ,was entered into with Mozaik for the purposes of addressing continuing deliverables from the initial expired contract which had an unexpended amount of \$17,517.50 . On November 22, 2016, the Board authorized Amendment No. 1 which increased the maximum payable amount under the agreement by \$291,159.00 for a new maximum amount of \$308,676.50. Amendment No. 2and 3, amended the Scope of Services andCompensation & Invoicing.. but did not change the maximum amount payable under the agreement.

Since 2015, Mozaik has helped the District develop its "Roadmap to Readiness" - a strategic and tactical vision on advancing the Port's readiness and resilience capabilities. Mozaik also assisted the District in developing its "whole port" emergency management strategy based on series of meetings, trainings and exercises, and other events with stakeholders representing all facets of the Port/District; complete a new BPC Policy related to emergencies and disasters (BPC Policy 777), to include leadership succession; develop the BPC-approved Emergency Operations Plan (EOP) and supporting annexes, such as Annex M: Emergency Operations Guide for BPC Members; and conduct a series of training exercises and events designed to increase the Port region and District's ability to prepare for, respond to and recover from an emergency incident. Mozaik has also serve as a conduit to best practices in emergency management and provided consultation on numerous questions related to emergency management at the District as the District has sought to develop and mature its program to meet its statutory requirements and overall resiliency goals.

Mozaik's work to date on the District's Emergency Management Program is critical in that it is geared towards building the District's resiliency at a time of increasing threats to soft targets and industry. Work slated to continue under Mozaik's guidance includes additional functional Annexes to the District's EOP, such as Emergency Management, Public Information and Warning and others; development of Memorandums of Understanding/Agreement (MOU/A) with member cities to address emergency management division of labor (i.e., initial damage assessments, alerts and notifications, clarification of jurisdictional boundaries), and additional "whole Port" training exercises geared towards Port recovery and resumption of trade/trade prioritization and Port-wide incident/unified command and control. Mozaik's experience and understanding of the Port's emergency management efforts and the stakeholders involved has been, and will continue to be critical, given the complexity of the Port and the relative new-ness of the District's emergency management program. This experience allows Mozaik to "hit the ground running", which represents a significant cost and time savings for the Port.

This work will be covered under a Department of Homeland Security Port Security Grant Program award to the District In September 2017, which included the \$266,219.00 for Consulting/Contract/Supplies costs to address the planning, training and exercise needs associated with continuing to build and enhance the District's emergency operations capabilities. The breakdown of grant funding is as follows:

Consultant Fees: \$244,935.00
Reimbursable Expenses (i.e., travel, training/exercise logistics and materials): \$21,284.00
Total: \$266,219.00

The FEMA Port Security Grant Program award period of performance is three years. The three year period of performance (September 1, 2017 to August 31, 2020) is in line with the projected consultant scope of services.

RECOMMENDATION:

Adopt a Resolution authorizing Amendment No. 4 to Agreement No. 235-2016SN with Mozaik Solutions, a California Corporation, for emergency management consulting services, increasing the maximum amount payable under the Agreement by \$266,219.00 from \$308,676.50 for a new maximum amount payable under the Agreement not to exceed \$574,895.50 and extending the contract term through December 31, 2020.

FISCAL IMPACT:

Funds for FY 2018 expenditures are included in the Harbor Police Department's non-personnel expense budget. Funds required for future fiscal years will be budgeted in the appropriate fiscal year and cost account subject to board approval upon adoption of each fiscal year's budget.

The full amount of the FY 2018 expenditures will be reimbursed from the awarded 2017 Port Security Grant Program (PSGP) through the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), Investment Justification No. 001 - Phase 2 SDUPD: Emergency Management Program.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands, trusts and values.
- A thriving and modern maritime seaport.
- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.

It is imperative the District maintain resiliency and have the ability to respond effectively in the face of manmade and natural threats and disasters. The District's ability to recover physically and financially from an incident, no matter how large in scale, is critical to reestablish itself as the region's economic engine and its significant contributions to tourism, recreation and environmental leadership. The continuous expansion of the District's Emergency Management Program through further inclusion of District personnel will ensure the District is in compliance with the State of California's Standard Emergency Management System (SEMS) and the country's National Incident Management System (NIMS), which are requirements for the District as a government municipality.

DISCUSSION:

In October of 2015, the District entered into an agreement with Mozaik for guidance on enhancement to its limited emergency management program. Mozaik provides strategic and technical consulting services within the fields of emergency and crisis management for various levels of government organizations and private industry. Mozaik develops teams of specialists on a regular basis which are customized to individual organizations' specific challenges, resulting in reduced redundancy and maximum cost-effectiveness with demonstrated success in projects of varying scope and scale.

Mozaik is a valuable asset to the District in providing guidance in emergency management policy development, emergency operations plan development, related training, exercise development and integration with emergency plans of the County along with those of the District's five member cities. Mozaik is now well integrated within the District, both through relationships with District external stakeholders and also internal Department heads. Mozaik's initial steps following initiation of the October 2015 services agreement was to develop a "crawl, walk, run" approach and strategy to develop the District's Emergency Management Program. Since 2015, Mozaik has helped the District to re-establish itself as a regional leader in emergency management - ensuring the Port's emergency management interests and concerns are considered and represented at the local, state and national levels. Over the past year in particular (2017), it is felt that the District advanced from a "crawl" to the early "walk" phase and needs to continue on this same path to become effective and efficient in its emergency management responsibilities as a complex municipality. Staff recommends the Board approve an amendment to the Emergency Management Program contract with Mozaik to add an additional \$266,219.00 and an extension in term in line with the proposed planning, training and exercise program timeline which runs through December 31, 2020, with the objective to allow Mozaik to continue to perform work on this project. The recommended amendment increases the not-to-exceed amount beyond the previously Board approved amount of \$308,676.50 to a new amount of \$574,895.50.

The additional allowable expenditure and duration of service will allow the District to continue using Mozaik without a gap in services and ability to complete its overall objective to provide its tenants, the

tidelands, and its public and private stakeholders the response, initial recovery and resiliency they require.

General Counsel's Comments:

The Office of the General Counsel has reviewed the issues set forth in this agenda and found no legal concerns as presented and has reviewed and approved the 4th Amendment to the Agreement as to form and legality.

Environmental Review:

The proposed Board action does not constitute an "approval" or a "project" under the definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's action that requires the District or the Board's approval, including without limitation District proposed legislation or a request for funding will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The current Board action in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

In addition, the proposed Board action complies with Sections 30, 71.5, 81 of the Port Act, which allow for the Board to manage the business of the District, for independent contractors to provide services of a professional, scientific or technical nature, and for the use of funds for expenses of conducting the District. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, this does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, the District's projects require processing under the District's CDP Regulations. If a project is formulated as a result of Board's action, the Board will consider approval of the project and any improvements associated after the appropriate documentation under District's CDP Regulations has been completed and authorized by the Board, if necessary. The Board's action in no way limits the exercise of the District's discretion under the District's CDP Regulations.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachment(s):

Attachment A: Proposed Amendment No. 4 to Agreement No. 235-2016SN with Mozaik Solutions