



Legislation Text

File #: 2018-0522, **Version:** 1

DATE: January 16, 2019

SUBJECT:

RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT 235-2016SN WITH MOZAIK SOLUTIONS, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$123,500.00 FROM A TOTAL OF \$574,895.50 TO \$698,395.50, REIMBURSABLE THROUGH THE PORT SECURITY GRANT PROGRAM, AND EXTENDING THE AGREEMENT TERM THROUGH DECEMBER 31, 2021, AND WAIVING BPC POLICY 110; FY19 EXPENDITURES, IF NEEDED, ARE BUDGETED

EXECUTIVE SUMMARY:

In October of 2015, Mozaik Solutions (hereafter 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 Emergency Management Program by delivering professional emergency management consulting services. Specifically, Mozaik provides support in achieving the District's goals to have emergency plans, policies, procedures and training in place to allow the District to respond effectively to disasters of any scale or complexity.

Since 2015, Mozaik has helped the District develop and implement its "Roadmap to Readiness" - a strategic and tactical vision advancing the Port's readiness and resilience capabilities. Mozaik also helped the District develop 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 and District's ability to prepare for, respond to and recover from an emergency incident. Mozaik has also served as a conduit to best practices in emergency management and provided consultation on numerous questions related to emergency management at the Port/District as the District has sought to develop and mature its program to meet its statutory requirements and overall resiliency goals. In 2018, the Mozaik assisted the Port launch a first-of-its-kind "Resilience Working Group (RWG)" that engages all Port stakeholders in the Port's emergency management and resilience efforts. This has involved organizational development, codification of a RWG charter and organizational documents, priority goal and objective setting based on lessons learned and gap areas from previous training and exercises designed and conducted since 2015, and the launch and support of six (6) major task forces designed to significantly advance and move whole port resilience ahead in purposeful, swift, and accountable manner.

Mozaik's work to date on the District's Emergency Management Program is critical in that it is geared

towards building the District's resilience at a time of increasing threats to soft targets and industry. In 2019, in an effort to stay in line with Department of Homeland Security and U.S. Coast Guard guidance this work continues with an enhanced focus on soft targets/crowded places - a key concern for the Port. Additional work will be done to advance key planning and coordination concerns as it relates to the Port-wide Unified Command and District Emergency Operations Center (EOC) operations; continued build-out of the Port's Emergency Operations Plan (EOP) to include annexes such as Environmental/Green Port, Public Information and Warning, and others determined by the Port Emergency Planning Team.

Because of the complexity of the Port, and Mozaik's experience in first identifying the major gaps, and then assisting the Port systematically and strategically advance and mature its whole-port focused emergency management program, Mozaik has a thorough understanding of the Port's current emergency management efforts, goals, and the sheer number and breadth of stakeholders involved. This understanding and knowledge will continue to be critical given the complexity of the Port, the relatively new-ness of the Port's emergency management program, and the launch of the new RWG initiative. This experience represents a significant cost and time savings for the Port. In fact, because of Mozaik's knowledge, budgets from previous year's exercise events have been reduced this year as Mozaik is able to leverage past experience and knowledge to implement project tasks more efficiently.

Mozaik's efforts and support to the District, led to direct tangible organizational and financial results over the past year, as well. Over the past year the District has faced emergencies, such as the 2017 winter storms, Hepatitis A outbreak, and the 2018 cyberattack, among others. The emergency management policy, plan, and structure implemented since 2015 have helped to meet these challenges and resulted in increased efficiency, and Federal government reimbursement of expenditures. Lessons have also been learned and these events underscore the importance of continuing development of a comprehensive emergency management and homeland security program.

This work will be covered under a Port Security Grant Program grant awarded to the District in October 2018, which included the \$123,500.00 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: \$109,000.00
Reimbursable Expenses (i.e., exercise logistics and materials): \$14,500.00
Total: \$123,500.00

The FEMA Port Security Grant Program award period of performance is three years; however, it is expected most of this work will be completed in two years or less as some training exercises are already scheduled for 2019 based on Port partner/stakeholder schedules and deadlines. The agreement currently expires on December 31, 2020, and as a result needs to be extended through December 31, 2021. In addition, Staff recommends that the maximum amount payable under the agreement be increased by \$123,500.00 and that the bidding requirements under BPC Policy 110 (II) be waived.

RECOMMENDATION:

Adopt a Resolution authorizing Amendment No. 5 to Agreement No. 235-2016SN with Mozaik for emergency management consulting services, extending the agreement term through December 31, 2021, and increasing the maximum allowable amount payable under the agreement by an additional \$123,500.00 for a new maximum amount payable under the agreement of \$698,395.50, and waive BPC Policy 110 (II) in order to increase the “not to exceed” amount.

FISCAL IMPACT:

The BPC approved Acceptance of the Fiscal Year 2018 PSGP Awards and Budget Amendments in a Resolution and Adoption of an Ordinance in the November 6, 2018 Regular Meeting.

Approval of this resolution will have no impact on the budgeted surplus or on previously established department operational budgets. Funds for this expenditure were awarded in the 2018 Port Security Grant Program (PSGP) through the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), Investment Justification No. 003 - Phase 2 SDUPD: Emergency Management Program.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goals:

- 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 respond effectively in the face of natural and human-caused 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 commerce, 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 nation’s National Incident Management System (NIMS), which are requirements for the District as a Special District and local government agency.

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 and organizational development 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 continues to be 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 internal Department heads and staff. Mozaik's initial step 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 truly 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. The emergencies and events over the past year (2017-18) that have impacted the port operationally and financially demonstrated improved response and coordination capabilities as a result of this work. They also underscored the additional work the District needs to put forth to become as effective and efficient in its emergency management responsibilities and attend best to its community of master tenants and subtenants. Staff recommends the Board approve an amendment to the Emergency Management Program contract with Mozaik to add an additional \$123,500.00, with the objective to allow Mozaik to continue to perform work on this project. The additional allowable expenditure and duration of service will allow the District to continue using Mozaik without a gap in services and enhance the ability to complete the District's 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 this agenda and found no legal concerns as presented, and has reviewed and approved the amendment as to form and legality.

Environmental Review:

The proposed Board direction or action, including without limitation, a resolution authorizing the transfer of funds within the Capital Improvement Program budget, does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 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 or direction that requires the District or the Board's discretionary approval resulting in a physical change to the environment 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 direction 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 21, 35, and 81 of the Port Act, which allow for the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, and to use District 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.

The proposed Board direction or action 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 they 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, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The Board’s direction or action in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Mozaik is registered as a small, woman and minority-owned business.

PREPARED BY:

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Attachment(s):

Attachment A: Proposed Amendment No. 5 to Agreement No. 235-2016SN with Mozaik Solutions