

File No. 151010

Committee Item No. 6

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance

Date October 28, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date October 23, 2015

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Accept and Expend Grant - Department of Homeland Security - 2014 Port Security Grant  
2 Programs - \$1,440,337]

3 **Resolution retroactively authorizing the Port of San Francisco to accept and expend a**  
4 **grant in the amount of \$1,440,337 from the Department of Homeland Security's 2014**  
5 **Port Security Grant Program, including \$297,375 for Security Hardening of Pier 31,**  
6 **\$392,962 for Pier 50 Security Measures and \$750,000 for Port-wide CCTV Phase 3 for**  
7 **the period of September 1, 2014, through August 31, 2016.**

8  
9 WHEREAS, On July 25, 2014, Department of Homeland Security Secretary Johnson  
10 announced over \$1.5 Billion in preparedness grants including the Port Security Grant Program  
11 (PSGP), allocating \$100,000,000 to protect critical port infrastructure from terrorism; enhance  
12 maritime domain awareness; improve port-wide risk management capabilities; and maintain or  
13 reestablish maritime security mitigation protocols that support port recovery and resiliency  
14 capabilities; and

15 WHEREAS, On May 23, 2014, the Port of San Francisco submitted an application for  
16 grant funds under the PSGP; and

17 WHEREAS, On September 24, 2014, the Port of San Francisco was awarded  
18 \$1,440,337 in grant funds for security improvements on the Port of San Francisco; and

19 WHEREAS, This grant does not create any new positions and will not require an  
20 amendment to the Annual Salary Ordinance; and

21 WHEREAS, On April 10, 2015, through Resolution No. 15-13, the Port Commission  
22 authorized Port staff to accept and expend the Department of Homeland Security, Port  
23 Security Grant Program funds; and

24 WHEREAS, The Port Commission authorized the Executive Director to seek the Board  
25 of Supervisors' approval to accept and expend the grant; and

1 WHEREAS, Port capital funds have been identified to provide the required \$480,112  
2 (25% of total project costs) in required non-federal match monies; and,

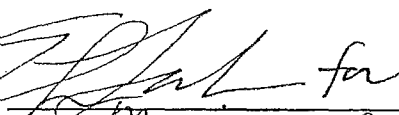
3 WHEREAS, The grant terms prohibit including indirect costs in the grant budget; now,  
4 therefore, be it


5 RESOLVED, That the Board of Supervisors hereby authorizes the San Francisco Port  
6 Commission to accept and expend \$1,440,337 in grant funding from the Department of  
7 Homeland Security, Federal Emergency Management Agency for homeland security  
8 improvements along the Port's waterfront; and, be it

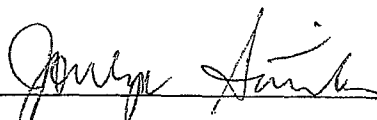
9 FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of  
10 indirect costs as a part of this grant; and, be it

11 FURTHER RESOLVED, That the Port Commission, subject to the Board of  
12 Supervisors' approval, authorizes the Executive Director or her designee to execute for and  
13 on behalf of the City and County, any documents necessary to enter into the grant agreement  
14 with the Federal Emergency Management Agency and Department of Homeland Security,  
15 including any extensions, augmentations or amendments, thereof.

16  
17 Recommended:

18  for  
19 Monique Mayer  
20 Department Head

Approved:   
21 for Mayor

Approved:   
22 for Controller

<p><b>Item 6</b> <b>File 15-1010</b></p>	<p><b>Department:</b> <b>Port</b></p>
<p><b>EXECUTIVE SUMMARY</b></p>	
<p><b>Legislative Objectives</b></p>	
<ul style="list-style-type: none"> <li>• Resolution retroactively authorizing the Port of San Francisco to accept and expend a grant in the amount of \$1,440,337 from the Department of Homeland Security’s 2014 Port Security Grant Program, including \$297,375 for Security Hardening of Pier 31, \$392,962 for Pier 50 Security Measures and \$750,000 for Port-wide CCTV Phase 3 for the period from September 1, 2014 through August 31, 2016.</li> </ul>	
<p><b>Key Points</b></p>	
<ul style="list-style-type: none"> <li>• On September 24, 2014, the Port was awarded \$1,440,337 of U.S. Department of Homeland Security, Port Security Grant Program funds. On April 10, 2015, the Port Commission authorized the Port to accept and expend these \$1,440,337 grant funds.</li> <li>• Delays in requesting approval of these grant funds occurred because the Federal Emergency Management Agency (FEMA) had not yet completed their Environmental and Historic Preservation (EHP) required review of the three grant projects.</li> <li>• These three projects are slated to commence in January 2016 and be completed within the grant end date of August 31, 2016.</li> </ul>	
<p><b>Fiscal Impact</b></p>	
<ul style="list-style-type: none"> <li>• The subject \$1,440,337 (75%) Federal grant, together with the required Port’s \$480,112 (25%) matching funds will allow the Port to provide a total of \$1,920,449 of security infrastructure for three projects.</li> <li>• The three projects include: (a) <u>Security Hardening of Pier 31</u> to install perimeter high security fencing and lighting; (b) <u>Pier 50 Security Measures</u> to install access controls, a Closed Circuit Television (CCTV) system and high security fencing at the Port’s Maintenance Division offices, shops, parking and storage areas on Pier 50; and (c) <u>Phase 3 of the Port-wide CCTV System</u> to continue the build-out of the Port’s CCTV system, including fiber optics infrastructure, CCTV cameras, a CCTV control system and wireless communications.</li> <li>• The Port’s \$480,112 matching funds were budgeted in FY 2014-15 and FY 2015-16 as capital improvement funding for these projects.</li> </ul>	
<p><b>Recommendation</b></p>	
<ul style="list-style-type: none"> <li>• Approve the proposed resolution.</li> </ul>	

**MANDATE STATEMENT / BACKGROUND****Mandate Statement**

City Administrative Code Section 10.170-1(b) states that the acceptance and expenditure of federal, state or other grant funds in the amount of \$100,000 or more, including any City matching funds required by the grant, is subject to the Board of Supervisors approval.

**Background**

Since 2002, the U.S. Department of Homeland Security has been providing Port Security Grants to provide for security infrastructure and emergency preparedness trainings. On May 23, 2014, the Port of San Francisco applied for \$1,440,337 of grant funds under the U.S. Department of Homeland Security, Port Security Grant Program. On September 24, 2014, the Port was awarded \$1,440,337 of security infrastructure grant funds. On April 10, 2015, the Port Commission authorized the Port to accept and expend this \$1,440,337 Department of Homeland Security, Port Security Grant Program funds.

**DETAILS OF PROPOSED LEGISLATION**

The proposed resolution would retroactively authorize the Port of San Francisco to accept and expend a grant in the amount of \$1,440,337 from the Department of Homeland Security's 2014 Port Security Grant Program, including (a) \$297,375 for Security Hardening of Pier 31, (b) \$392,962 for Pier 50 Security Measures and (c) \$750,000 for Port-wide Closed Circuit Television's (CCTV) Phase 3 for the period retroactive from September 1, 2014 through August 31, 2016.

The subject \$1,440,337 (75%) Federal grant, together with the required Port's \$480,112 (25%) matching funds will allow the Port to provide a total of \$1,920,449 of security infrastructure, for the following three projects:

- 1- Security Hardening of Pier 31 will improve the perimeter security at Pier 31 with installation of high security fencing and lighting, to reduce the number of incursions onto Port facilities.
- 2- Pier 50 Security Measures will improve security at the Port's Maintenance Division offices, shops, parking and storage areas on Pier 50 with installation of access controls, a Closed Circuit Television (CCTV) system and high security fencing.
- 3- Phase 3 of the Port-wide CCTV System will continue the build-out of the Port's CCTV system at Port facilities, including fiber optics infrastructure, CCTV cameras, a CCTV control system and wireless communications.

As noted above, the subject grant was awarded to the Port on September 24, 2014. However, the Port Commission did not authorize the Port to accept and expend these funds until April 10, 2015, over six months later, and the proposed resolution is only now being brought to the Board of Supervisors for approval, over a year after the grant was awarded. According to Ms. Meghan Wallace, the Port's Budget Manager, these delays occurred because the Federal

Emergency Management Agency (FEMA) had not yet completed their Environmental and Historic Preservation (EHP) required review of these three grant projects. Ms. Wallace reports that FEMA's EHP approval was received for (a) the Pier 50 Security Measures on September 11, 2015 and (b) the Security Hardening of Pier 31 on September 23, 2015. Ms. Wallace notes that the EHP approval for Phase 3 of the Port-wide CCTV System project is expected to be approved by the end of November 2015.

As a result, although the grant period is for two years, retroactive from September 1, 2014 through August 31, 2016, there is only ten months prospectively for the Port to complete these three projects. Ms. Wallace advises that these three projects are slated to commence in January 2016 and be completed within the grant end date of August 31, 2016, as shown in Table 1 below.

**Table 1: Estimated Timeline for Three Port Infrastructure Projects**

Port Infrastructure Projects	Estimated Commencement	Estimated Completion
Security Hardening at Pier 31	1/1/2016	6/1/2016
Pier 50 Security Measures	1/15/2016	8/25/2016
Phase 3 of the Port-wide CCTV System	1/1/2016	8/31/2016

## FISCAL IMPACT

The total budget for the proposed program of \$1,920,449 is shown below in Table 2.

**Table 2: Federal and Local Funds for Three Port Infrastructure Projects**

Port Infrastructure Projects	Federal Grant	Port Match	Total Project Costs
Security Hardening at Pier 31	\$297,375	\$99,124	\$396,499
Pier 50 Security Measures	392,962	130,988	523,950
Phase 3 of the Port-wide CCTV System	750,000	250,000	1,000,000
<b>Total</b>	<b>\$1,440,337</b>	<b>\$480,112</b>	<b>\$1,920,449</b>

The proposed federal grant requires a 25% match (\$480,112) of the total project costs (\$1,920,449). The Port's \$480,112 matching funds were budgeted in FY 2014-15 and FY 2015-16 as capital improvement funding for these projects.

Since all grant funds must be expended for direct project costs, the grant prohibits including indirect costs in the grant budget, such that the proposed resolution waives inclusion of indirect costs as part of this grant.

**RECOMMENDATION**

Approve the proposed resolution.

**File Number:** \_\_\_\_\_  
(Provided by Clerk of Board of Supervisors)

**Grant Information Form**  
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Department of Homeland Security, 2014 Infrastructure Protection Program Port Security Grant Program**
2. Department: **Port of San Francisco**
3. Contact Person: **Sidonie Sansom** Telephone: **415-274-0544**
4. Grant Approval Status (check one):  
 Approved by funding agency                       Not yet approved
5. Amount of Grant Funding Approved or Applied for: **\$1,440,337**
- 6a. Matching Funds Required: **25% (\$480,112) in required non-federal matching funds**  
b. Source(s) of matching funds (if applicable): **Port capital funds have been identified**
- 7a. Grant Source Agency: **Department of Homeland Security**  
b. Grant Pass-Through Agency (if applicable): **N/A**
8. Proposed Grant Project Summary: **\$1,440,337 – (\$297,375) Security Hardening of Pier 31, (\$392,962) Pier 50 Security Measures and (\$750,000) Portwide CCTV System Phase 3. All three projects are consistent with Department of Homeland Security requirements.**
9. Grant Project Schedule, as allowed in approval documents, or as proposed:  

Start-Date: **September 1, 2014**                      End-Date: **August 31, 2016**
- 10a. Amount budgeted for contractual services: **\$720,423**  
b. Will contractual services be put out to bid? **Yes**  
c. If so, will contract services help to further the goals of the department's (LBE) requirements? **No**  
d. Is this likely to be a one-time or ongoing request for contracting out? **One time**
- 11a. Does the budget include indirect costs?                       Yes                       No  
b1. If yes, how much? **N/A**  
b2. How was the amount calculated?  
c1. If no, why are indirect costs not included?  
 Not allowed by granting agency                       To maximize use of grant funds on direct services  
 Other (please explain):  
c2. If no indirect costs are included, what would have been the indirect costs? **N/A**
12. Any other significant grant requirements or comments: **N/A**



**\*\*Disability Access Checklist\*\*\*** (Department must forward a copy of all completed Grant information Forms to the Mayor's Office of Disability)

13. This Grant is intended for activities at (check all that apply):

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Existing Site(s) | <input type="checkbox"/> Existing Structure(s)      | <input type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s)       | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s)      |
| <input type="checkbox"/> New Site(s)                 | <input type="checkbox"/> New Structure(s)           |  |

14. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Wendy Proctor  
(Name)

Architect/ADA Coordinator  
(Title)

Date Reviewed: 9/16/2015

Wendy Proctor  
(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Monique Moyer  
(Name)

Executive Director  
(Title)

Date Reviewed: 9-16-15

Monique Moyer  
(Signature Required)

Award Letter

U.S. Department of Homeland Security  
Washington, D.C. 20472



Ken Tashian  
Port of San Francisco  
Pier 1  
San Francisco, CA 94111

Re: Grant No. EMW-2014-PU-00604

Dear Ken Tashian:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2014 Port Security Grant Program has been approved in the amount of \$1,440,337.00 . As a condition of this award, you are required to contribute a cost match in the amount of \$480,112.00 of non-Federal funds, or 25 percent of the total approved project costs of \$1,920,449.00 .

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2014 Port Security Grant Program Funding Opportunity Announcement.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please go on-line to the ND Grants system at <https://portal.fema.gov>. After logging in, you will see a subtitle Grants Management. Under this subtitle, you will see a link that says Award Package(s). Click this link to access your award packages. Click the Review Award Package link to review and accept the award package for your award. Please print your award package for your records.

Step 2: Please fill out and have your bank complete and sign the SF 1199A, Direct Deposit Sign-up Form. The information on the 1199A must match your SAM record. Be sure to include your DUNS and grant number on the form in Section 1F "Other." The SF 1199A should be sent directly from your financial institution to the FEMA Finance Center, via fax or mail to the Vendor Maintenance Office (see address below). The 1199A form will not be accepted unless it is received directly from the financial institution. Please pay careful attention to the instructions on the form.

FEMA Finance Center  
Attn: Vendor Maintenance  
P.O. Box 9001  
Winchester, VA 22604

Secured Fax: (540) 504-2625  
Email: [FEMA-Finance@FEMA.DHS.gov](mailto:FEMA-Finance@FEMA.DHS.gov)

System for Award Management (SAM): Please ensure that your organization's name, address, DUNS number, EIN, and banking information are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all



U.S. Department of Homeland Security  
Washington, D.C. 20472

**AGREEMENT ARTICLES**  
**Port Security Grant Program**

**GRANTEE:** Port of San Francisco  
**PROGRAM:** Port Security Grant Program  
**AGREEMENT NUMBER:** EMW-2014-PU-00604-S01

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#### **Article I - Summary Description of Project**

Project 1: Pier 31 Security Hardening is fully funded for \$297,375. Project 2: Pier 50 Security Measures is fully funded for \$392,962. Project 4: Portwide CCTV Security System is fully funded for \$750,000.

#### **Article II - Assurances, Administrative Requirements and Cost Principles**

a. Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements that apply to DHS award recipients originate from two sources:

- Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the “A-102 Common Rule”). These A-102 requirements are also located within DHS regulations at Title 44, Code of Federal Regulations (CFR) Part 13.

- OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, relocated to 2 CFR Part 215.

b. The cost principles that apply to DHS award recipients through a grant or cooperative agreement originate from one of the following sources:

- OMB Circular A-21, Cost Principles for Educational Institutions, relocated to 2 CFR Part 220.

- OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, relocated to 2 CFR Part 225.

- OMB Circular A-122, Cost Principles for Non-Profit Organizations, relocated to 2 CFR Part 230.

The audit requirements for State, Local and Tribal recipients of DHS awards originate from:

- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

#### **Article III - Acknowledgment of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

#### **Article IV - Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

#### **Article V - Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_guidance\\_june2010.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf) and [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_template.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf), respectively.

#### **Article VI - Copyright**

All recipients must affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

#### **Article VII - Debarment and Suspension**

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

#### **Article VIII - Drug-Free Workplace Regulations**

All recipients must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. These regulations are codified at 2 CFR 3001.

#### **Article IX - Duplication of Benefits**

State, Local and Tribal Recipients must comply with 2 CFR Part §225, Appendix A, paragraph (C)(3)(c), which provides that any cost allocable to a particular Federal award or cost objective under the principles provided for in this authority may not be charged to other Federal awards to overcome fund deficiencies.

#### **Article X - False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

#### **Article XI - Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

#### **Article XII - Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

#### **Article XIII - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. §2225(a), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. §2225.

#### **Article XIV - Lobbying Prohibitions**

All recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

#### **Article XV - Non-supplanting Requirement**

Recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

#### **Article XVI - Trafficking Victims Protection Act of 2000**

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007.

In accordance with the statutory requirement, each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient —

- (a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
- (b) Procures a commercial sex act during the period of time that the award is in effect; or
- (c) Uses forced labor in the performance of the award or subawards under the award.

Full text of the award term is provided at 2 CFR § 175.15.

#### **Article XVII - USA Patriot Act of 2001**

All recipients must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

#### **Article XVIII - Use of DHS Seal, Logo and Flags**

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **Article XIX - DHS Specific Acknowledgements and Assurances**

All recipients must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.

3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

#### **Article XX - Incorporation by Reference of Funding Opportunity Announcement**

The Funding Opportunity Announcement for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Funding Opportunity Announcement.

#### **Article XXI - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov) if you have any questions.

#### **Article XXII - Age Discrimination Act of 1975**

All recipients must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

#### **Article XXIII - Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

#### **Article XXIV - Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), codified at 6 CFR Part 21 and 44 CFR Part 7, which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

#### **Article XXV - Civil Rights Act of 1968**

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR § 100.201).

#### **Article XXVI - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide

meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

#### **Article XXVII - SAFECOM**

Recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

#### **Article XXVIII - Title IX of the Education Amendments of 1975 (Equal Opportunity in Education Act)**

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 6 CFR Part 17 and 44 CFR Part 19.

#### **Article XXIX - Rehabilitation Act of 1973**

All recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

#### **Article XXX - Reporting Subawards and Executive Compensation**

##### **A. Reporting of first-tier subawards.**

1. **Applicability.** Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
2. **Where and when to report.**
  - a. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
  - b. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. **What to report.** You must report the information about each obligating action in accordance with the submission instructions posted at <http://www.fsrs.gov> specify.

##### **B. Reporting Total Compensation of Recipient Executives.**

1. **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if-
  - a. the total Federal funding authorized to date under this award is \$25,000 or more;



b. in the preceding fiscal year, you received –

i. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

c. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

a. As part of your registration profile at <http://www.sam.gov>.

b. By the end of the month following the month in which this award is made, and annually thereafter.

#### C. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-

a. in the subrecipient's preceding fiscal year, the subrecipient received-

i. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

b. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

a. To the recipient.

b. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

#### D. Exemptions

1. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

a. Subawards, and

b. The total compensation of the five most highly compensated executives of any subrecipient.

#### E. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR § 25.320:

a. A Governmental organization, which is a State, local government, or Indian tribe;

b. A foreign public entity;

- c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization;
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. Executive means officers, managing partners, or any other employees in management positions, as defined in 2 CFR § 170.315.
3. Subaward, as defined in 2 CFR § 170.325:
- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - c. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. Subrecipient, as defined in 2 CFR § 25.360, means an entity that:
- a. Receives a subaward from you (the recipient) under this award; and
  - b. Is accountable to you for the use of the Federal funds provided by the subaward.
5. Total compensation, as defined in 2 CFR § 170.330 means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
- a. Salary and bonus.
  - b. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - c. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - d. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
  - e. Above-market earnings on deferred compensation which is not tax-qualified.
  - f. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

**Obligating Document for Award/Amendment**

1a. AGREEMENT NO. 2. AMENDMENT NO. 3. RECIPIENT NO. 4. TYPE OF ACTION 5. CONTROL NO.  
 EMW-2014-PU-00604-S01 \*\*\* T941705778 AWARD W510909N

6. RECIPIENT NAME AND ADDRESS: Port of San Francisco, Pier 1, San Francisco, CA, 94111  
 7. ISSUING FEMA OFFICE AND ADDRESS: Grant Operations, 245 Murray Lane - Building 410, SW Washington DC, 20528-7000, POC: 866-927-5646  
 8. PAYMENT OFFICE AND ADDRESS: Financial Services Branch, 500 C Street, S.W., Room 723, Washington DC, 20472

9. NAME OF RECIPIENT PROJECT OFFICER: Ken Tashian  
 PHONE NO. (415) 274-0262  
 10. NAME OF FEMA PROJECT COORDINATOR: Central Scheduling and Information Desk, Phone: 800-368-6498, Email: Askcsid@dhs.gov

11. EFFECTIVE DATE OF THIS ACTION: 09/01/2014  
 12. METHOD OF PAYMENT PARS  
 13. ASSISTANCE ARRANGEMENT: Cost Reimbursement  
 14. PERFORMANCE PERIOD: From: 09/01/2014 To: 08/31/2016  
 Budget Period: 09/01/2014 08/31/2016

15. DESCRIPTION OF ACTION  
 a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
Port Security Grant Program	97.056	2014-SL-B411-P400-4101-D:W510909N \$1,440,337.00	\$0.00	\$1,440,337.00	\$1,440,337.00	\$480,112.00
<b>TOTALS</b>			<b>\$0.00</b>	<b>\$1,440,337.00</b>	<b>\$1,440,337.00</b>	<b>\$480,112.00</b>

b. To describe changes other than funding data or financial changes, attach schedule and check here.  
 N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)  
 Port Security Grant Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN  
 This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title): Ken Tashian, Mr  
 DATE: 10/15/2014

18. FEMA SIGNATORY OFFICIAL (Name and Title):  
 DATE: 09/11/2014

 ANDREA GORDON, Assistance Officer



**TO:** Sidonie Sansom, Port of San Francisco

**FROM:** Angela Calvillo, Clerk of the Board of Supervisors

**DATE:** September 24, 2015

**SUBJECT:** Budget Breakdown - \$1,920,449 grant award including \$1,440,337 from the Department of Homeland Security's 2014 Port Security Grant Program and the Port's \$480,112 (25%) match.

### The Port's Grant Application

The Port was awarded a \$1,440,337 in 2014 Port Security Grant Program funding that, along with the Port's \$480,112 match, will allow the Port to invest \$1,920,449 into security infrastructure. These funds will be used solely on equipment, contracts and interdepartmental workorders. These funds must be expended prior to the end of the grant term, August 31, 2016.

Budget Category	Amount		
	Total	Fed	Non-Fed
A. Personnel	0	0	0
B. Fringe Benefits	0	0	0
C. Travel	0	0	0
D. Equipment	\$959,884	\$719,914	\$239,970
E. Supplies	0	0	0
F. Consultants/Contracts	\$960,565	\$720,423	\$240,142
G. Other	0	0	0
<b>Total Direct Costs</b>	<b>\$1,920,449</b>	<b>\$1,440,337</b>	<b>\$480,112</b>
H. Indirect Costs	0	0	0
<b>Federal Request</b>		<b>\$1,440,337</b>	
<b>Non-Federal Amount</b>			<b>\$480,112</b>
<b>Combined Total Project Costs</b>	<b>\$1,920,449</b>		

The specific projects and associated funding within the grant award include:

**\$396,499 for Security Hardening of Pier 31 (\$297,375 Grant; \$99,124 Port):**

This investment will improve perimeter security through installation of high security fencing and lighting at Pier 31 and be incorporated into the planned Pier 31 repair project. The Port is in the midst of a multi-year effort to improve

perimeter security, which has proven to be highly effective in reducing the number of incursions at Port facilities.

Budget Category	Amount		
	Total	Fed	Non-Fed
A. Personnel	0	0	0
B. Fringe Benefits	0	0	0
C. Travel	0	0	0
D. Equipment	0	0	0
E. Supplies	0	0	0
F. Consultants/Contracts	\$396,499	\$297,375	\$99,124
G. Other	0	0	0
Total Direct Costs	\$396,499	\$297,375	\$99,124
H. Indirect Costs	0	0	0
<b>Federal Request</b>		\$297,375	
<b>Non-Federal Amount</b>			\$99,124
<b>Combined Total Project Costs</b>	\$396,499		

**\$523,950 for Pier 50 Security Measures (\$392,962 Grant; \$130,988 Port):**

This investment will improve security at the Port Maintenance Division's offices, shops, parking and storage areas at Pier 50 through installation of access controls, a Closed Circuit Television (CCTV) system and high security fencing, which will replace existing substandard fencing.

Budget Category	Amount		
	Total	Fed	Non-Fed
A. Personnel	0	0	0
B. Fringe Benefits	0	0	0
C. Travel	0	0	0
D. Equipment	0	0	0
E. Supplies	0	0	0
F. Consultants/Contracts	\$523,950	\$392,962	\$130,988
G. Other	0	0	0
Total Direct Costs	\$523,950	\$392,962	\$130,988
H. Indirect Costs	0	0	0
<b>Federal Request</b>		\$392,962	
<b>Non-Federal Amount</b>			\$130,988
<b>Combined Total Project Costs</b>	\$523,950		

**\$1,000,000 for Phase 3 of the Portwide CCTV System (\$750,000 Grant;**

**\$250,000 Port):** This investment will enable the Port to continue the build-out of a CCTV project currently being installed at a limited number of Port facilities. The Portwide CCTV system will improve safety for Port staff, tenants and visitors, as well as increase Port infrastructure security. Included in the project are additional fiber optics infrastructure, CCTV cameras, a CCTV control system and wireless communications.

2014 Port Security Grant Program  
Page 3 of 3

Budget Category	Amount		
	Total	Fed	Non-Fed
A. Personnel	0	0	0
B. Fringe Benefits	0	0	0
C. Travel	0	0	0
D. Equipment	\$959,885	\$719,914	\$239,971
E. Supplies	0	0	0
F. Consultants/Contracts	\$40,115	\$30,086	\$10,029
G. Other	0	0	0
Total Direct Costs	\$1,000,000	\$750,000	\$250,000
H. Indirect Costs	0	0	0
<b>Federal Request</b>		\$750,000	
<b>Non-Federal Amount</b>			\$250,000
<b>Combined Total Project Costs</b>	\$1,000,000		

**MEMORANDUM**

April 10, 2015

**TO:** MEMBERS, PORT COMMISSION  
Hon. Leslie Katz, President  
Hon. Willie Adams, Vice President  
Hon. Kimberly Brandon  
Hon. Mel Murphy  
Hon. Doreen Woo Ho

**FROM:** Monique Moyer  
Executive Director

**SUBJECT:** Request authorization to (1) accept and expend \$1,440,337 in 2014 Infrastructure Protection Program Port Security Grant Program funds from the U.S. Department of Homeland Security for security improvements at the Port of San Francisco and (2) advertise for competitive bids for the Pier 50 Security Measures project

**DIRECTOR'S RECOMMENDATION:** Approve Attached Resolution

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**Executive Summary**

On July 25, 2014, the Federal Emergency Management Agency (FEMA), an agency within the Department of Homeland Security (DHS), announced grant allocations for the 2014 Infrastructure Protection Program Port Security Grant Program (PSGP), effectively beginning the application process for 2014 Preparedness Grants. On May 23, 2014, the Port submitted its grant application to FEMA for consideration. FEMA notified the Port of its \$1,440,337 award on September 24, 2014.

The grant performance period is a maximum of twenty-four months, plus the possibility of thirty-six additional months of extensions. At this time, 2014 PSGP-funded projects must be completed by August 31, 2016.

For this round, FEMA required a twenty-five percent (25%) cash or 'in kind' match for approved projects submitted by eligible entities.

In order for the Port to accept grant funds of \$100,000 or more, the San Francisco Port Commission must authorize the Port of San Francisco to seek Board of Supervisors' approval to accept and expend the funds.

**This Print Covers Calendar Item No. 10A**

Additionally, Port staff requests Port Commission authorization to advertise for competitive bids for the Pier 50 Security Hardening Project as part of an ongoing program to provide a safer environment for Port staff, tenants and visitors, and to reduce the Port's maintenance costs due to fewer break-ins and vandalism.

### Strategic Objective

The Port is in the midst of a multi-year effort to improve security through infrastructure improvements, target hardening and implementation of all-hazards training programs. The Port is increasing maritime domain awareness through improved coordination and information sharing with local and federal partners that provide layered security to the Port such as the San Francisco Police and Fire Departments and the U.S. Coast Guard. PSGP funds support enhanced threat detection and prevention, and the projects are consistent with Department of Homeland Security requirements.

### Background and Purpose

PSGP provides grant funding to port areas for the protection of critical port infrastructure from terrorism. These funds are primarily intended to assist ports in enhancing risk management capabilities, increasing domain awareness and improving capabilities for prevention, detection, response and recovery from attacks involving improvised explosive devices and other nonconventional weapons, and enhancing cybersecurity capabilities.

### Grant Approval Process

On July 25, 2014, the Federal Emergency Management Agency (FEMA), an agency within the Department of Homeland Security (DHS), announced grant allocations for the 2014 Infrastructure Protection Program Port Security Grant Program, effectively beginning the application process for 2014 Preparedness Grants. For this round, FEMA requires a twenty-five percent (25%) cash or 'in-kind' match for approved projects submitted by eligible entities. The grant performance period is a maximum of twenty-four months, plus the possibility of thirty-six additional months of extensions. At this time, 2014 PSGP-funded projects must be completed by August 31, 2016.

On May 23, 2014, the Port submitted its grant application to FEMA for consideration. A committee made up of representatives from the region's major ports and from each port stakeholder community evaluated the applications and provided input to the local U.S. Coast Guard Captain of the Port, who then forwarded the applications, with funding recommendations, to FEMA. FEMA notified the Port of their \$1,920,450 award on September 24, 2014, which includes \$1,440,337 in grant funding and a 25% Port match in the amount of \$480,113 for the following projects:

- **\$396,500 for Security Hardening of Pier 31 (\$297,375 Grant; \$99,125 Port):** This planned investment will improve perimeter security through installation of high security fencing and lighting at Pier 31 and be incorporated into the planned Pier 31 repair project. The Port is in the midst of a multi-year effort to improve perimeter security, which has proven to be highly effective in reducing the number of incursions at Port facilities.



- **\$523,950 for Pier 50 Security Measures (\$392,962 Grant; \$130,988 Port):** This planned investment will improve security at the Port Maintenance Division's offices, shops, parking and storage areas at Pier 50 through installation of access controls, a Closed Circuit Television (CCTV) system and high security fencing, which will replace existing substandard fencing.
- **\$1,000,000 for Phase 3 of the Portwide CCTV System (\$750,000 Grant; \$250,000 Port):** This planned investment will enable the Port to continue the build-out of a CCTV project currently being installed at a limited number of Port facilities. The Portwide CCTV system will improve safety for Port staff, tenants and visitors, as well as increase Port infrastructure security. Included in the project are additional fiber optics infrastructure, CCTV cameras, a CCTV control system and wireless communications.

#### Contract Authorization

Upon approval by the Board of Supervisors to accept and expend grant funds, Port staff expects to competitively bid at least two of the projects. The Pier 31 Hardening project will be bid as part of the overall Pier 31 repair project, and the authorization to advertise for competitive bids for the Pier 31 repair project is scheduled for hearing before the Port Commission in May. Port staff is waiting for authorization to workorder funds to the City's Department of Technology (DT) for Phase 3 of the Portwide CCTV System project, as was done for prior phases of the project, so Port staff now requests Port Commission approval to competitively bid the remaining grant-funded project:

- **Pier 50 Security Measures:** Contract scope will include mobilization and demobilization, demolition and disposal of existing fences, construction of new fences and installation of CCTV and access controls.

Prior to soliciting bids, Port staff will request the Contract Monitoring Division (CMD), (which enforces the City's Administrative Code Chapter 14B – the Local Business Enterprise (LBE) and Non-Discrimination in Contracting Ordinance) to review the project scope and funding sources to determine whether or not the City can impose LBE preferences. Port staff expects CMD to determine that the projects are exempt from the LBE Ordinance due to a grant requirement that local preferences may not be applied to contracts supported by federal funds. Under Section 14B.8(D), when state or federal funds are used, the rules and requirements associated with those funds prevail over Chapter 14B.8(D) requirements when federal or state laws, rules or regulations are in conflict.

Additionally, Port staff will request the San Francisco Office of Economic and Workforce Development (OEWD) review the scope of work and funding sources to determine whether the project should utilize the First Source Hiring Program instead of the Local Hiring Program.

The project will be advertised through the following channels:

- Human Rights Commission list of contractors
- Human Resources Outreach list of contractors
- Port Internet site
- City and County of San Francisco purchasing internet site
- Plan Rooms (Builders Exchange, Contractors Information Network, etc.)
- Newspapers (SF Examiner and Small Business Exchange)

After the solicitation and receipt of bids, Port staff will propose to award the contract to the lowest responsive, responsible bidder.

### **Regulatory Approvals**

The regulatory requirements for these projects include federal and state review for environmental and historical preservation and approval by the San Francisco Bay Conservation and Development Commission (BCDC).

### **Environmental and Historic Preservation**

FEMA has not yet completed its Environmental and Historic Preservation (EHP) review, which is required prior to Port staff initiating any PSGP-funded project. FEMA's EHP review ensures compliance with federal environmental and historic preservation laws. FEMA is in the final stage of EHP review of the Port's projects. Staff is confident that approval will be reached in sufficient time to complete work prior to the grant expiration date of August 31, 2016.

Port staff will complete historic resource and environmental reviews of the Pier 50 Security Measures and Portwide CCTV projects as part of complying with FEMA EHP review requirements.

### **Bay Conservation and Development Commission**

Port staff sent the scope of work for the Pier 31 repair project to the San Francisco Bay Conservation and Development Commission (BCDC) to provide notification under the Port's Basic Repair and Maintenance Permit (BCDC Permit M77-17) to perform the work described above, and received project approval. Approval by BCDC to replace the substandard fencing is required before the contract is awarded.

Prior to bidding the Pier 50 Security Measures project, Port staff will send the fencing replacement portion of the scope of work to BCDC, to provide notification under the Port's Basic Repair and Maintenance Permit (BCDC permit M77-17). Approval by BCDC to replace the substandard fencing is required before the contract is awarded. BCDC approval is not required for the CCTV and access controls portions of the Pier 50 Security Measures project, or for the Portwide CCTV project.

### **Climate Action**

The potential for sea level rise is a concern for all Projects along the waterfront. However, the design life for these Projects is limited to less than 30 years, so it is not necessary for these Projects to withstand sea level rise.

## Funding

As detailed in *Table 1*, the Port will use capital funding from the Fiscal Year (FY) 2014-15 and FY 2015-16 budgets to meet the 25% match requirement for the PSGP funding.

**Table 1: Summary of Grant Program Funding**

Grant Funded Projects	PSGP Funds	Port Matching Funds			PSGP Project Total
		FY 14-15 Capital Budget	FY 15-16 Capital Budget	Subtotal, Port Match	
Security Hardening of Pier 31	\$ 297,375	\$ -	\$ 99,125	\$ 99,125	\$ 396,500
Pier 50 Security Measures	\$ 392,962	\$ -	\$ 130,988	\$ 130,988	\$ 523,950
Portwide CCTV System, Phase 3	\$ 750,000	\$ 250,000	\$ -	\$ 250,000	\$1,000,000
Total Funding	\$ 1,440,337	\$ 250,000	\$ 230,113	\$ 480,113	\$1,920,450
Percent of Total	75%			25%	100%

## Schedule

The anticipated schedule is as follows, with construction scheduled to start November 2015, and the anticipated completion date of July 2016:

Port Commission Approval	April 14, 2015
Board of Supervisor's Approval	July 2015
Advertise for Bids - Pier 50 Project	September 2015
Workorder funds to DT - Portwide CCTV Project	October 2015
Bids Due - Pier 50 Project	October 2015
Award of Contract - Pier 50 Project	November 2015
Notice to Proceed - Pier 50 Project	December 2015
Substantial Completion - Pier 50 & Portwide CCTV Projects	June 2016
Final Completion - Pier 50 & Portwide CCTV Projects	July 2016

## Requested Port Commission Action

Port staff seeks Port Commission authorization for the Executive Director to accept and expend \$1,440,337 in 2014 Infrastructure Protection Program Port Security Grant Program funds from the Department of Homeland Security for security improvements on the Port of San Francisco. Upon the Port Commission's approval, Port staff will seek Board of Supervisor's approval to accept and expend the 2014 PSGP grant funds.

Additionally, Port staff requests Port Commission authorization to seek competitive bids for the Pier 50 Security Measures project. Port staff will return to the Port Commission for authorization to award this project.

Prepared by: Sidonie Sansom  
Director of Homeland Security

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 15-13**

- WHEREAS, the U.S. Department of Homeland Security Infrastructure Protection Program's Port Security Grant Program (PSGP) provides grant funding to port areas for the protection of critical port infrastructure from terrorism; and the PSGP funds are primarily intended to assist ports in enhancing risk management capabilities, increasing domain awareness and improving capabilities for prevention, detection, response and recovery from attacks involving improvised explosive devices and other nonconventional weapons; and
- WHEREAS, on May 23, 2014, the Port of San Francisco submitted an application for grant funds under the PSGP; and
- WHEREAS, on September 24, 2014, the Port of San Francisco was awarded \$1,440,337 in grant funds for security improvements on Port of San Francisco property (the "grant"); and
- WHEREAS, under the City Administrative Code Section 10.170-1, the Port of San Francisco must obtain Board of Supervisors' approval to accept and expend grant funds of \$100,000 or more; and
- WHEREAS, the Fiscal Year 2014-15 and Fiscal Year 2015-16 Capital Budgets each include \$250,000 in funding that may be used as the Port's grant match for Homeland Security Enhancements; and
- WHEREAS, Port staff will advertise and seek competitive bids for construction of security fences and installation of CCTV and access controls at Pier 50; and
- WHEREAS, Port staff will complete historic resource and environmental review of the Pier 50 and Portwide CCTV projects prior to awarding any contract to implement the Pier 50 project and prior to authorizing work to begin on the Portwide CCTV project; and
- WHEREAS, Prior to soliciting bids, Port staff will request Contract Monitoring Division review of the Pier 50 project scope and funding source to determine whether or not the City can impose LBE preferences, and will request San Francisco Office of Economic and Workforce Development review of the scope of work and funding source to determine whether the project should utilize the First Source Hiring Program instead of the Local Hiring Program; now, therefore, be it

RESOLVED, that the Port Commission hereby authorizes the Executive Director to seek the Board of Supervisors' approval to accept and expend the PSGP grant funds of \$1,440,337; and be it further

RESOLVED, that the Port Commission hereby urges the Board of Supervisors to approve the request for approval to accept and expend the PSGP grant funds; and be it further

RESOLVED, that the Port Commission, subject to the Board of Supervisors' approval, hereby authorizes the Executive Director or her designee to accept and expend the grant, and to execute for and on behalf of the City and County of San Francisco any documents necessary to enter into the grant agreement with the Federal Emergency Management Agency or the Department of Homeland Security, including any extensions, augmentations or amendments thereof, and be it further

RESOLVED, that the Port Commission hereby authorizes the Executive Director to seek competitive bids for the Pier 50 Security Measures project.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of April 14, 2015.***

Amy Quesada

Digitally signed by Amy Quesada  
DN: cn=Amy Quesada, o=Port of San Francisco, ou=Port  
Executive, email=amy.quesada@psfc.com, c=US  
Date: 2015.04.20 16:35:46 -0700

Secretary

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

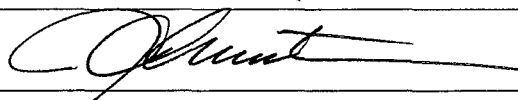
Supervisor Julie Christensen

**Subject:**

Accept and Expend Grant - Fiscal Year 2014 DHS Preparedness Grant Programs, Port Security Grant Program - \$1,440,337

**The text is listed below or attached:**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$1,440,337 from the Department of Homeland Security's 2014 Port Security Grant Program, including \$297,375 for Security Hardening of Pier 31, \$392,962 for Pier 50 Security Measures and \$750,000 for Portwide CCTV Phase 3 for the period of September 1, 2014 through August 31, 2016.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: