

**AGREEMENT BETWEEN THE CITY AND COUNTY OF  
SAN FRANCISCO AND THE CITY OF SAN JOSE  
FOR THE DISTRIBUTION OF FY 2021 UASI GRANT FUNDS**

**FIRST AMENDMENT**

THIS AMENDMENT (this “Amendment”) is made as of **May 10, 2022**, in San Francisco, California, by and between the **CITY OF SAN JOSE** (“SAN JOSE”) and the City and County of San Francisco, a municipal corporation (“City”), in its capacity as fiscal agent for the UASI Approval Authority, acting by and through the San Francisco Department of Emergency Management.

**RECITALS**

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

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

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

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

**a. Agreement.** The term “Agreement” shall mean the “Agreement between the City and County of San Francisco and the City of SAN JOSE for the Distribution of FY 2021 UASI Grant Funds” dated **November 1, 2021**, between SAN JOSE and City.

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

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

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

The term of this Agreement shall commence on NOVEMBER 1, 2021 and shall end at 11:59 p.m. San Francisco time on DECEMBER 31, 2022.

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

The term of this Agreement shall commence on NOVEMBER 1, 2021 and shall end at 11:59 p.m. San Francisco time on JUNE 30, 2023.

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

**Such Appendix is hereby amended to reflect the following:**

- i) Extend the organization deliverable date to 6/30/2023 for EOC Readiness Coordinator for Grant Number 11617 and reallocate these funds for a Mass Care Coordinator.

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

**3. Effective Date.** Each of the modifications set forth in Section 2 shall be effective on and after the date of this Amendment.

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


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

CITY AND COUNTY OF SAN FRANCISCO:

CITY OF SAN JOSE:

SAN FRANCISCO DEPARTMENT OF EMERGENCY MANAGEMENT

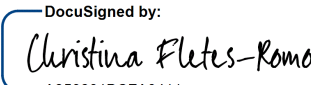
By:    
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 MARY ELLEN CARROLL   
 EXECUTIVE DIRECTOR

By:    
 Email: sarah.zarate@sanjoseca.gov   
 SARAH ZARATE   
 DIRECTOR, OFFICE OF CITY MANAGER

Federal Tax ID #: 94-6000419

**Approved as to Form:**  
David Chiu  
City Attorney

**Approved as to Form:**  
Nora Frimann  
City Attorney

By:    
 A850891BCFA0411...   
 Christina Fletes-Romo   
 Deputy City Attorney

By:    
 Email: carl.mitchell@sanjoseca.gov   
 Carl B. Mitchell   
 Senior Deputy City Attorney

Appendix:  
Amended Appendix A, Authorized Expenditures and Timelines, dated May 10, 2022

**Appendix A — Authorized Expenditures and Timelines**

ENTITY: **SAN JOSE**

**SJOEM**

Total allocation to be spent on the following solution areas:

<b><u>Webgrants Grants Number</u></b>	<b><u>Program Description</u></b>	<b><u>Due Dates</u></b>	<b><u>Solution Areas</u></b>	<b><u>Amount</u></b>
<b><i>Project Title: Alert &amp; Warning Coordinator – San Jose Office of Emergency Management</i></b>				
<b>Webgrants #: 11615</b>	Funds for an Alert & Warning Coordinator to coordinate all alert and warning services in support of the first response community, public, and businesses during an incident, including acts of terrorism, affecting the City of San José, Operational Area and/or region.	Project Completion date: 12/31/2022	<b><u>Organization</u></b>	PROJECT NOT TO EXCEED \$84,750
<b><i>Project Title: Resources &amp; Community Coordinator - San Jose Office of Emergency Management</i></b>				
<b>Webgrants #: 11618</b>	Funds for a Resources and Community Coordinator to coordinate and manage the logistics for Disaster District Offices, various EOC types & auxiliary facilities in support of the first response community, public, & businesses during an incident, including acts of terrorism, affecting the City, Operational Area and/or region.	Project Completion date: 12/31/2022	<b><u>Organization</u></b>	PROJECT NOT TO EXCEED \$82,250

<b>Project Title: Mass Care Coordinator – San Jose Office of Emergency Management</b>				
<b>Webgrants #: 11617</b>	Funds for a Mass Care Coordinator to facilitate the development & implementation of the City’s Mass Care Plan & shelter inventory in support of the first response community, public, & businesses during an incident, including acts of terrorism, affecting the City of San José, Operational Area and/or region.	Project Completion date: 6/30/2023	<b><u>Organization</u></b>	PROJECT NOT TO EXCEED \$81,750
		<b>TOTAL SAN JOSE OFFICE OF EMERGENCY MANAGEMENT ALLOCATION</b>		<b>SJOEM TOTAL NOT TO EXCEED: <u>\$248 750</u></b>

**SJPD & SJFD**

Total allocation to be spent on the following solution areas:

<b><u>Webgrants Grants Number and Title</u></b>	<b><u>Program Description</u></b>	<b><u>Due Dates</u></b>	<b><u>Solution Areas</u></b>	<b><u>Amount</u></b>
<b>Project Title: Bomb Squad (CBRNE) Response Vehicle – San Jose Police Department</b>				

<p><b>Webgrants #: 11612</b></p>	<p>Funds for modern CBRNE response vehicle, equipped with the latest technology and communication systems which will enable bomb technicians to conduct various mission specialties tasked to modern bomb squads to prevent and respond to terrorist incidents affecting the City, operational area and/or region</p>	<p>Project Completion date: 12/31/2022</p>	<p>Equipment  AEL#: 12VE-00-MISS</p>	<p>PROJECT NOT TO EXCEED \$450,000</p>
<p><b><i>Project Title: P25 Subscribers – San Jose Police Department</i></b></p>				
<p><b>Webgrants #: 11725</b></p>	<p>Funds for APX 8000 P25 trunked portable radios.</p>	<p>Project Completion date: 12/31/2022</p>	<p>Equipment  AEL#: 06CP-01-PORT</p>	<p>PROJECT NOT TO EXCEED \$249,483</p>
<p><b><i>Project Title: Portable Video Downlink – San Jose Police Department</i></b></p>				
<p><b>Webgrants #: 11751</b></p>	<p>Funds for a Portable Video Downlink. The device is a small ruggedized handheld portable receiver / monitor(tablet) that allows the user to view the helicopter monitoring / camera system from a remote location. The Downlink will be a direct benefit in supporting regional personnel responding to mass casualty events or active threats.</p>	<p>Project Completion date: 12/31/2022</p>	<p>Equipment  AEL#: 03OE-01-CTAC</p>	<p>PROJECT NOT TO EXCEED \$54,000</p>
<p><b><i>Project Title: Fire Communications Radio Base Station – San Jose Fire Department</i></b></p>				

<p><b>Webgrants #: 11779</b></p>	<p>Funds for a second base station radio installed on the premises of the alternate PSAP to integrate with the fire station alerting system, allowing automated vocal notifications of emergency incidents, including those involving Terrorism.</p>	<p>Project Completion date: 12/31/22</p>	<p>Equipment  AEL#: 06CP-01-BASE</p>	<p>PROJECT NOT TO EXCEED \$100,000</p>
<p><b><i>Project Title: Portable Radios – San Jose Fire Department</i></b></p>				
<p><b>Webgrants #: 11781</b></p>	<p>Funds for P25 dual-band portable radios will enable SJFD to communicate across all Silicon Valley Regional Communications System (SVRCS) channels and support interoperability amongst multiple response agencies responding to disasters and acts of terror.</p>	<p>Project Completion date: 12/31/22</p>	<p>Equipment  AEL#: 06CP-01-PORT</p>	<p>PROJECT NOT TO EXCEED \$378,125</p>
<p><b><i>Project Title: Mobile Data Computers (MDC) for Command Vehicles – San Jose Fire Department</i></b></p>				
<p><b>Webgrants #: 11786</b></p>	<p>Funds for Mobile Data Computers (MDC) to receive and transmit critical information supporting interagency response to complex incidents including acts of terror.</p>	<p>Project Completion date: 12/31/22</p>	<p>Equipment  AEL#: 04HW-01-MOBL</p>	<p>PROJECT NOT TO EXCEED \$201,250</p>

		<b>TOTAL SAN JOSE POLICE DEPARTMENT &amp; FIRE DEPARTMENT ALLOCATION</b>		<b>SJPD &amp; SJFD TOTAL NOT TO EXCEED: <u>\$1 432 858</u></b>
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		<b>TOTAL SAN JOSE ALLOCATION</b>		<b>TOTAL NOT TO EXCEED: <u>\$1,681,608</u></b>
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**ORGANIZATION**

*Reimbursement for Organization Requires:*

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

**EQUIPMENT**

*Reimbursement for Equipment Requires:*

- An approved EHP memo, if applicable.
- A performance bond is required for any equipment item that exceeds \$250,000, or for any vehicle, aircraft, or watercraft, regardless of the cost. Failure to obtain and submit a performance bond to the UASI may result in disallowance of cost.



- As allowable under Federal guidelines, procurement of equipment must follow local policies and procedures for competitive purchasing (provided they are not in conflict with Federal regulations which supersede them). If sole source approval is needed, SAN JOSE must transmit the request to the UASI for request to the State.
- Prior to reimbursement, SAN JOSE must submit all invoices, AEL numbers, and a list of all equipment ID numbers and the deployed locations.
- SAN JOSE must inventory, type, organize and track all equipment purchased in order to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident.

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- **All requests for reimbursements must be submitted within 30 days of project completion unless an earlier deadline is set in this Appendix. SAN JOSE should submit reimbursement requests on a quarterly basis, as applicable.**
  - **Authorized expenditures must fall into one of the following categories: Planning, Organization, Equipment, Training, or Exercises. Descriptions of authorized expenditures are in the following documents:**
  - *FY 2021 Homeland Security Grant Program Notice of Funding Opportunity:* [https://www.fema.gov/sites/default/files/documents/FEMA\\_FY2021-HSGP-NOFO\\_02-19-21.pdf](https://www.fema.gov/sites/default/files/documents/FEMA_FY2021-HSGP-NOFO_02-19-21.pdf)
  - *California Supplement to the Federal Funding Opportunity Announcement, dated September 2021, available at <https://www.caloes.ca.gov/GrantsManagementSite/Documents/FY%202021%20HSGP%20State%20Supplement.pdf> as “FY 2021 Homeland Security Grant Program California Supplement to the Federal Notice of Funding Opportunity.”*
  - *Authorized Equipment List:* <http://www.fema.gov/authorized-equipment-list>
  - *Cal OES Rules and Regulations, including the Recipient Handbook:* [https://www.caloes.ca.gov/GrantsManagementSite/Documents/2021\\_Subrecipient\\_Handbook.pdf](https://www.caloes.ca.gov/GrantsManagementSite/Documents/2021_Subrecipient_Handbook.pdf)
  - **Any equipment purchased under this Agreement must match the UASI 2020 Grant Application Workbook. Any modification to the inventory list in that Workbook must receive prior written approval from the Bay Area UASI Program Manager.**
  - **No Management and Administration expenses are allowed, unless expressly identified and authorized in this Appendix.**
  - **Sustainability requirements may apply to some or all of the grant funded projects or programs authorized in this Appendix. See Agreement, ¶3.12.**
  - **All EHP documentation must be submitted and approved prior to any expenditure of funds requiring EHP submission.**



# Memorandum

**TO:** Sarah Zarate  
Director  
City Manager's Office

**FROM:** Raymond Riordan  
Director of Emergency  
Management

**SUBJECT:** Approval of Retroactivity

**DATE:** June 8, 2022

Approved

*Sarah Zarate*  
Email: sarah.zarate@sanjoseca.gov

Date

**SUBJECT: APPROVAL OF RETROACTIVITY IN THE AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY OF SAN JOSE FOR THE DISTRIBUTION OF FY 2021 UASI GRANT FUNDS – FIRST AMENDMENT**

In June 2013, the City Auditor released an audit report entitled "Consulting Agreements: Better Enforcement of Procurement Rules, Monitoring, and Transparency is Needed." (City Audit Report No. 13-06.) Recommendation No. 4 (Audit Report pages 16-17) involves limiting retroactive agreements to situations where contract execution is in process. The audit report states that when a City employee informally authorizes work before execution of the agreement, the employee commits City funds not within his/her authority to commit.

The Office of Emergency Management is seeking authorization for the retroactive authorization of the following agreement.

The justification for a retroactivity authorization:

- Its execution was already in process when the services started.
- The services responded to an *immediate* threat to public health, safety, or property.
- The manner of compensation doesn't involve a commitment of City funds.
- The consultant/contractor provided a letter stating that the City isn't obligated to pay for any services it provided if the contract/amendment isn't executed.
- Starting services protected or advanced the following significant City interest:

June 8, 2022

**Subject: APPROVAL OF RETROACTIVITY IN THE AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY OF SAN JOSE FOR THE DISTRIBUTION OF FY 2021 UASI GRANT FUNDS – FIRST AMENDMENT**

Page 2

The City and County of San Francisco serves as the fiscal agent for the UASI Approval Authority, acting by and through the San Francisco Department of Emergency Management. The accompanying document is a First Amendment to a grant agreement with the City and County of San Francisco associated with the FY2021 Urban Areas Security Initiative (UASI) grant award to the City for a term that began November 1, 2021.

The First Amendment extends the date of the agreement, and reallocates funding and extends the completion date for a staff project per an approved Bay Area UASI Project Change Request.

The Office of Emergency Management (OEM) understands that retroactive agreements are to be avoided. However, in this instance the First Amendment was transmitted from the City and County of San Francisco to the City of San José for execution and contained the following (refer to Page 1, Paragraph 1, Line 1):

“This Modification Notice is made as of May 10, 2022...”

Due to the date reference above included in the document, a retroactive memorandum is required. Therefore, the OEM requests an exception be made and the First Amendment detailed in this memorandum be allowed to proceed with the retroactive clause. The OEM acknowledges the process was out of City contract compliance and will monitor future agreements to prevent, if possible, this type of entry in future grant documents.



RAYMOND RIORDAN  
Director of Emergency Management







For questions, please contact Helen Trinh at [helen.trinh@sanjoseca.gov](mailto:helen.trinh@sanjoseca.gov) or (408)-623-0366.



# 2021 UASI Amendment #1 San Jose (with Memo)

Created: **06/16/2022**  
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-  Helen Trinh created the document.  
06/16/2022 9:53:36 PM GMT - [REDACTED]
-  Document was emailed to Carl Mitchell  
06/16/2022 9:53:37 PM GMT
-  Carl Mitchell signed the document.  
06/17/2022 9:59:58 PM GMT - [REDACTED]
-  Document was emailed to Sarah Zarate  
06/17/2022 9:59:59 PM GMT
-  Sarah Zarate signed the document.  
06/17/2022 11:55:41 PM GMT - [REDACTED]
-  Document was successfully signed and filed  
06/17/2022 11:55:42 PM GMT