

AGENDA REPORT

Resolution: Approve and authorize the Executive Director to execute a Fourth Supplemental Agreement with Oakland Fire Services Administration to extend the existing Memorandum of Understanding (MOU) for Aircraft Rescue and Fire Fighting one (1) year through June 30, 2021. **(Aviation)**

MEETING DATE: 5/28/2020

AMOUNT: \$6,500,000 one-year
Operating Expense

PARTIES INVOLVED: Oakland Fire Services Administration
Oakland, California – Edward Reiskin, City Administrator

SUBMITTED BY: Bryant L. Francis C.M., Director of Aviation

APPROVED BY: Danny Wan, Port of Oakland Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

This action seeks Board approval to authorize an extension of the MOU for one (1) additional year with Oakland Fire Services Administration for FY21 for an amount not to exceed \$6,500,000 for one year. These costs are reimbursable through airline rates and charges.

BACKGROUND

The Federal Aviation Administration (FAA) pursuant to Title 14, Code of Federal Regulations, Part 139 (Part 139) mandates Aircraft Rescue and Firefighting (ARFF) capabilities at all U.S. airports that serve scheduled passenger air carriers. Oakland International Airport (OAK) has met this mandate since 1997 through an MOU with the City of Oakland, Oakland Fire Services Administration (OFSA), to provide for emergency response, hazard mitigation, evacuation and rescue of passengers and crew from an aircraft involved in an emergency. This service is provided 24 hours per day, 365 days per year, in compliance with Part 139 and includes a dedicated firefighting unit of six (6) ARFF certified firefighters, one of whom is a captain. Specifically, this unit provides the following key functions:

- Incident response and command
- Response to aircraft emergencies

- Training Fire Department personnel in accordance with FAA regulatory requirements
- Participation in full scale and table top exercises
- Protect evidence at the scene of an aircraft accident/incident during mass casualty events
- Guidance in the development and implementation of the Airport Emergency Plan (AEP) and aircraft fire extinguishing methodology in compliance with Federal Regulations

The original MOU with OFSA went into effect on February 1, 1997 and had an initial term of 5 years. In accordance with contractual provisions, the Airport exercised options to extend the contract for two successive five-year terms through June 30, 2017. As the City was in labor negotiations with firefighters leading up to June 2017, the City requested a two-year extension to the original agreement. That agreement was approved by the Board on June 30, 2017 and expired on June 30, 2019. On May 9, 2019, the Board approved a one-year extension that will expire on June 30, 2020.

ANALYSIS

Due to City personnel transitions of both the City Administrator and the Fire Chief, combined with complications arising out of COVID-19 that have drawn resources away from negotiations, the Port and OFD have been unable to structure a long-term deal. Because of this, staff recommends supplementing the current agreement for an additional year to ensure no interruption in service while the Port and City negotiate a longer-term agreement.

Should a new longer-term agreement between the City of Oakland and the Port be reached prior to June 30, 2021, this agreement may be terminated upon 30 days written notice at which time the new agreement would take effect.

BUDGET & STAFFING

OAK budgets for ARFF services at the Airport and recovers the cost through airline rates and charges. The FY21 proposed budget is \$5,950,000:

Anticipated Annual Percentage Cost	
Wages	64%
Benefits and Retirement	22%
Overhead (Central and Departmental)	12%
Supplies	2%
TOTAL	100%

This Agenda Report is requesting \$6,500,000 in contractual authority in the event of unforeseen circumstances that result in additional costs to the Port, but OFSA only invoices and the Port only pays for actual costs.

There is no impact to staffing.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters contained in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

STRATEGIC PLAN

The actions described herein would help the Port achieve the following goal and objective in the Port Strategic Plan:

- **Goal:** Strengthen Safety and Security - **Objective:** Minimize security breaches and improve emergency readiness.
- **Goal:** Serve Our Community - **Objective:** Minimize adverse community impacts

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements, do not apply to this agreement because Oakland Fire Services Administration is a government agency.

SUSTAINABILITY

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it is an extension of an existing MOU which does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities based on the MOU.

ENVIRONMENTAL

CEQA Determination: This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical

equipment or topographical features, involving negligible or no expansion of existing or former use. No changes to the premises or use are proposed.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

This action is not subject to the Port's Owner Controlled Insurance Program (OCIP) as it is not a capital improvement construction.

OPTIONS

1. Approve the action to authorize the Executive Director to execute a one (1) year extension of the MOU with Oakland Fire Services Administration for FY21 for an amount not to exceed \$6,500,000. This is the recommended action.
2. The alternative is not to approve the action and direct staff to negotiate a new agreement with OFSA or with another agency. This is not the recommended option due to the anticipated timeline for negotiating a new agreement.

RECOMMENDATION

Port staff recommends the Board authorize the Executive Director to execute a one (1) year extension of the MOU with Oakland Fire Services Administration for FY21 for an amount not to exceed \$6,500,000 for specialized ARFF services as described in this Agenda Report.