



CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

2015 DEC -3 PM 5:55

TO: Sabrina B. Landreth
City Administrator

FROM: Sean Whent
Chief of Police

SUBJECT: Forensic Biology Supply Purchase

DATE: October 27, 2015

City Administrator
Approval

Date

12/3/15

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Waive The City's Competitive Advertising And Bidding Requirements And Purchase DNA Analysis Supplies, Instrumentation, Instrument Services, And DNA Interpretation Software From Applied Biosystems (A.K.A. Thermofisher), Qiagen, Aurora Biomed, Niche Vision, VWR/Fisher/ USA Scientific And Promega; And Sexual Assault Evidence Collection Kits From Tritech, Inc., For A Total Cost Not To Exceed Four Hundred Sixty Five Thousand Dollars (\$465,000); And 2) Extend The Purchasing Agreement With Each Vendor Without Returning To City Council Through June 30, 2020, For A Total Cost Not To Exceed Three Hundred Thirty Thousand Dollars (\$330,000) Per Fiscal Year, For A Total Purchase Agreement Not To Exceed One Million Seven Hundred Eighty Five Thousand Dollars (\$1,785,000).

EXECUTIVE SUMMARY

OPD requests approval of a resolution authorizing the purchase of a variety of supplies and software system upgrades for its Deoxyribonucleic acid (DNA) analysis equipment, which helps with evidence related to sexual assaults, homicides, and other criminal investigations. OPD requests that the City Council waive the Oakland Municipal Code (OMC) Section 2.04.05.1.5 requirement for advertising/bidding and Request for Proposal/Qualifications (RFP/Q). Staff believes that it is in the City's best interests to waive these requirements because only the specified vendors can provide the needed instruments, supplies, instrument services, and DNA interpretation software that works with the OPD Crime Lab's existing equipment and processes. Use of different vendors would require the Crime Lab to purchase new equipment costing hundreds of thousands of dollars and to begin a new strict Federal Bureau of Investigation (FBI) accreditation process for the new equipment. The total one-time cost of the new equipment, software and supplies is \$465,000 for Fiscal Year; \$315,000 is for equipment and supplies which is needed each year. Therefore, staff recommends extending the purchasing agreements with each vendor through June 30, 2020 for an additional \$330,000 per year. The additional \$15,000 for each year is to allow for possible price increases.

Item: _____
Public Safety Committee
December 15, 2015

BACKGROUND AND LEGISLATIVE HISTORY

The OPD Crime Lab has implemented automation processes using DNA analysis, known as robots, to replace formerly laborious manual processes. The automation processes have resulted in an increase in completed case requests and a decrease in turnaround times. The backlog of the sexual assault evidence collection kits (SA kits) has been eliminated and the analyses of the contemporary SA kits are routinely completed within four weeks.

The Federal Bureau of Investigation (FBI) Combined DNA Index System (CODIS) will require additional DNA markers be analyzed for entry of the DNA profile into CODIS as of January 1, 2017. To meet this requirement, the two capillary electrophoresis (CE) instruments will require a one-time upgrade. Applied BioSystems, the manufacture of these instruments, is the only vendor available to install these upgrades to the existing Crime Lab Equipment.

The City Council previously authorized the waiving of advertising and competitive bidding requirements for previous Crime Lab purchases related to National Institute of Justice (NIJ) DNA Backlog and Capacity grant funds (Resolution No. 85223 C.M.S., dated October 21, 2014, Resolution No. 84686 C.M.S., dated November 5, 2013, Resolution No. 84041 C.M.S., dated October 2, 2012; and Resolution No. 83672 C.M.S., dated December 15, 2011).

ANALYSIS AND POLICY ALTERNATIVES

Waiver of the Advertising and Bidding Process

The OPD Criminalistics Laboratory Forensic Biology Unit has conducted extensive validation studies using specific DNA analysis kits, instruments, reagents, software, and supplies. These validation studies are mandatory per the FBI DNA Quality Assurance Standards (FBI DNA QAS). The FBI DNA QAS must be followed in order for the laboratory to enter DNA profiles developed from evidence associated with crimes into CODIS, and to maintain the laboratory's accreditation. Specific DNA analysis kits, instruments, reagents, software, and supplies have been proven through these rigorous studies to work together and to be compliant with federal requirements.

The DNA analysis kits, instruments, reagents, supplies, software, and services which the Crime Lab needs to continue its forensic analysis are not available from any other vendor, thus making them truly sole source from only these specific companies. The only alternative would be to buy brand new instruments from another manufacturer along with associated analysis kits, reagents, supplies, and software. New robots would cost at least \$170,000 each as an initial expense. Additionally, different reagents would be utilized and extensive validation studies would need to be conducted. New equipment would not meet the FBI DNA QAS until new timely and costly validation tests could occur. Standardized SA kits designed by the Crime Lab are utilized by Alameda County Hospital and Children's Hospital for the collection of biological material from victims and for the collection of biological material from suspects. These kits, designed by the Crime Lab and manufactured by Trittech, would have to be redesigned, costing time and money, if the City were to choose to purchase SA kits from another vendor.

DNA analysis equipment to be purchased

The vendor for each piece of equipment is listed in parenthesis next to the item.

1. DNA Analysis supplies:
 - a. DNA extraction kits (Qiagen),
 - b. DNA quantitation kits (Promega),
 - c. DNA typing Kits (Fusion: Promega, Identifiler Plus: Applied BioSystems, and 24-Plex: Qiagen), and
 - d. Corresponding instrument supplies (pipette tips for liquid handlers, microscope slides and coverslips, sample plates (VWR/Fisher/USA Scientific) CE instrument supplies and reagents (Applied BioSystems)).
2. Instrument service (Aurora Biomed, Applied BioSystems, Qiagen)
3. Instruments (Applied BioSystems, Qiagen)
4. DNA Interpretation software and associated training (NicheVision)
5. SA evidence collection and reference kits (Tritech)

(see Attachment A - Life Technologies and Attachment B – STRMix Pricing, for details of costs and materials)

FISCAL IMPACT

Budget Category	Estimated Amount
<i>Technology and Supplies</i>	
DNA Analysis Supplies (Applied BioSystems, Promega, Qiagen, VWR/Fisher/USA Scientific) for 10 forensic analysts – annual need	\$265,000
DNA Interpretation software (NicheVision) for three copies - one-time need	\$60,000
DNA Instruments and Services (Qiagen, Aurora BioMed, Applied BioSystems) - annual need	\$40,000
DNA Instrument up-grade (Applied BioSystems) for two instruments – one time need	\$90,000
Sexual assault evidence collection kits (Tritech): 250 sexual assault evidence collection kits and 250 reference collection kits – annual need	\$10,000
Total Annual Costs	\$315,000
Total One-Time Costs	\$150,000
Total Technology and Supplies Costs	\$465,000

Funding for these purchases will come from a combination of the General Purpose Fund (1010), the National Institute of Justice (NIJ) 2014 and 2015 DNA Backlog grant awards (Fund 2112) and Proposition 69 funds (Fund 2159). Proposition 69 is the DNA Fingerprint, Unsolved Crime and Innocence Protection Act and a portion of the fines collected within Alameda County is allotted to the City of Oakland to be used specifically for DNA analyses at the Crime Lab. Resolution 82208 C.M.S. authorized the acceptance and appropriation of Proposition 69 funds. OPD is not requesting additional funding to cover these expenses.

Fiscal Year	Fund Source	Organization	Account	Project	Program	Amount
2015-16	1010, 2112, 2159	102610	TBD	Varies	PS05	\$465,000
2016-17	1010, 2112, 2159	102610	TBD	Varies	PS05	\$330,000
2017-18	1010, 2112, 2159	102610	TBD	Varies	PS05	\$330,000
2018-19	1010, 2112, 2159	102610	TBD	Varies	PS05	\$330,000
2019-20	1010, 2112, 2159	102610	TBD	Varies	PS05	\$330,000

PUBLIC OUTREACH / INTEREST

The public has an interest in ensuring that OPD’s Crime Lab is able to fully support investigations of sexual assault, homicide, and other person crimes. The purchases requested in this report will allow the Crime Lab to continue to support DNA analysis related to criminal investigations.

COORDINATION

The Controller’s Bureau and the Office of the City Attorney were consulted in preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: In the case of these purchases, OPD must purchase equipment from unique vendors that supply equipment and supplies that correspond to existing Crime Lab machines and equipment.

Environmental: There are no environmental issues associated with this report.

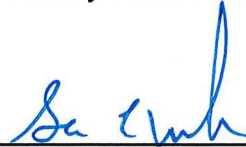
Social Equity: All Oaklanders benefit equally from continued support of the Crime Lab’s DNA analysis which supports criminal investigations.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff recommends that the city council adopt a resolution authorizing the city administrator, or designee, to: 1) waive the city's competitive advertising and bidding requirements and purchase DNA analysis supplies, instrumentation, instrument services, and DNA interpretation software from applied biosystems (a.k.a. thermofisher), qiagen, aurora biomed, niche vision, vwr/fisher/ usa scientific and promega; and sexual assault evidence collection kits from tritech, inc., for a total cost not to exceed four hundred sixty five thousand dollars (\$465,000); and 2) extend the purchasing agreement with each vendor without returning to city council through June 30, 2020, for a total cost not to exceed three hundred thirty thousand dollars (\$330,000) per fiscal year, for a total purchase agreement not to exceed one million seven hundred eighty five thousand dollars (\$1,785,000).

For questions regarding this report, please contact Jennifer Mihalovich, Criminalist III, at (510) 238-3386.

Respectfully submitted,



Sean Whent
Chief of Police
Oakland Police Department

Reviewed by:
Mary Gibbons, Crime Laboratory Manager,
OPD, Criminalistics Division

Tim Birch, Police Services Manager,
OPD, Research and Planning, Office of the Chief

Prepared by:
Jennifer S. Mihalovich, Criminalist III
OPD, Criminalistics Division

Laura D. Silva, Criminalist III
OPD, Criminalistics Division

Bruce Stoffmacher, Legislation Manager
OPD, Office of the Chief, Research and Planning

*Attachments (2):
A: Life Technologies Proposal
B: STRMix Pricing*

Item: _____
Public Safety Committee
December 15, 2015

Life Technologies Corporation
 5781 Van Allen Way, MS: Service Products
 Carlsbad, CA 92008 U.S.A
 Tel: 1-888-435-6862
 Email: ServiceProducts@lifetech.com

Estimate

To: Jennifer Mihalovich
 Oakland Police
 455 7th St
 OAKLAND CA 94607

ESTIMATE NO.: 20946089
 ESTIMATE VALID TO: 11/13/2015
 ESTIMATE DATE: 08/14/2015
 PAY. TERMS: Net 30 Days

TELEPHONE NO.
 FAX NO.
 NOTIFICATION 405339801

MATERIAL NO.	DESCRIPTION	QTY/EA	UNIT PRICE USD	TOTAL USD
4478404	LIC,6 DYE MODULE	2.00	0.00	\$0.00
A27884	SW,GENEMAPPER ID-X FULL V1.5	1.00	15,000.00	\$15,000.00
A27887	SW,GENEMAPPER ID-X CLIENT V1.5	6.00	7,500.00	\$45,000.00
4483144	3130 Data Collection v4 Upg 3130 Data Collection v4 Upgrade Package includes the 3130 Data Collection Software v4, a new 3130 Genetic Analyzer instrument Workstation and installation.	1.00	22,250.00	\$5,750.00
4319551	KIT,CE Win7SP1 TWR CMPTR SYSTEM	1.00	1,750.00	\$1,750.00

If you have any questions, please contact the Life Tech Care Center at
 1-800-955-6288, option 3,1 or you may e-mail us at: ServiceProducts@lifetech.com

Attachment A

Life Technologies Corporation
 5781 Van Allen Way, MS: Service Products
 Carlsbad, CA 92008 U.S.A
 Tel: 1-888-435-6862
 Email: ServiceProducts@lifetech.com

Estimate

ESTIMATE NO.: 20946089
 ESTIMATE VALID TO: 11/13/2015
 ESTIMATE DATE: 08/14/2015

To: Jennifer Mihalovich
 Oakland Police

MATERIAL NO.	DESCRIPTION	QTY/EA	UNIT PRICE USD	TOTAL USD
4475105	SW,3130 DATA COLLECTION V4.0	1.00	1,500.00	\$1,500.00
SV000068	Premium Installation S/N:19336-013	1.00	2,500.00	\$2,500.00
4483144	3130 Data Collection v4 Upg 3130 Data Collection v4 Upgrade Package includes the 3130 Data Collection Software v4, a new 3130 Genetic Analyzer instrument Workstation and installation.	1.00	22,250.00	\$5,750.00
4319551	KIT,CE Win7SP1 TWR CMPTR SYSTEM	1.00	1,750.00	\$1,750.00
4475105	SW,3130 DATA COLLECTION V4.0	1.00	1,500.00	\$1,500.00
SV000068	Premium Installation S/N:19336-026	1.00	2,500.00	\$2,500.00
*** Total				\$71,500.00

To reduce the number of pages we have to send you with every quotation, we are taking advantage of the internet to direct you to Life's General Terms and Conditions of Sale on our website. Please read the important statement below carefully.

This quotation, and Life's GENERAL TERMS AND CONDITIONS OF SALE (which are incorporated by reference into this quotation and any resulting contract), set out the terms on which Life is offering to sell the product(s) or service(s) listed in this quotation. By issuing a purchase order or otherwise ordering or accepting product(s) or services, you expressly confirm that you intend to be bound by and agree to the terms of this quotation and Life's General Terms and Conditions of Sale to the exclusion of all other terms not expressly agreed to in writing by an authorized representative of Life, and that the purchase and sale transaction between you and Life is subject to and will be governed by this quotation and Life's General Terms and Conditions of Sale. Life's General Terms and Conditions of Sale can be found on Life's website at <http://www.lifetechnologies.com/termsandconditions> under the "terms and conditions" link at the bottom of Life's webpage.

From: [Vic Meles](#)
To: [Mihalovich, Jennifer](#)
Cc: [Tracy Bauer](#)
Subject: STRmix Pricing
Date: Monday, April 06, 2015 12:15:33 PM

Hi Jennifer,

For STRmix the pricing is on a declining scale as follows:

1 License \$25,000
2 Licenses \$20,000 each
3 Licenses \$17,500 each
4-9 Licenses \$16,000 each
Over 10 is \$15,000 each

Annual Maintenance and Upgrades are 18% of license cost above.

Initial Technical and Scientific (validation, testimony, etc) is \$16,000 for up to 80 hours

Training is \$45,000 in-house or \$3,000 per attendee you send to regional training.

I know that you plan on purchasing in groups we would work with you understanding that is your plan we can discuss when you have a chance.

Please let me know how many licenses you are thinking about to start and preferred training option and we can prepare quote.

Thanks much,

Vic

Attachment B

2015 DEC -3 PM 5:55


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO: 1) WAIVE THE CITY'S COMPETITIVE ADVERTISING AND BIDDING REQUIREMENTS AND PURCHASE DNA ANALYSIS SUPPLIES, INSTRUMENTATION, INSTRUMENT SERVICES, AND DNA INTERPRETATION SOFTWARE FROM APPLIED BIOSYSTEMS (A.K.A. THERMOFISHER), QIAGEN, AURORA BIOMED, NICHE VISION, VWR/FISHER/ USA SCIENTIFIC AND PROMEGA; AND SEXUAL ASSAULT EVIDENCE COLLECTION KITS FROM TRITECH, INC., FOR A TOTAL COST NOT TO EXCEED FOUR HUNDRED SIXTY FIVE THOUSAND DOLLARS (\$465,000); AND 2) EXTEND THE PURCHASING AGREEMENT WITH EACH VENDOR WITHOUT RETURNING TO CITY COUNCIL THROUGH JUNE 30, 2020, FOR A TOTAL COST NOT TO EXCEED THREE HUNDRED THIRTY THOUSAND DOLLARS (\$330,000) PER FISCAL YEAR, FOR A TOTAL PURCHASE AGREEMENT NOT TO EXCEED ONE MILLION SEVEN HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,785,000).

WHEREAS, the Oakland Police Department (OPD) Crime Lab has implemented automation processes using desktop DNA analysis machines, known as robots, to replace formerly laborious manual processes; and

WHEREAS, the backlog of the sexual assault evidence collection kits (SA kits) has now been eliminated; and

WHEREAS, the Federal Bureau of Investigation (FBI) Combined DNA Index System (CODIS) is requiring additional DNA markers be analyzed for entry of the DNA profile into CODIS as of January 1, 2017 and to meet this requirement, the Crime Lab's two capillary electrophoresis (CE) instruments will require a one-time up-grade; and

WHEREAS, Applied BioSystems, the manufacture of these instruments, is the only vendor available to install these up-grades to existing Crime Lab Equipment; and

WHEREAS, the OPD Criminalistics Laboratory utilizes DNA Typing Supplies from Applied Biosystems, Promega, Qiagen, VWR, Fisher, USA Scientific, instrument

servicing and instrumentation parts from Applied BioSystems, Qiagen, and Aurora BioMed and DNA interpretation software and training from Niche Vision and Applied BioSystems, and reference sample and sexual assault evidence collection kits from Tritech; and

WHEREAS, DNA supplies and reference sample and sexual assault evidence collection kits from vendors other than those who manufacture DNA analysis kits, instrumentation, instrument service and software, and reference sample and SA collection kits currently used by the Crime Lab would not be as effective and would not work with all required DNA technology; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.050.1.5 authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, the City Council previously authorized the waiving of advertising and competitive bidding under the acceptance of National Institute of Justice DNA Backlog and Capacity grant funds by Resolution No. 85223 C.M.S., dated October 21, 2014, Resolution No. 84686 C.M.S., dated November 5, 2013, Resolution No. 84041 C.M.S., dated October 2, 2012; and Resolution No. 83672 C.M.S., dated December 15, 2011; and

WHEREAS, staff recommends that it is within the City's best interests to waive the advertising and competitive bidding process in this instance because only the above-specified vendors can provide the needed instruments, DNA analysis supplies, instrument services and DNA interpretation software that currently works with the OPD Crime Lab's existing equipment and processes; use of different vendors would require the Crime Lab to purchase new equipment costing hundreds of thousands of dollars and would require a new strict FBI accreditation process for the new equipment; and

WHEREAS, the Crime Lab anticipates the annual need to replenish DNA Analysis Supplies from Applied BioSystems, Promega, Qiagen, and VWR/Fisher/USA Scientific, DNA Instruments and Services from Qiagen, Aurora BioMed, and Applied BioSystems, and SA evidence collection kits from Tritech, for an annual cost of approximately \$330,000;

WHEREAS, the City Attorney further finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City; therefore be it

RESOLVED: That the City Council finds and determines that pursuant to OMC Section 2.04.050.1.5 and based upon the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the City's advertising and competitive bidding requirements; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or designee, to enter into a purchase agreement for DNA analysis supplies,

instrumentation, instrument services, and DNA interpretation software from Applied Biosystems (a.k.a. Thermofisher), Qiagen, Aurora Biomed, Niche Vision, VWR/Fisher/USA Scientific, and Promega; and SA evidence collection kits from Trittech, Inc., for a total cost not to exceed four hundred sixty five thousand dollars (\$465,000); and extend the purchasing agreement with each vendor without returning to City Council through June 30, 2020, for a total cost not to exceed three hundred thirty thousand dollars (\$330,000) per fiscal year, for a total purchase agreement amount over the five year period not to exceed one million seven hundred eighty five thousand dollars (\$1,785,000).

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California