

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

To: 2009 JUN 11 PM 8:06 Office of the City Administrator  
Attn: Dan Lindheim  
From: Police Department  
Date: June 23, 2009

**Re: A Report And Proposed Resolution Authorizing The City Administrator Or His Designee, On Behalf Of The City Of Oakland To 1) Waive The Competitive Request for Proposals (RFP) Process, And 2) Enter Into A Professional Services Agreement With National Medical Services (NMS) For The Period Of July 1, 2009 Through June 30, 2011 In An Amount Not To Exceed Forty Nine Thousand Nine Hundred And Ninety-Nine Dollars (\$49,999) For Forensic Testing**

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### SUMMARY

Staff has prepared a report and proposed resolution authorizing the City Administrator to, 1) enter into a two-year professional services agreement with National Medical Services (NMS) for the period of July 1, 2009 through June 30, 2011, in an amount not to exceed \$49, 999 for forensic testing services, and 2) waive the competitive bid process.

### FISCAL IMPACT

Approval of this resolution will allow the Department to enter into a contract with NMS for the purpose of providing forensic testing services for the period of July 1, 2009 through June 30, 2011. Funds in the amount of \$49,999 are included in the Department's FY 2009-2011 baseline budget. Funds are allocated in the General Purpose Fund (1010), Project (0000), Traffic Administration (107510), Miscellaneous Contract (54919).

### BACKGROUND

The Department has used NMS as its forensic testing service provider since 2002, when it was acquired by Western Laboratories. Since that time NMS has effectively provided forensic testing services such as analysis of blood and urine samples recovered as evidence in different investigations. NMS currently maintains and manages an evidence lockbox for use by the Police Department, which is located in the Police Administration Building.

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## KEY ISSUES AND IMPACTS

### *Waiver of Competitive Selection Process*

NMS is the only forensic laboratory with a local contractor capable of providing the Department with accredited testing of blood and urine samples recovered as evidence in a variety of criminal investigations. Those criminal investigations include, but are not limited to, sexual assaults, driving under the influence of alcohol and other drugs, and persons under the influence of narcotics. The services performed by NMS *cannot* be performed by the Police Department's Criminalistics Division laboratory; National Medical Services is the only private toxicology lab in the area that can provide the scope of services being requested, and meet the accreditation criteria required by the Department.

Accreditation is an essential requirement for any lab in which the Department chooses to contract. Accreditation ensures that the lab meets established standards of practice in the field and has in place a robust quality assurance program. NMS meets those requirements, and is also consistent with the Department's intention to seek California Law Enforcement Accreditation (CALEA) accreditation.

NMS is the only lab in the nation with the following accreditations:

- The American Society of Crime Lab Directors/Laboratory Accreditation Board (ASCLD/LAB) accreditation: Certificate No. 283;
- American Board of Forensic Toxicology (ABFT) accreditation: Certificate No. L017.

Several Divisions within the Police Department, including Traffic Operations, Criminal Investigations, Criminalistics, and Patrol Divisions, use the services provided by NMS; therefore staff recommends waiving the competitive bid process for this contract.

## PROGRAM DESCRIPTION

National Medical Services' chemical testing laboratories provide expert and expeditious evidence analysis of DNA laden bodily fluids. When blood or urine is found at crime scenes or collected during other police operations it is considered essential evidence and must be efficiently preserved and tested. National Medical Services will do the following:

- Test blood and urine samples for alcohol and/or drugs and provide related services as requested by the City.
- Analyze blood and urine in compliance with State Department of Health Services' regulations.
- Report in writing to the police department all negative test results within 5 working days of receiving the blood and urine samples.

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- Provide sufficient quantities of blood and urine specimen collections kits to the police department and to designated medical facilities.
- Provide routine storage of forensic samples for six weeks from the date of reporting.
- Provide the expert testimony at the request and expense of prospective legal counsel.

### **SUSTAINABLE OPPORTUNITIES**

*Economic:* By contracting with NMS, processing evidence is done more quickly and effectively, helping to increase the rate of prosecution of criminals which increases public safety. With safer streets, the City is more attractive to consumers and investors.

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

*Social Equity:* Enactment of the contractual agreement for forensic testing services will enhance the Department's ability to investigate, capture, and prosecute criminals; thereby increasing public safety.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

There are no ADA or senior citizen access issues identified in this report.

### **RECOMMENDATION / RATIONALE**


NMS has been successful in assisting the Department with accredited testing of blood and urine samples recovered as evidence in a variety of criminal investigations. Additionally, a contractual agreement with NMS will allow the Police Department to obtain services at a discounted rate.

The Oakland Police Department recommends authorization for the City Administrator to enter into a two-year professional services agreement in an amount not to exceed \$49,999 with National Medical Services for forensic testing services on behalf of the Oakland Police Department.

**ACTION REQUESTED OF THE COUNCIL**

Staff requests that the City Council grant authorizing to the City Administrator or his designee, on behalf of the City of Oakland to 1) waive the competitive request for proposals (RFP) process, and 2) enter into a professional services agreement with National Medical Services (NMS) for the period of July 1, 2009 through June 30, 2011 in an amount not to exceed \$49,999 for forensic testing.

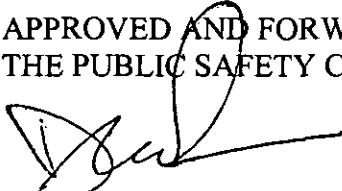
Respectfully submitted,



Howard A. Jordan  
Acting Chief of Police

Prepared by:  
Lieutenant A. Banks, Sr.  
Support Operations Division  
Traffic Operations Section

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:



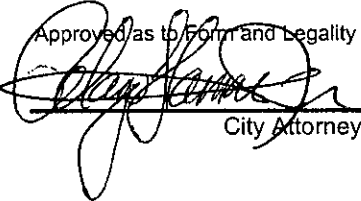
Office of the City Administrator

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FILED  
OFFICE OF THE CITY CLERK  
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# OAKLAND CITY COUNCIL

Approved/as to Form and Legality  
  
City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF OAKLAND TO 1) WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS (RFP) PROCESS, AND 2) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH NATIONAL MEDICAL SERVICES (NMS) FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2011 IN AN AMOUNT NOT TO EXCEED FORTY NINE THOUSAND NINE HUNDRED AND NINETY-NINE DOLLARS (\$49,999) FOR FORENSIC TESTING**

**WHEREAS**, the Police Department has used National Medical Service (NMS) as its forensic testing service provider since 2002. Since that time NMS has effectively provided forensic testing services such as, analysis of blood and urine samples recovered as evidence in different investigations; and

**WHEREAS**, NMS is the only forensic laboratory with a local contractor capable of providing the Department with accredited testing of blood and urine samples recovered as evidence in a variety of criminal investigations; and

**WHEREAS**, several Divisions within the Police Department, including Traffic Operations, Criminal Investigations, Criminalistics, and Patrol Divisions, use the services provided by NMS; and

**WHEREAS**, the Oakland Police Department laboratory is unable to perform the required scope of services, and NMS is the only private toxicology lab in the area that can provide the scope of services we are requesting; and

**WHEREAS**, the Police Department has funding in the amount of \$49,999 for said services in its FY 09-11 budget appropriation in the General Purpose Fund (1010), Project (0000), Traffic Administration (101380), Miscellaneous Contract (54919); now, therefore be it

**RESOLVED:** That pursuant to Oakland Municipal Code 2.04.051.B and information set forth in the agenda report accompanying this item, the City Council finds and determines that it is in the City's best interests to dispense the competitive request for proposal/qualifications process for forensic testing services; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or his designee, to enter into a two-year professional services agreement with National Medical Services (NMS) for the period of July 1, 2009 through June 30, 2011, in an amount not to exceed \$49,999 for forensic testing services; and be it

**FURTHER RESOLVED:** That funding in the amount of \$49,999 for said services is available in the Department’s FY09-11 budget appropriation, and rests in the General Purpose Fund (1010), Project (0000), Traffic Administration (101380), Miscellaneous Contract (54919); and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said extended agreement with Managed Health Network, as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and  
PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California