



CITY OF OAKLAND

AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Darren Allison,
Interim Chief of
Police

SUBJECT: OPD Schaefer's Cold Storage
Contract

DATE: March 1, 2024

City Administrator Approval


Jestin Johnson (Mar 14, 2024 12:31 PDT)

Date Mar 14, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To: 1) Waive The Advertising/Bidding And The Request For Proposal/Qualifications Requirements, And 2) Purchase Goods And Services From Schaefer's Cold Storage For Frozen Storage Facility Use And Bins Procurement For The Preservation Of Evidence For Five Years, Plus Two Discretionary One-Year Extensions, For A Total Amount Not To Exceed Four Million, Twenty-Eight Thousand, Seven Hundred Thirty-Eight Dollars (\$4,028,738).

EXECUTIVE SUMMARY

OPD must store biological crime scene evidence indefinitely based on California Law. OPD does not have capacity at the Police Administration Building (PAB) and must therefore rely on off-site storage. Schaefer's Cold Storage has provided evidence cold storage to OPD since 2001. The City Council adopted [Resolution No. 85942 C.M.S.](#) in 2016 to authorize a four-year contract and to waive the City's competitive bidding requirements. OPD is requesting a similar five-year contract with two additional discretionary years and to waive the City's competitive bidding requirement.

BACKGROUND/LEGISLATIVE HISTORY

California Penal Code Section 1417.9 requires all biological material recovered in a criminal case be retained as long as someone is incarcerated in connection with the case. This material must be stored in a condition suitable for DNA testing. The material may be destroyed sooner, but only after a lengthy, complex, and burdensome process. According to the National Registry of Exonerations, 575 wrongly convicted people have been exonerated based on DNA tests that demonstrated their innocence since 1989¹. Many of these cases involved individuals who were sentenced to death. OPD does not have the capacity to store the required amount of biological evidence and must contract with a private vendor for this storage service.

¹ <https://innocenceproject.org/dna-and-wrongful-conviction-five-facts-you-should-know/#:~:text=According%20to%20the%20National%20Registry,demonstrated%20their%20innocence%20since%201989.>

Public Safety Committee
March 26, 2024

Schaefer's Cold Storage has provided OPD with biological evidence cold storage since 2001. The Oakland City Council adopted [Resolution No. 85942 C.M.S.](#) on January 5, 2016, which authorized the City Administrator or designee to purchase frozen evidence storage services from Schaefer's cold storage for two years with two discretionary one-year.

ANALYSIS AND POLICY ALTERATIVES

This policy action advances the citywide priority of responsive, trustworthy government as proper storage of biological evidence will continue to help ensure proper convictions and exonerations of individuals identified as suspects in criminal investigations.

Biological evidence is frequently collected for analysis in violent crimes including homicides and sexual assaults. OPD Criminalistics Laboratory uses state and national databases for matching DNA in this biological evidence. This matching has led to the identification of suspects and contributed to successful prosecutions. Other cases may be solved in the future by analyzing DNA available in frozen samples. It is critical that such samples are not thawed and re-frozen, as such thawing and refreezing can cause degradation of DNA evidence.

The influx of frozen biological evidence is growing and exceeded available storage space at OPD's Police Administration Building. OPD has relied on Schaefer's storage facility for decades of biological storage. The Schaefer facility is located in Oakland and allows for the necessary regular access for OPD's Criminalistics Laboratory and Evidence Unit.

Need for a Waiver from the City's Competitive Advertising and Bidding Requirements and Increased Annual Cost

Oakland Municipal Code Section 2.04.051.B. permits the City Council to waive the request for proposal/qualifications (RFP/Q) requirements upon a finding that it is in the best interest of the City to do so. Given the decades of accumulated biological evidence now stored with Schaefer's Cold Storage in Oakland, OPD recommends that it is in the City's best interests to waive the City's advertising and bidding requirements at this time so that OPD can continue to maintain critical evidence storage capacity. OPD also recently completed a thorough research and analysis comparison with other local vendors of cold storage. Here are findings as to why Schaefer's is still the ideal vendor:

- **Proven Reliability:** The current vendor has demonstrated consistent reliability in maintaining the required temperature for sensitive evidence. This track record is crucial for preserving the integrity of the evidence over time.
- **Security Measures:** The existing location has established security protocols and measures in place to safeguard the evidence from unauthorized access, theft, or tampering. Switching vendors may introduce uncertainties in security.
- **Cost Efficiency:** Transitioning to a new vendor could incur significant upfront costs and ongoing expenses. Sticking with the current location may offer a more cost-effective solution, especially if the current arrangement has favorable terms.
- **Familiarity with Protocols:** Oakland Police Department and other legal teams are already familiar with the procedures and protocols of the current vendor. Changing vendors might necessitate additional training and adjustment periods, potentially leading to disruptions.

- **Local Accessibility:** The current location's proximity to law enforcement agencies, courts, or other relevant entities enhances the efficiency of accessing evidence when needed, reducing transportation time and costs.
- **Compliance with Regulations:** The current vendor already complies with specific legal and regulatory requirements governing the storage of temperature-sensitive evidence. Switching vendors might necessitate reassessment and verification of compliance.
- **Established Relationship:** A positive and reliable relationship has been developed with the current vendor, there is benefits in maintaining this partnership. Trust and effective communication are crucial in handling sensitive evidence.
- **Consistency in Documentation:** The current vendor has established documentation processes that facilitate easy tracking and retrieval of evidence. Changing vendors may require adapting to new documentation systems, potentially causing delays and confusion.

OPD is recommending that the City Council adopt the accompanying resolution that authorizes a contract for at a cost not to exceed \$4,028,738. OPD is also requesting that City Council waives the Local and Small Local Business Enterprise Program (L/SLB) Provisions for the proposed continued relationship. Staff recognizes that this spending authorization represents an increase in the annual cost. OPD is currently using 160 pallets a year. The vendor anticipates OPD will use 10% additional pallets each year. Please see **Table 1** below for the fiscal impact.

FISCAL IMPACT

Below is the explanation of the budget for the \$4,028,738 distribution:

Table 1: Annual and monthly cost of Schaefer’s cold storage*

<u>Year of contract</u>	<u>Number of pallets</u>	<u>Price per pallet</u>	<u>Annual cost</u>	<u>Monthly cost</u>
0	160			
1	176	\$195.00	\$411,840	\$34,320
2	193.6	\$195.00	\$453,024	\$37,752
3	212.96	\$202.80	\$518,259.45	\$43,188.28
4	234.25	\$202.80	\$570,070.80	\$47,505.90
5	257.67	\$202.80	\$627,065.71	\$52,255.47
6	283.43	\$202.80	\$689,755.24	\$57,479.60
7	311.77	\$202.80	\$758,723.47	\$63,226.95
Total			4,028,738.67	

*Year three adds the 4% price increase per pallet.

The funds for the Schaefer’s Cold Storage contract shall be paid from the General Purpose Fund (1010), Property and Evidence Org (102120), Miscellaneous Rental Account (53211), Project (TBD), Program (TBD).

PUBLIC OUTREACH/INTEREST

The public has a strong interest in the preservation of data/information that is gathered from a crime scene. This critical information is used to assist the Oakland Police Department in solving crimes and restoring peace and safety to the community at large. Schaefer's Cold Storage continues to provide the ideal environment for this preservation.

COORDINATION

This report was reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic concerns associated with this report.

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


Race and Equity: Proper storage of biological evidence will continue to help ensure proper convictions and exonerations of individuals identified as suspects in criminal investigations.

REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To: 1) Waive The Advertising/Bidding And The Request For Proposal/Qualifications Requirements, And 2) Purchase Goods And Services From Schaefer's Cold Storage For Frozen Storage Facility Use And Bins Procurement For The Preservation Of Evidence For Five Years, Plus Two Discretionary One-Year Extensions, For A Total Amount Not To Exceed Four Million, Twenty-Eight Thousand, Seven Hundred Thirty-Eight Dollars (\$4,028,738).

For information regarding this report, please contact Lieutenant James Pulsipher at jpulsipher@oaklandca.gov.

Respectfully submitted,



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