

# CITY OF OAKLAND

## AGENDA REPORT

OFFICE OF THE CITY CLERK

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** June 12, 2007

2007 JUN 01 PM 4:59

**Re: A Report And Proposed Resolution Authorizing The City Administrator, Or Her Designee, On Behalf Of The City Of Oakland, To: 1) Waive the Competitive Bid Process, and 2) Enter Into A Two-Year Professional Services Agreement For The Period Of July 1, 2006 Through June 30, 2008 With VBS Services, In An Amount Not To Exceed Forty-Nine Thousand, Nine Hundred And Ninety-Eight Dollars (\$49,998) To Perform Sexual Assault Suspect Examinations For Police Department Investigations**

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### SUMMARY

A report and proposed resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to 1) waive the competitive bid process, and 2) enter into a two-year professional services agreement in an amount not-to-exceed \$49,998 with VBS Services to perform sexual assault suspect examinations on behalf of the Oakland Police Department (OPD).

### FISCAL IMPACT

Approval of this resolution will allow the Department to enter into a two-year service agreement with VBS Services to provide sexual assault suspect examinations during the period of July 1, 2006 through June 30, 2008. Funds in the amount of up to \$24,998 per year, for a total not to exceed \$49,998 for two years, are included in the Departments FY 2007-08 baseline budget. Funds are allocated in the General Purpose Fund: 1010, Medical and Veterinarian Services Account: 54311, Youth and Family Services Division Organization Code: 102350, and Criminal Investigations Program: PS03.

The Department uses a custom designed sexual assault suspect examination kit to collect and preserve forensic evidence from sexual assault offenders. The City will provide these kits to the contractor for use in its examinations. The cost for these kits has already been included in the Department's Crime Lab budget and will not affect the fiscal condition of this agreement.

### BACKGROUND

On April 21, 2006, Alameda County Hospital (ACH/Highland) stopped conducting sexual assault suspect examinations which resulted in the need for all 21 law enforcement agencies in Alameda County to find other resources to provide this service. Alameda County Assistant District Attorney Nancy O'Malley, along with Sergeant Kirk Von Savoy of the Sheriff's Office, determined that VBS Services was the only qualified company in the general East Bay Area to

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undertake the task of performing sexual assault suspect exams. This determination is based on the fact that aside from VBS Services, there is no other vendor in the general East Bay Area who provides this service. Highland Hospital and Eden Medical Center have both ceased offering this service.

Only examiners who have received specialized training in evidence recovery in this process and are permitted to use specific forms supplied by the Department of Justice, can perform sexual assault examinations. As a result, most hospitals in general are not capable or willing to perform this task due to lack of trained staff or federal qualifications.

In May 2006, the City entered into a temporary contractual agreement with VBS to perform sexual assault suspect examinations. Since that time, VBS has performed 50 examinations at the request of the OPD.

**KEY ISSUES AND IMPACTS**

In the general East Bay area, there were only three agencies that provided sexual assault suspect examinations. All three were contacted by the Alameda County Sheriff's Office with the following results:

Agency	Status
ACH/Highland	4/06 Service Terminated
Eden Hospital	Will not Provide Service
VBS Services	Willing and Able to provide service

During the past 12-months, VBS Services has performed 50 such exams for the Department at a cost of \$20,500 (\$410.00 per examination), saving the City \$4,500 in comparison to the rate of \$500 per examination as previously charged by Alameda County Hospital.

Based on the lack of other qualified vendors in the area that are willing and capable of performing these examinations and, the consistency and quality of examinations conducted by VBS Services (which has been better than those previously performed by Alameda County Hospital), staff determined that VBS Services is the most qualified vendor to perform this service.

VBS Services, though headquartered in Livermore, California, has obtained a business license and all necessary insurance in order to provide this service to the City of Oakland.

**PROGRAM DESCRIPTION**

There are several requirements that a vendor must meet to adequately perform sexual assault suspect examinations. VBS Services has demonstrated, and pledges to satisfy these requirements:

A VBS consultant shall provide upon the request of an authorized peace officer, a physical examination for evidence of sexual assault from persons arrested under the investigation of the California Penal Code, committed within his/her jurisdiction. Actual services shall be performed by agents, employees, or independent contractors of the consultant.

It is understood that for purposes of this document sexual assault suspect examinations will be defined as:

*Evidentiary examinations conducted on subjects who are suspects in a sexual assault investigation. The purpose of the examination is to locate and document physical evidence of the assault, recover biological evidence, if present, and to recover reference and control samples. These examinations may be performed on persons who have consented to the examination or without such in the following circumstances:*

Examinations will be performed:

- Pursuant to a court ordered search warrant
- When the suspect is in law enforcement custody and probable cause exists to believe the suspect committed a sexual assault within the past 72 hours.

#### *VBS Services*

- The examination will be performed by a health care professional and will include a *Detailed Forensic Medical Report* as outlined under the California Office of Criminal Justice Planning (OCJP) form 950 {Sexual Assault Suspect Examination}.
- The consultant shall have at least one qualified person available at all times, by telephone, pager or cell phone, who can respond within one hour of the request of an officer.
- The consultant will only use the appropriate sexual assault evidence collection kits as provided by the Oakland Police Department Forensic Laboratory, and shall complete all the documents contained in the sexual assault evidence collections kit.
- The consultant will provide testimony in court at the request of the prosecuting attorney when necessary, concerning the collection of evidence in the sexual assault examination in the case at trial.
- Monthly requests for payment will be accompanied by a description of the service performed that month, including date of service, name of subject, and agency case number.
- The sexual assault suspect examination will be performed at a suitable location, as provided by the Alameda County Sheriff's Office, at the Santa Rita Jail Facility.

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- The consultant is only responsible for the collection of evidence relative to the sexual assault examination. Custody of evidence will become the responsibility of the investigating officer.

### **SUSTAINABLE OPPORTUNITIES**

*Economic:* Contracting with VBS Services will save the City approximately \$110 per examination compared to the rate previously charged by Alameda County Hospital.

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

*Social Equity:* Enactment of this contractual agreement for sexual assault suspect examinations will enhance the identification and apprehension of sexual predators, and facilitate economic growth in Oakland.


### **DISABILITY AND SENIOR ACCESS**

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

### **RECOMMENDATION / ACTION REQUESTED OF COUNCIL**

Staff recommends acceptance of this report and approval of the proposed resolution authorizing the City Administrator to, 1) waive the competitive bid process, and 2) enter into a two-year professional services agreement for the period of July 1, 2006 through June 30, 2008 with VBS Services, in an amount not to exceed \$49,998 to perform sexual assault suspect examinations for Police Department Investigations.

Respectfully submitted,

  
Wayne Q. Tucker  
Chief of Police

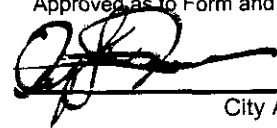
APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Prepared by:  
Kevin N. Wiley  
Lieutenant of Police  
Youth and Family Services Division

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# OAKLAND CITY COUNCIL



City Attorney

OFFICE OF THE CITY CLERK  
2007 MAY 31 PM 5:00

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, ON BEHALF OF THE CITY OF OAKLAND, TO 1) WAIVE THE COMPETITIVE BID PROCESS, AND 2) ENTER INTO A TWO-YEAR PROFESSIONAL SERVICES AGREEMENT FOR THE PERIOD OF JULY 1, 2006 THROUGH JUNE 30, 2008 WITH VBS SERVICES, IN AN AMOUNT NOT TO EXCEED FORTY NINE THOUSAND, NINE HUNDRED AND NINETY- EIGHT DOLLARS (\$49,998) TO PERFORM SEXUAL ASSAULT SUSPECT EXAMINATIONS FOR POLICE DEPARTMENT INVESTIGATIONS**

**WHEREAS**, the Oakland Police Department desires to enter into a two-year Professional Services Agreement in an amount not-to-exceed \$49,998.00 with VBS Services to perform sexual assault suspect examinations; and

**WHEREAS**, since May 2006, the Oakland Police Department (hereinafter "OPD") has used VBS Services to perform suspect sexual assault examinations in order to obtain vital forensic evidence related to sexual assaults; and

**WHEREAS**, the use of collected forensic evidence greatly enhances the Department's ability to identify and apprehend violent sexual offenders; and

**WHEREAS**, the Police Department's sexual assault investigations are strengthened by this forensic evidence, increasing the District Attorney's abilities to prosecute offenders and obtain better convictions and longer sentences; and

**WHEREAS**, the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, the City Council finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, contracts requiring professional or specialized services are not exempt from competitive bidding pursuant to chapter 2.04 of the Oakland Municipal Code; now, therefore be it

**RESOLVED:** That the City Council finds that it is in the best interest of the City to waive the competitive bid process associated with this contract due to a limited number of qualified service providers in the area; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or her designee, to enter into a two-year Professional Services Agreement with VBS Services for the period of July 1, 2006 through June 30, 2008, in an amount not-to- exceed \$49,998.00; and be it

**FURTHER RESOLVED:** That funds in the amount of \$24,999 per year, for a total of \$49,998.00 for two years, are included in the Departments FY 2007-08 baseline budget. Funds are allocated in the General Purpose Fund: 1010, Medical and Veterinarian Services Account: 54311, Youth and Family Services Division Organization Code: 102350, Criminal Investigations Program: PS03; and be it

**FURTHER RESOLVED:** That the City Administrator or her 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 agreement with VBS Services, 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, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council,  
City of Oakland, California