

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2010 DEC -2 PM 12:42
Office of the City Administrator

Attn: Dan Lindheim
From: Police Department
Date: December 14, 2010

Re: A Report And Proposed Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland To (1) Accept And Appropriate Grant Funds In The Amount Of One Hundred Sixty-Six Thousand Three Hundred Sixty-Three Dollars (\$166,363) From The U.S. Department Of Justice, Office Of Justice Programs, National Institute Of Justice, For Implementation Of The Paul Coverdell Forensic Science Improvement Grants Program, And Appropriate Said Funds To The Police Department, And (2) Waive The City of Oakland's Advertising And Competitive Bid Process

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in the amount of \$166,363 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, for the Paul Coverdell Forensic Science Improvement Grants Program (Coverdell). Coverdell funds are allocated competitively to government-operated crime laboratories throughout the United States. The funds will be used for overtime, equipment and supplies in direct relationship to the improvement of forensic laboratory services. The proposed grant term is October 1, 2010 through September 30, 2011.

FISCAL IMPACT

The U.S. Department of Justice, National Institute of Justice has approved the Police Department's Paul Coverdell Forensic Science Improvement Grants Program application and awarded the City of Oakland \$166,363 in grant funds. Revenues and appropriations will be allocated to the Department of Justice Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), in a Project Account to be determined. There is no match requirement. There is no funding match required with this grant, and the award will be managed by the Manager of the Criminalistics Division.

Item: _____
Public Safety Comte.
December 14, 2010

Expense allocations are as follows:

Budget Item	Unit Cost	No. of Units	Cost
Overtime	\$112	190.18	\$21,300
Capital Equipment (Instrumentation)	\$139,614	1	\$139,614
Service Contract-1 Year	\$2,544	1	\$2,544
Indirect Costs (\$21,300 X 13.64%)	\$2,905	1	\$2,905
		Total	\$166,363

Waiver of Advertising and the Request for Proposal/Qualifications Requirements

A detailed analysis of the use funds requested and awarded, along with the specific capital equipment, service and personnel costs are broken down in the table below. Acceptance of these funds was based on the Department's ability to provide *specific* instruments commonly used in forensic science laboratories. Use of any other instrumentation would preclude collaborative efforts with other laboratories as they offer a standard platform upon which results can be inter-compared.

- For the purchases of the GC/MS (Gas Chromatograph/ Mass Spectrometer), Agilent is the only company that can ensure compatibility with other laboratories in the Nation.
- For the purchase of the UV/Vis, Perkin Elmer is the vendor of choice based on the fact that the Crime Lab has approved procedures and spectral data using a Perkin Elmer UV-Vis spectrometer which may need to be modified or re-created if another manufacturer's UV-Vis instrument is used.
- The ATR accessory must be purchased from Thermo Nicolet to avoid incompatibilities that will exist if purchased by another manufacturer.

To honor the restricted budget for the grant, and the specific items it identified to fund, the following equipment falls within the guidelines set by the granting agency:

Item: _____
Public Safety Comte.
December 14, 2010

Category	Unit Cost	No. of Units	Cost ¹
Personnel	\$112.00 (per hr.)	190.18 (hours)	\$21,300
GC (Gas Chromatograph) Agilent 7890A	\$21,714.69	1	\$21,714.69
MS (Mass Spectrometer) Agilent 5975 (with accessories)	\$98,971.55	1	\$98,971.55
UV/Vis instrument Perkin Elmer Lambda 35	\$13,973.98	1	\$13,973.98
UV/Vis Service Contract (1yr)	\$2,544.00	1	\$2,544.00
FTIR ATR Instrument, Thermo Nicolet Avatar 360 (with accessories)	\$4953.78	1	\$4953.78
Indirect Costs			\$2,905.00
Total			\$166,363

BACKGROUND

In early 2010, the U.S. Department of Justice National Institute of Justice issued a solicitation to crime laboratories under the FY 2010 Paul Coverdell Forensic Science Improvement Grants Program. These competitive awards were available to state and local law enforcement agencies. The Police Department increased its focus on ridding the City of guns, gangs and drugs and the Criminalistics Laboratory submitted a proposal supporting three primary objectives of the Chief of Police. In support of its goal of analyzing drugs for the prosecution of offenders, the laboratory requested grant funds to improve its capability to meet the mission by purchasing additional equipment that will help to improve efficiency.

In addition, understaffing needs were addressed by requesting funds for 250 hours of overtime which would ensure continued achievement of the drug analysis section's 24 hour turn around time. The awarded grant covers 190 hours of overtime.

¹ Totals in Unit Costs include all applicable sales taxes (9.75%).

KEY ISSUES AND IMPACTS

The U.S. Department of Justice, National Institute of Justice, provides funds for qualifying forensic laboratories throughout the nation as a means by which to maintain accreditation standards and provide cost-effective services. Equipment and supply purchases to improve efficiency are allowable expenses. To this extent, the Department's Criminalistics Division determined that the best use for the Coverdell funds was to purchase equipment to enhance investigatory proficiency levels in the crime laboratory; thereby becoming more effective and efficient in meeting the needs of the criminal justice system. Additionally, the unit's consistency in honoring a 24 hour turn-around time with no case backlog is greatly enhanced with the addition of this capital equipment, and additional personnel costs for overtime.

PROGRAM DESCRIPTION

The Criminalistics Division consists of several units, each responsible for the scientific evaluation, analysis and interpretation of physical evidence. The laboratory is structured into three major disciplines: Drug Analysis, Latent Prints and Major Criminalistics, which includes Forensic Biology/DNA and Firearms Analysis. In some cases, technical staff is assigned to more than one unit.

SUSTAINABLE OPPORTUNITIES

Economic: The equipment and supplies received through the Paul Coverdell Forensic Science Improvement Grants Program will assist the Police Department in its efforts to timely charge persons arrested in controlled substance based incidents, thus eliminating the need to release them pending analysis and re arrest. Timely drug analysis keeps law enforcement related costs to a minimum.

Environmental: No direct environmental opportunities are anticipated.

Social Equity: The equipment and supplies received through the Paul Coverdell Forensic Science Improvement Grants Program will assist the Police Department in its efforts to enforce drug laws, by arresting and prosecuting offenders within our community.

DISABILITY AND SENIOR CITIZEN ACCESS

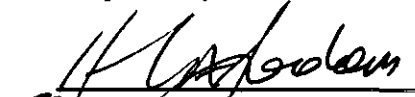
There are no disability or senior citizen access issues contained in this report.

Item: _____
Public Safety Comte.
December 14, 2010

RECOMMENDATION

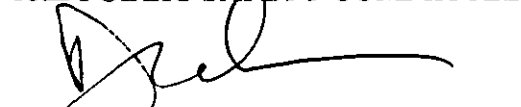
Staff recommends acceptance of this report and approval of the resolution authorizing the City Administrator to accept grant funds in the amount of \$166,363 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Paul Coverdell Forensic Science Improvement Grants Program and appropriate said funds to the Police Department Criminalistics Division.

Respectfully submitted,



Anthony W. Batts
Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

Prepared by:

Mary M. Gibbons
Manager, Criminalistics Division
And
Sandra B. Sachs, Acting Supervisor
Drug Analysis Unit
Criminalistics Division

Item: _____
Public Safety Comte.
December 14, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

A. Macaulay
City Attorney

2010 DEC -2 PH12-42 RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND TO (1) ACCEPT AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF ONE HUNDRED SIXTY-SIX THOUSAND THREE HUNDRED SIXTY-THREE DOLLARS (\$166,363) FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NATIONAL INSTITUTE OF JUSTICE, FOR IMPLEMENTATION OF THE PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS PROGRAM, AND APPROPRIATE SAID FUNDS TO THE POLICE DEPARTMENT, AND (2) WAIVE THE CITY OF OAKLAND'S ADVERTISING AND COMPETITIVE BID PROCESS

WHEREAS, grant funds in the amount of \$166,363 have been awarded by the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, for the implementation of the Paul Coverdell Forensic Science Improvement Grants Program (Coverdell Program) in the Police Department; and

WHEREAS, the Department's Coverdell Program is designed to provide forensic personnel with equipment and supplies geared toward improving forensic laboratory services; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 80576 C.M.S., dated May 15, 2007, Resolution No. 79765 C.M.S., dated March 7, 2006, Resolution No. 79501 C.M.S., dated October 4, 2005, and Resolution No. 82351 C.M.S., dated October 20, 2009, and

WHEREAS, the equipment specified are the only viable products based on the following: 1) for the purchases of the GC/MS (Gas Chromatograph/ Mass Spectrometer), Agilent is the only company that can ensure compatibility with other laboratories in the Nation, 2) for the purchase of the UV/Vis, Perkin Elmer is the vendor of choice based on the fact that the Crime Lab has approved procedures and spectral data using a Perkin Elmer UV-Vis spectrometer which may need to be modified or re-created if another manufacturer's UV-Vis instrument is used, and 3) the ATR accessory must be purchased from Thermo Nicolet to avoid incompatibilities that will exist if purchased by another manufacturer; and.

WHEREAS, the grant term for the proposed Coverdell Program is October 1, 2010 through September 30, 2011; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to accept and appropriate grant funds in the amount of \$166,363 from the U.S. Department of Justice, National Institute of Justice, and to increase revenues and appropriate said budget to the Police Department; and be it

FURTHER RESOLVED: That acceptance of these funds was based on the Department’s ability to provide quotations on specific instruments commonly used in forensic science laboratories, and the use of any other instrumentation would preclude collaborative efforts with other laboratories as they offer a standard platform upon which results can be inter-compared; and be it

FURTHER RESOLVED: That the equipment purchased with the grant funds be designated for: An Avatar 360 Smart Performer insert (0039-197) and related zinc-selenium accessories, a Lambda 35 UV-Vis spectrophotometer (97024-424), an Agilent 5975MSD mass spectrometer, an Agilent 7890A Gas Chromatograph a Wiley/NIST spectral library (G1035C), and related accessories ; and be it

FURTHER RESOLVED: That pursuant to OMC 2.04.050.I.5 the City Council finds, based on reasons stated in the agenda report accompanying this resolution and stated above, that it is in the City’s best interest to waive advertising and bidding requirements for the purchase of the specific instruments listed above; and be it

FURTHER RESOLVED: That grant funds shall be maintained in the Federal Grant Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), in a Project Account to be determined; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator as agent of the City to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the completion of the aforementioned grant.

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