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OAKLAND

2015 DEC -3 PM 5:55

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 85943 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-upgrades 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 Trittech; 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 Trittech, 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 Tritech, 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, JAN 05 2016 20

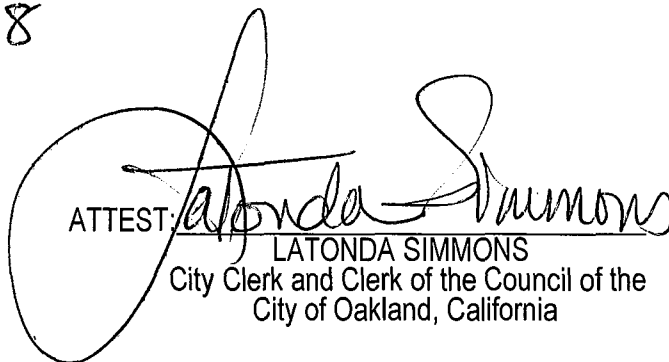
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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