

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 SEP 27 PM 2:24

OAKLAND CITY COUNCIL

Approved as to Form and Legality

Alicia Nynes
City Attorney

RESOLUTION No. 87428 C.M.S.

Introduced by Councilmember _____

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTEEN THOUSAND AND SIX HUNDRED AND SEVENTY-SIX DOLLARS (\$217,676) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2018 FORENSIC CASEWORK DEOXYRIBONUCLEIC ACID (DNA) BACKLOG REDUCTION GRANT PROGRAM IN THE OAKLAND POLICE DEPARTMENT; 2) WAIVING THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF DNA TYPING SUPPLIES FROM THREE COMPANIES: (1) PROMEGA FOR THIRTY-FIVE THOUSAND NINE HUNDRED TWENTY DOLLARS (\$35,920), (2) QIAGEN FOR ELEVEN THOUSAND FIVE HUNDRED DOLLARS (\$11,500), AND (3) THERMOFISHER FOR FOUR THOUSAND TWO HUNDRED AND FORTY-FOUR DOLLARS (\$4,244); AND 3) THERMOFISHER FOR ONE HUNDRED FORTY-THREE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR DOLLARS (\$143,864) FOR A DNA TYPING INSTRUMENT

WHEREAS, the advent of Deoxyribonucleic Acid (DNA) technology and automation equipment has revolutionized law enforcement's ability to analyze biological evidence at a genetic level; and

WHEREAS, the DNA analysis of semen evidence encountered in sexual assault cases can provide information leading to arrest and prosecution; and

WHEREAS, Oakland Police Department (OPD) Criminalists conduct analysis on sexual assault evidence and produce reports to the investigators within 40 business days of the receipt of the kit in the laboratory; and

WHEREAS, the Forensic Casework DNA Backlog Reduction Program was created by the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) to assist laboratories that conduct DNA analysis, with a goal of improving DNA laboratory infrastructure and analysis capacity for more effective and efficient DNA sample

processing; and

WHEREAS, grant funds in an amount not to exceed \$217,676 were awarded by USDOJ/NIJ to OPD for its Fiscal Year 2018 implementation of the DNA Backlog Reduction Program; and

WHEREAS, the Forensic Casework DNA Backlog Reduction Program was created to assist laboratories in reducing the number of cases in their backlog in which DNA analyses may be conducted on biological evidence; and

WHEREAS, the OPD Criminalistics Division also plans to use \$51,664 in USDOJ/NIJ DNA Backlog Reduction Program grant funds to purchase needed DNA reagent typing supplies; and

WHEREAS, the OPD Criminalistics Division also plans to use \$143,864 in USDOJ/NIJ DNA Backlog Reduction Program grant funds to purchase a needed DNA typing instrument; and

WHEREAS, the OPD Criminalistics Division must use reagent typing supplies from particular vendors who have undergone rigorous validation studies and are currently in use by the OPD Crime Laboratory. Purchasing DNA supplies from vendors other than those who manufacture DNA kits would not be acceptable as the OPD Forensic Biology Unit has not validated their use and hence would violate the Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS); and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.051(B) 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, staff recommends that the City Council make a finding and a determination that it is in the best interests of the City to waive advertising and bidding processes because purchasing DNA supplies from vendors other than those currently used by the Crime Laboratory have not been clinically validated for use, and

WHEREAS, the grant term for the proposed initiative is January 1, 2019 through December 31, 2020; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 86982 C.M.S., dated November 28, 2017, Resolution No. 86532 C.M.S., dated December 13, 2016, Resolution No. 85899 C.M.S., dated November 17, 2015, 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; Resolution No. 83672 C.M.S., dated December 20, 2011; Resolution No. 83030 C.M.S., dated October 19, 2010; Resolution No. 82291 C.M.S., dated September 22, 2009; Resolution No. 81624 C.M.S., dated October 21, 2008; Resolution No. 80869 C.M.S., dated October 2, 2007; Resolution No. 80129 C.M.S., dated

September 19, 2006; Resolution No. 79534 C.M.S., dated October 18, 2005 and Resolution No. 78909 C.M.S., dated November 16, 2004; therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to accept and appropriate grant funds in an amount not to exceed \$217,676 from the USDOJ/NIJ and to increase revenues and appropriate said budget to OPD; and be it

FURTHER RESOLVED: That said grant funds, in an amount not to exceed \$217,676, shall be appropriated in the Federal Grant Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), in a Project Number to be established; and be it

FURTHER RESOLVED: That said grant funds shall be used to fully fund one (1) Criminalist I position to conduct examination of biological material during the term of the grant; and be it

FURTHER RESOLVED: That said grant funds shall be used to fund DNA training courses, and purchase laboratory-validated DNA typing reagents utilized in the examination of biological material; and be it

FURTHER 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 advertising and competitive bidding requirements of the OMC for the purchases of DNA typing instrument for \$143,864 from ThermoFisher, DNA typing supplies from ThermoFisher for \$4,244, QIAgen for \$11,500 and Promega for \$35,920; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to complete all required negotiations, certifications, assurances, agreements and documentation required to accept, modify, extend and/or amend the grant award and all contracts entered into pursuant to spending said grant funds, provided the not-to-exceed amounts are complied with; and be it

FURTHER RESOLVED: That any agreement authorized by this resolution shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 27 2018

PASSED BY THE FOLLOWING VOTE:

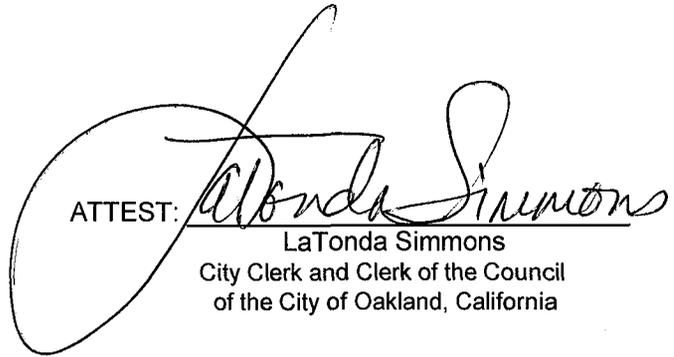
AYES - ~~5~~, CAMPBELL WASHINGTON, GIBSON MCELHANEY, GALLO, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION 0

Excused - 1 Brooks

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