

2019 JUL 18 PM 11:10

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87830 C.M.S.

As Revised by the City Council at its July 16, 2019 Meeting

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, 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 TWO YEARS, PLUS TWO ONE-YEAR EXTENSIONS REQUIRING FUTURE COUNCIL APPROVAL, AT A COST OF UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) PER YEAR FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000).**

**WHEREAS**, the City Council and residents of Oakland expect the Oakland Police Department (OPD) to maintain its ability to protect and preserve evidence associated with the commission of crimes; and

**WHEREAS**, California Penal Code Section 1417.9 requires the appropriate governmental entity—in this case the Oakland Police Department—to retain all biological material recovered in connection with a criminal case for the period of time that any person remains incarcerated in connection with the case, and to store it in a condition suitable for DNA testing; and

**WHEREAS**, OPD conducted a Request for Proposal / Qualifications (RFP/Q) process in late 2014 and received no responses; following that unsuccessful process, OPD contacted Schaefer's Cold Storage and they agreed to provide frozen evidence storage services as they have done for OPD since 2001; and

**WHEREAS**, the Oakland City Council adopted Resolution No. 85942 C.M.S. on January 5, 2016, which authorized the City Administrator or designee to: 1) waive the advertising/bidding and RFP/Q requirements, and 2) purchase frozen evidence storage services from Schaefer's cold storage for two years with two discretionary one-year extensions for one hundred twenty-five thousand dollars (\$125,000) per year and a total not to exceed five hundred thousand dollars (\$500,000); and

**WHEREAS**, Schaefer's Cold Storage has now been the provider of evidence storage protection for the Oakland Police Department for over 19 years; and

**WHEREAS**, relocating evidence to another vendor can cause thawing and refreezing of evidence and potentially jeopardize criminal prosecutions; and

**WHEREAS**, Schaefer's Cold Storage agrees to maintain its ongoing relationship with the OPD as a vital business ally; and

**WHEREAS**, 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; and

**WHEREAS**, staff recommends that it is in the best interests of the City to waive the RFP/Q process because of the evidence preservation requirements cited above; therefore, be it

**RESOLVED:** That the City Council finds that pursuant to Oakland Municipal Code sections 2.04.051.1.5 and 2.04.051.B, for 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 bidding requirements and the request for the contract with Schaefer's Cold Storage; and be it

**FURTHER RESOLVED:** That the Oakland City Council, hereby authorizes the City Administrator, or designee, to purchase goods and services from Schaefer's Cold Storage for frozen storage facility use and bins procurement for the preservation of evidence for two years at a cost of up to two hundred fifty thousand dollars (\$250,000) per year, plus two one-year extensions with further Council approval, for a total amount not to exceed one million dollars (\$1,000,000); and be it

**FURTHER RESOLVED:** That cost for Schaefer's Cold Storage shall be paid from the General Purpose Fund (1010), Property and Evidence Org (102120), Miscellaneous Rental Account (53211), OPD Administrative Project (1000008), Criminal Investigations Program (PS03); and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the agreement; and be it

**FUTHER RESOLVED:** That all contracts issued hereunder shall be reviewed and approved by the City Attorney for form and legality and copies shall be placed on file in the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUL 16 2019**

PASSED BY THE FOLLOWING VOTE:

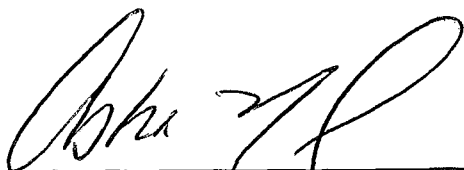
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: \_\_\_\_\_

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

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AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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