

2020 JAN -9 PM 1:12

Approved as to Form and Legality

# OAKLAND CITY COUNCIL

  
City Attorney

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

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY DOLLARS (\$325,750) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2019 DNA (DEOXYRIBONUCLEIC ACID) BACKLOG REDUCTION GRANT PROGRAM FOR THE OAKLAND POLICE DEPARTMENT; 2) WAIVE THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF DNA TYPING SUPPLIES FROM (A) PROMEGA FOR ONE HUNDRED AND SIX THOUSAND DOLLARS (\$106,000), (B) QIAGEN FOR THIRTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$34,300), (C) THERMO FISHER/LIFE TECHNOLOGIES FOR ONE HUNDRED TWENTY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$128,800), AND (D) THERMO FISHER/LIFE TECHNOLOGIES, AURORA BIOMED, QIAGEN, AND/OR REMI FOR THIRTY-TWO THOUSAND SIX HUNDRED SEVENTY-FOUR DOLLARS (\$32,674) FOR DNA TYPING SUPPLIES, INSTRUMENTS, AND SERVICE MAINTENANCE.**

**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 Forensic Capacity Enhancement for 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 so that DNA samples can be processed efficiently and effectively; and

**WHEREAS**, grant funds in an amount not to exceed \$325,750 were awarded by USDOJ/NIJ to the Oakland Police Department (OPD) to its Fiscal Year 2019 implementation of the DNA Backlog Reduction Program; and

**WHEREAS**, the DNA Backlog Reduction Program was created to assist

laboratories in increasing DNA typing capacity and reducing the number of cases in their backlog in which DNA analyses may be conducted on biological evidence; and

**WHEREAS**, the funds will be allocated to continue to purchase real-time polymerase chain reaction (PCR) typing instruments, staff required training, and purchase laboratory validated DNA typing reagents; and

**WHEREAS**, the OPD Criminalistics Division must use and maintain rigorously validated DNA typing reagents and instruments from specific vendors because purchasing un-validated DNA supplies from vendors would violate the Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS); 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 finding and determining that it is in the best interests of the City to do so; and

**WHEREAS**, the grant term for the proposed initiative is January 1, 2020 through December 31, 2021; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by Resolution No. 87429 C.M.S., dated November 27, 2018, Resolution No. 87428 C.M.S., dated November 27, 2018, 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 November 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 Nos. 79534 and 79535 C.M.S., both dated October 18, 2005 and Resolution Nos. 78909 and 78910 C.M.S., both dated November 16, 2004; 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 and instruments from vendors other than those who manufacture DNA kits and instruments currently used by the Crime Laboratory would not be effective as other DNA supplies and instruments from other vendors have not been validated for use; now, 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 \$325,750 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 \$325,750, 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 purchase two real-time DNA typing instruments; 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 instruments for \$114,000 from Thermo Fisher/Life Technologies, DNA typing supplies from Thermo Fisher/Life Technologies for \$14,800, Promega for \$106,000; and Qiagen for \$34,300, and DNA typing instrument service maintenance from Thermo Fisher/Life Technologies, Aurora Biomed, Qiagen, and/or REMI for \$32,674, 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 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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES – 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