

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 OCT 10 PM 2:47

Approved as to Form and Legality

*Priscilla Agnes*  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 84686 C.M.S.

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

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO 1) ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED TWENTY SEVEN THOUSAND THREE HUNDRED AND SIXTY EIGHT DOLLARS (\$427,368) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2013 FORENSIC CASEWORK DEOXYRIBONUCLEIC ACID (DNA) BACKLOG REDUCTION GRANT PROGRAM IN THE OAKLAND POLICE DEPARTMENT, AND 2) FOR THE PERIOD OCTOBER 1, 2013 THROUGH MARCH 31, 2015, APPROVE A WAIVER OF THE CENTRAL SERVICES OVERHEAD (CSO), AND 3) WAIVE THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASES OF DNA TYPING SUPPLIES AND MAINTENANCE OF DNA TYPING INSTRUMENTS IN THE AMOUNT OF FIFTY FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$54,700) FROM LIFE TECHNOLOGIES, THIRTY FOUR THOUSAND TWO HUNDRED DOLLARS (\$34,200) FROM QIAGEN, FOUR THOUSAND EIGHT HUNDRED SIXTY NINE DOLLARS (\$4,869) FROM VWR/FISHER/USA SCIENTIFIC, SEVEN THOUSAND DOLLARS (\$7,000) FROM AURORA BIOMED, AND THIRTY ONE THOUSAND SIX HUNDRED DOLLARS (\$31,600) FROM PROMEGA.

**WHEREAS**, grant funds in an amount not to exceed \$427,368 were awarded by USDOJ/NIJ to support the Oakland Police Department's (OPD's) Fiscal Year 2013 implementation of the DNA Backlog Reduction Program; and

**WHEREAS**, the 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 funds will be allocated to: continue the hire of one Criminalist and one Forensic Technician, pay staff overtime and required training on backlogged cases, purchase laboratory validated DNA typing supplies and provide maintenance contracts on essential equipment; and

**WHEREAS**, a waiver of the CSO is requested; and

**WHEREAS**, the grant term for the proposed initiative is October 1, 2013 through March 31, 2015; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by Resolution No. 84041 C.M.S. dated October 2, 2012; Resolution No. 83672 C.M.S. dated December 15, 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; and

**WHEREAS**, Oakland Municipal Code (OMC) Section 2.04.050.i.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**, 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 who manufacture DNA kits currently used by the Crime Lab would not be effective due to the other DNA supplies from other vendors have not been validated for use; now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator or her designee to accept grant funds in an amount not to exceed \$427,368 from the USDOJ/NIJ and to increase revenues and appropriate said budget to OPD and approve the waiver of 12.03% of the CSO; and be it

**FURTHER RESOLVED**, that said grant funds shall be maintained 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 Position and one (1) Forensic Technician 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 pay overtime and required training to Biology Unit staff for analysis on backlogged cases; and be it

**FURTHER RESOLVED**, that said grant funds shall be used to purchase laboratory validated DNA typing supplies utilized in the examination of biological material and maintain equipment used during the terms of the grant from Life Technologies, QIAgen, VWR/Fisher/USA Scientific, Aurora Biomed and from Promega; 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 supplies from Life

Technologies, QIAgen, VWR/Fisher/USA Scientific, Aurora Biomed and Promega; and be it

**FURTHER RESOLVED**, that the City Administrator or her designee is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the grant award.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV - 5 2013

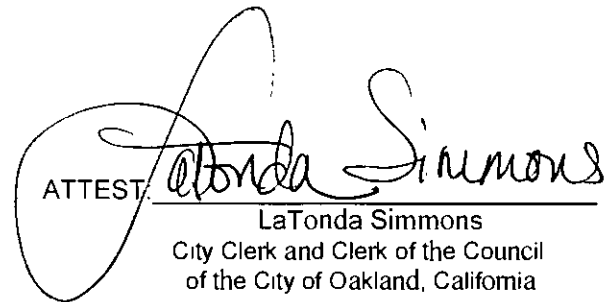
PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT  
KERNIGHAN - 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

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