

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2018 OCT 13 PM 2:41

RESOLUTION No. 86529 C.M.S.

Approved as to Form and Legality


City Attorney

RESOLUTION WAIVING THE CITY'S COMPETITIVE ADVERTISING AND BIDDING, AND THE REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS FOR THE PURCHASE OF CERTIFIED AND ACCREDITED FORENSIC LABORATORY ANALYTICAL SUPPLIES, EQUIPMENT, INSTRUMENTATION, SOFTWARE, AND RELATED SERVICES ON AN AS-NEEDED BASIS WHEN CRIME LABORATORY SUBJECT MATTER EXPERTS DETERMINE SUCH SUPPLIES AND / OR SERVICES ARE REQUIRED BY FORENSIC CASEWORK CONDITIONS, THE LABORATORY'S VALIDATED METHODS, OR ITS QUALITY ASSURANCE PROGRAM, OR NEEDED FOR THE TIMELY ANALYSIS OF EVIDENCE, OR WHEN THE MATERIALS OR SERVICES ARE AVAILABLE FROM ONLY ONE SOURCE, IN THE AMOUNT OF UP TO THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) PER FISCAL YEAR THROUGH JUNE 30, 2020 FOR A TOTAL COST NOT TO EXCEED ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000)

WHEREAS, WHEREAS, the Oakland Police Department Criminalistics Laboratory (Crime Laboratory) is a full service forensic science laboratory accredited by the American Society of Crime Laboratory Directors Laboratory Accreditation Board/American National Standards Institute (ANSI)-American Society for Quality (ASQ) National Accreditation Board (ASCLD-LAB/ANAB); and

WHEREAS, the Crime Laboratory must adhere to all applicable accreditation standards and requirements in order to successfully maintain and renew accreditation every four years; and

WHEREAS, ASCLD-LAB/ANAB is the only accreditation board in the United States engaging in the accreditation of forensic science laboratories; and

WHEREAS, accreditation is a requirement for eligibility for federal grant funds and for access to the state and national DNA databases; and

WHEREAS, the use of validated methods and proficiency testing by ASCLD-LAB/ANAB approved providers are requirements of accreditation; and

WHEREAS, the Crime Laboratory has implemented validated methods across all its forensic disciplines; and

WHEREAS, those validated methods specify supplies, instrumentation and other analytical conditions necessary to produce reliable results; and

WHEREAS, the Crime Laboratory relies on specific supplies, instruments, equipment, instrument service providers, equipment service providers, proficiency testing providers, and evidence collection kits in order to perform its casework using its validated methods; and

WHEREAS, the Crime Laboratory employs forensic subject matter experts (subject matter experts) who possess the requisite scientific knowledge to determine which supplies, instruments, and services are most suited to the Laboratory's needs or which are required to successfully analyze evidence in particular cases; and

WHEREAS, subject matter experts may determine that such supplies, instrumentation, instrument services and related software are specifically required by forensic casework conditions, the laboratory's validated methods, or its quality assurance program, or that the materials are needed for the timely analysis of evidence, or that the materials or services are available from only one source, or that such materials or services cannot be substituted by products from another supplier; and

WHEREAS, subject matter experts anticipate entering into such agreements with vendors such as, but not limited to the following: the American Society of Crime Laboratory Directors Laboratory Accreditation Board/ANSI-ASQ National Accreditation Board, Collaborative Testing Services, Heusser-Neueigh Division of Rice Lake, Inc., VWR, Fisher Scientific, USA Scientific, ULine, REMI, Cayman, Cerilliant, Grace Alltech Scientific, Steraloids, Sigma Aldrich, Spectrum Chemicals, Alliance Gas Products, Full Spectrum, Perkin-Elmer, Thermo-Fisher, the Security Envelope Company, Covanta, Inc., Foray Technologies, Coherent, Foster+Freeman, Arrowhead Forensics, Forensic Comparison Software Company, LEEDS, Inc., CSI Forensic Supply, Inc., and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.050.A requires the City Administrator to conduct advertising and bidding and award to the lowest responsible bidder for the purchase of goods, and Oakland Municipal Code section 2.04.050.I.5 allows the City Council to waive the advertising and competitive bidding requirements after a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, OMC Section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$25,000 and OMC Section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so; and

WHEREAS, City staff recommends waiving the advertising and bidding requirements, and request for proposals/qualifications requirements because: (1) casework situations require the rapid acquisition of specific supplies and materials which may be available from only one source, and (2) it is not possible to anticipate when such casework situations will arise and thus very difficult for the Crime Laboratory to seek "sole source" purchasing authority each time such situations occur; and

WHEREAS, the City Administrator has determined that a professional services agreement authorized by this resolution would be of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

WHEREAS, the City Council previously authorized on five separate occasions the waiving of advertising and competitive bidding for the purchase of Crime Laboratory DNA related supplies, instrumentation and software under Resolution No. 85943 C.M.S dated January 5, 2016; 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, the Crime Laboratory anticipates the annual need to replenish supplies, instruments, and related services from the listed vendors or required from other sources based on casework needs as determined by forensic subject matter experts at a cost not to exceed approximately \$350,000 per fiscal year; therefore be it

RESOLVED: That the City Council finds and determines that pursuant to OMC Sections 2.04.050.1.5 and 2.04.051.B, and based upon the reasons stated above and in the report accompanying this resolution, that it is in the best interests of the City to waive the City's advertising and competitive bidding requirements for purchase of certified and accredited forensic laboratory analytical supplies, equipment, instrumentation, instrument services and software on an as-needed basis when crime laboratory subject matter experts determine such supplies and related services are required by forensic casework conditions, the laboratory's validated methods, or its quality assurance program, or needed for the timely analysis of evidence, or when the materials or services are available from only one source at a cost not to exceed \$350,000 per fiscal year, through June 30, 2020, for a total cost not to exceed one million four hundred thousand dollars (\$1,400,000); and be it

FURTHER RESOLVED: That proposed purchase agreements may be entered into with the following vendors: the American Society of Crime Laboratory Directors Laboratory Accreditation Board/ANSI-ASQ National Accreditation Board, Collaborative Testing Services, Heusser-Neweigh Division of Rice Lake, Inc., VWR, Fisher Scientific, USA Scientific, ULine, REMI, Cayman, Cerilliant, Grace Alltech Scientific, Steraloids, Sigma Aldrich, Spectrum Chemicals, Alliance Gas Products, Full Spectrum, Perkin-Elmer, Thermo-Fisher, the Security Envelope Company, Covanta, Inc., Foray Technologies, Coherent, Foster+Freeman, Arrowhead Forensics, Forensic Comparison

Software Company, LEEDS, Inc., CSI Forensic Supply, Inc., or with another forensic supply company not specifically included on this list when the material or service is critical to a validated analytical method, is necessary to meet accreditation requirements, is federally regulated, or is only available from one source when so designated by a Crime Laboratory subject matter expert; and be it

FURTHER RESOLVED: That all contracts 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, DEC 13 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*
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California