



City Attorney

# OAKLAND CITY COUNCIL

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

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

**RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT IN ADVANCE OF FORMAL AWARD AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$369,460) FROM THE U.S. DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS (OJP), BUREAU OF JUSTICE ASSISTANCE (BIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2020 DNA CAPACITY ENHANCEMENT FOR BACKLOG REDUCTION (CEBR) GRANT PROGRAM FOR THE OAKLAND POLICE DEPARTMENT; 2) WAIVE THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF DNA TYPING SUPPLIES AND INSTRUMENTS FROM (1) QIAGEN FOR ONE HUNDRED SEVENTY-FIVE THOUSAND ONE HUNDRED TWENTY DOLLARS (\$175,120), (2) PROMEGA FOR ONE HUNDRED FIFTY-SEVEN THOUSAND AND FORTY DOLLARS (\$157,040), AND (3) THERMO FISHER/LIFE TECHNOLOGIES FOR NINETEEN THOUSAND NINETY-SIX DOLLARS (\$19,096).**

**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 Capacity Enhancement for Backlog Reduction Program was created by the U.S. Department of Justice, Office of Justice Program, Bureau of Justice Assistance (DOJ/OJP/BIJ) 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 \$369,460, when awarded by DOJ/OJP/BIJ to the Oakland Police Department (OPD) will be applied to Fiscal Year 2020 implementation of the DNA Capacity Enhancement for Backlog Reduction Program; and

**WHEREAS**, the DNA Capacity Enhancement for 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 purchase DNA purification instruments, staff required training, and purchase laboratory-validated DNA typing reagents and supplies; and

**WHEREAS**, the OPD Criminalistics Division must use and maintain rigorously validated DNA typing reagents and instruments from specific vendors because purchasing DNA supplies from vendors other than those who manufacture DNA kits or instruments not currently used by the crime lab 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 2.04.050.1.5 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, 2021 through December 31, 2022; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by Resolution No. 87996 C.M.S., dated January 21, 2020, 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 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; 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 \$369,460 from the DOJ/OJP/BIJ 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 \$369,460, 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 DNA purification 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 purification instruments for \$112,000 from Qiagen, and DNA typing supplies from Qiagen for \$63,120, Promega for \$157,040; and Thermo Fisher/Life Technologies for \$19,096, 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 – FORTUNATO-BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, and  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
Asha Reed  
City Clerk and Clerk of the Council  
of the City of Oakland, California