



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Floyd Mitchell
Chief of Police

SUBJECT: OPD Crime Lab Supplies
Procurement

DATE: August 12, 2024

City Administrator Approval


Jestin Johnson (Sep 26, 2024 15:27 PDT)

Date Sep 26, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Waiving The City's Advertising And Competitive Bidding Requirements, Waiving The Request For Proposals/Qualifications (RFP/Q) Process Requirements, And Waiving Local/Small Local Business Enterprise (L/SLBE) Program Requirements For The Purchase Of Certified And Accredited Forensic Analytical Supplies, Equipment, Instrumentation, Software, And Related Services On An As-Needed Basis When Laboratory Forensic Science Subject Matter Experts Determine Such Supplies And / Or Services Are Required Based On Casework Conditions, The Laboratory's Validation 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 Six Hundred Thousand Dollars (\$600,000) Per Fiscal Year Through June 30, 2030, For A Total Cost Not To Exceed Three Million Dollars (\$3,000,000)

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) requests the approval of the proposed resolution waiving the City's advertising and competitive bidding requirements for the purchase of analytical supplies, instrumentation, equipment, quality assurance supplies, and related services, totaling no more than \$600,000 per year, for five years. These items are consistently needed by OPD's forensic crime laboratory (Crime Laboratory) for drug analysis, firearms analysis, latent print processing, serology/Deoxyribonucleic acid (DNA) analysis, crime scene response, and quality assurance processes. Funding for these purchases will come from the General Purpose and grant (state and federal) sources - no additional general funding sources are requested.

BACKGROUND AND LEGISLATIVE HISTORY

On November 10, 2020, the City Council approved the same agreement by means of [Resolution No. 88380 C.M.S.](#), valid until June 30, 2025. This request would account for all Crime Laboratory Units for \$600,000 per year for five years, from July 1, 2025, to June 30, 2030, not to exceed \$3,000,000.

OPD's Criminalistics Division, which operates the Crime Laboratory, is responsible for the scientific evaluation, analysis, and interpretation of physical evidence. The Criminalistics

Public Safety Committee
October 8, 2024

Division also responds to select crime scenes requiring specialized forensic knowledge and skills of the Criminalistics staff. The Crime Laboratory is accredited by the International Organization for Standardization / International Electrotechnical Commission (ISO/IEC) 17025:2017 standards¹ by the ANSI National Accreditation Board (ANAB). Accreditation is required to maintain eligibility for federal grants pertaining to forensic science and for access to federal databases, such as the Combined DNA Index System (CODIS), which enables OPD to identify unknown individuals through DNA associations and the National Integrated Ballistic Information Network (NIBIN), which searches fired firearms cartridge cases to identify firearms used in crimes. ANAB is one of two organizations in the United States that accredits forensic science laboratories. The Crime Laboratory must meet numerous ANAB requirements, including full reassessments every four years, annual surveillance visits, annual external proficiency testing by ISO approved providers, and regular equipment and instrument maintenance and calibrations conducted by approved, suitable (*i.e.*, properly certified) providers. ISO 17025 standards require an evaluation of suppliers of materials and services and the ability of the crime laboratory to select appropriate suppliers for materials and services.

The Crime Laboratory constantly needs various forensic supplies, software, and services for use in drug analysis, firearms analysis, latent print analysis, serology / DNA analysis, crime scene response, and quality assurance processes (see Table 1, on page 5, for more details). The Crime Laboratory requires access to several large forensic supply companies to acquire these supplies, which are used daily. These suppliers include, but are not limited to, Fisher Scientific, VWR, and USA Scientific. These companies frequently offer discounted government pricing or free shipping for public agencies such as OPD. The Crime Laboratory often orders 20 or 30 different items in one order from one supply vendor. Oakland Municipal Code (OMC) Section 2.04.05 requires an advertising and competitive bidding and Requests for Proposals / Qualifications (RFP/Q) process for related supplies and services. Therefore, in the absence of this Resolution, the Crime Laboratory must comply with the advertising and bidding process for each item needed. The Crime Laboratory cannot place one order with one forensic supply company when it needs to bid on each item supplied by a particular forensic supply company. Additionally, the Crime Laboratory is faced with many more purchase orders and invoices when it must separately bid on each needed supply. This multiple-purchase order process is conducted by scientific and supervisory staff, removing these subject matter experts from otherwise performing supervision and casework and straining the Crime Laboratory's very limited administrative capacity.

The Crime Laboratory has conducted extensive validation studies using specific supplies, instrumentation, reagents, and software. Validation studies show that a method is fit for purpose and are a mandatory element of ISO 17025 Standards and the ANAB accreditation program. Where materials or instruments are part of a validated method, those specified materials must be used in the process. If the Laboratory is unable to procure the specified materials or services, the only alternative would be to revalidate analytical procedures - an impractical and time-consuming alternative that would be inefficient, expensive, and wasteful. Additionally, the Laboratory cannot always anticipate the requirements of future casework and must be able to acquire materials or services necessary to analyze the physical evidence at hand. In such cases, time is of the essence to expeditiously provide critical information to investigators and/or the courts, sometimes within 24 hours. Obtaining a "sole source" designation from the City

¹ In most major countries, ISO/IEC 17025 is the standard for which most labs must hold accreditation in order to be deemed technically competent.

Council in these situations is impractical and may deleteriously affect the outcome of an investigation.

The city's competitive bidding process includes considering suitable alternatives. However, with the Crime Laboratory, alternative products are often not acceptable. Crime Laboratory equipment often contains proprietary components under manufacturer warranty and cannot be serviced by any vendor other than the manufacturer. Examples include, but are not limited to: Life Technologies genetic analyzers used in DNA analysis; Perkin Elmer and Thermo-Fisher UV Visible spectrophotometers and the Fourier Transform Infrared (FTIR) spectrometer used in Drug Analysis; Foray Technologies ADAMS Digital Imaging System, the Coherent, Inc. TracER laser, the Foster + Freeman cyanoacrylate fuming cabinet, the Arrowhead Forensics FDC-5 environmental chamber used in the Latent Print Unit; and the Leeds microscopes used in the Firearms Unit.

As a second example, the Laboratory provides sexual assault evidence collection kits to the sexual assault treatment centers at Highland General Hospital and UCSF Children's Hospital. These kits were designed by the California Department of Justice with input from California public crime laboratories to its specifications and is used for the collection of sexual assault evidence from female and male victims. OPD is required to use the California sanctioned kit when submitting samples to provide uniformity across the state. This kit is only available from one vendor; there is no alternative source for this supply.

Lastly, the Laboratory is the OPD custodian of seized drug evidence. As custodian, the Laboratory is responsible for the security of drug evidence and, ultimately, for its destruction by incineration. Because these materials are considered hazardous, OPD is required by law to dispose of them at a state regulated incinerator. The closest facility to Oakland is in the central valley and is operated by Reworld formerly known as Covanta, Inc.

The Crime Laboratory also faces timeline challenges that do not always allow for effective compliance with competitive bidding requirements. There are times when the evidence in a case is of a type that has not previously been seen by the laboratory or requires a unique solution to solve the analytical challenge at hand. Under these circumstances, laboratory standards or specialty equipment need to be acquired quickly. For example, new or novel drugs become available almost weekly on the illicit market and must be analyzed rapidly by the Crime Laboratory to meet court deadlines. Analysis of these drugs requires comparison to a known drug standard in order to identify the material. It is impractical and expensive to have every drug standard on hand. Not all drug standard supply companies stock the same materials, frequently making it impossible to obtain three bids for the material required. Ordering drug standards for these novel drugs is required to meet strict court-imposed deadlines, such as "no time waiver" cases. There is insufficient time in these cases to seek "sole source" designation from the City Council or permission from the City Administrator to obtain the necessary standards under the current ordering rules unless a mechanism allowing rapid ordering of drug standards is authorized.

ANALYSIS AND POLICY ALTERNATIVES

This policy advances the Citywide priority of **responsive, trustworthy government**. Provisions for continuing education and supplies will enhance OPD's ability to analyze biological evidence in criminal cases in a timelier fashion. The public safety for all Oakland residents and visitors is

enhanced through greater OPD investigative capacity, with science-based methods which mitigates potential bias.

Waiver of the Advertising and Bidding Process

Section 2.04.050.1.5 (Bid Procedure) explains that the City can make exceptions to its competitive bidding process when the City Council finds and determines that it is in the best interest of the City. It is not possible to anticipate when casework situations will arise which require additional supplies, instrumentation, reagents, or software. The City's advertising and competitive bidding requirements make it difficult for the Crime Laboratory to seek "sole source" purchasing authority each time such situations occur. Also, the Crime Laboratory employs forensic 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. Therefore, the staff believes it is in the City's best interests to provide the OPD Crime Laboratory with the \$600,000 annual purchasing authority (for five years) separate from the City's advertising and competitive bidding requirements. This waiver would be for the 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 services are required by the following criteria:

- Forensic casework conditions
- The laboratory's validated methods or its quality assurance program
- Needed for the timely analysis of evidence
- The materials or services are available from only one source

The City Council has authorized several sole-source contracts for large Crime Laboratory purchases where specific supplies and services were needed to maintain accreditation with [Resolution No. 88380 C.M.S.](#), dated November 10, 2020, [Resolution No. 86529 C.M.S.](#), dated December 13, 2016, [Resolution No. 85943 C.M.S.](#), dated January 5, 2016, and [Resolution No. 85899 C.M.S.](#), dated November 17, 2015.

The City Council has authorized the acceptance of backlog grant funds almost every year for the last 17 years. The last five Council-adopted resolutions are listed below²:

- [Resolution No. 89459 C.M.S., dated November 1, 2022](#)
- [Resolution No. 89011 C.M.S., dated February 1, 2022;](#)
- [Resolution No. 88358 C.M.S., dated November 10, 2020;](#)
- [Resolution No. 87428 C.M.S., dated November 27, 2018;](#) and
- [Resolution No. 86982 C.M.S., dated November 28, 2017.](#)

However, the Crime Laboratory also regularly needs to make many other, often smaller, purchases throughout the year. With the recent issues which caused laboratory disruptions, such as the ransomware attack, worldwide CrowdStrike coding issue, and the pandemic, the need for maintaining uninterrupted access to supplies and goods not only applies to specific forensic vendors but also contracted City vendors selling electronics, computer devices, safety

² The resolution accompanying this report lists all Council-adopted resolutions.

equipment or engineering controls such as CDW, Blaisdell, Grainger, Staples and Uline. These companies provide the day-to-day supplies that keep the lab functioning. The City Council may waive the City's Local and Small Local Business Enterprise program requirements for professional services agreements pursuant to Oakland's Local and Small Local Business Enterprise (L/SLBE) Program guidelines adopted by Ordinance No. 13647 C.M.S. Staff requests these requirements be waived as it needs to use vendors for supplies for the specific needs of the crime lab. **Table 1** below lists providers upon whom the Crime Laboratory currently depends for specific supplies, instrumentation, equipment, software, and related services – all of which relate to casework, evidence custodial obligations, and quality assurance.

Table 1: OPD Crime Laboratory Supplies and Services Needed on a Regular Basis

VENDOR/SUPPLIER	CATEGORY (Goods or Services)	DESCRIPTION
Laboratory Wide		
Amazon	Goods	General laboratory supplies
Barnett Medical	Services	Biohazardous Waste Disposal
Blaisdell	Goods	General laboratory supplies
CDW	Goods & Services	Computer hardware and software
CSI Forensic Supply, Inc.	Goods	Alameda County Laboratory designed Gunshot Residue Collection Kit
Environmental Logistics	Services	Chemical and Hazardous Waste Disposal
Fisher Scientific	Goods	General scientific laboratory supplies
Grainger	Goods	General laboratory supplies
Great American Dry Cleaners	Services	Lab coat and scrubs laundry services
NWN Corporation	Goods & Services	Computer hardware and software
Office Depot	Goods	General laboratory supplies
PC Professionals	Goods & Services	Computer hardware and software
R&S Overhead Garage Door, Inc	Goods & Services	Laboratory facilities maintenance and upgrades
Sigma Aldrich	Goods	Chemicals and reference standards
Southern Computer Warehouse	Goods & Services	Computer hardware and software
Staples	Good	General laboratory supplies
The Home Depot	Good	Laboratory facilities supplies
Uline	Goods	General laboratory supplies
VWR	Goods	General scientific laboratory supplies
Wesco	Services	Laboratory maintenance and upgrades
Quality Management		
American Society for Quality	Goods & Services	Quality assurance certification, document repository, bookstore, and training

ANSI National Accreditation Board ³	Services	ISO/IEC 17025:2017 Accreditation Body
Collaborative Testing Services, Inc	Services	ISO/IEC 17043 accredited proficiency test provider
Leeds Forensic Systems, Inc.	Services	Microscope and instrument calibration and maintenance
Leeds Precision Instruments, Inc.	Goods	Comparison and other optical microscopes
Measurement Specialties Inc	Services	ISO 17025 Calibration Services
Mettler-Toledo Rainin, LLC	Goods & Services	Purchase, maintenance, ISO 17025 calibration, and repair of pipettes
The REMI Group, LLC	Services	Service broker for analytical equipment, calibration, maintenance, and repair
Rice Lake Weighing Systems	Services	ISO 174025 NIST ⁴ traceable instrument and weights calibration services
Ron Smith and Associates	Services	ISO/IEC 17043 accredited proficiency test provider
Drug Analysis		
Agilent Technologies	Goods & Services	Gas & liquid chromatography mass spectrometer equipment and maintenance
Air Science	Goods	Instrument supplies
Airgas	Goods	Compressed gases used in instrumental analyses
Apex Integrated Distribution	Goods & Services	Oral fluid testing supplies
Cayman Chemicals	Goods	Analytical reference standards
Cerilliant Corporation	Goods	Analytical reference standards
Covanta, Inc.	Services	California state regulated incinerator used for drug evidence destruction
Dräger (Draeger)	Goods & Services	Oral fluid testing equipment and maintenance
Full Spectrum	Services	Gas & liquid chromatography/mass spectrometer maintenance
Gaiaca	Service	Secured waste facility
Perkin-Elmer	Goods & Services	Ultraviolet (UV)-Visible instrument accessories vendor and service provider
Phenomenex	Goods	Instrument supplies
Restek	Goods	Instrument supplies
Reworld	Service	California state regulated incinerators used for drug destruction
Steraloids, Inc	Goods	Steroid reference standards
The Security Envelope Company	Goods	Provider of OPD designed drug submission envelopes with irreversible metal clasp locking closure system
Thermo-Fisher	Goods & Services	FTIR Instrument and accessories vendor and service provider

³ ANSI National Accreditation Board

⁴ National Institute of Science and Technology

Unity Lab Services	Service	Instrument maintenance
Firearms Unit		
Autodesk (AutoCAD)	Goods	Crime scene sketch software
Bass Pro	Goods	Ammunition supplies
Big 5	Goods	Firearms related products
Brownells Inc.	Goods	Firearms related products
Cabela's	Goods	Firearms related products
Cheaper Than Dirt?	Goods	Ammunition supplies
Dooley Enterprises, Inc	Goods	Ammunition supplies
Leica Geosystems	Goods & Services	Microscope units, parts, and repair
Manthei Mess Systeme (CartWin Pro)	Goods	Crime scene sketch software
Midway USA	Goods	Firearms related products
San Diego Police Equipment Co Inc.	Goods	Ammunition supplies
Savage Range System	Goods	Bullet trap supplies
Ultra Forensics	Goods & Services	NIBIN system equipment and support
Forensic Biology Unit		
Arctic White LLC	Goods	DNA analysis supplies
Aurora Biomed	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Environmental Science and Research (ESR)	Services	DNA analysis software support
Hamilton Company	Goods & Services	DNA instrument and equipment maintenance
Life Technologies	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Niche Vision Forensic, LLC	Goods & Services	DNA analysis software and support; Software training
Promega Corporation	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Qiagen	Goods & Services	DNA analysis reagents and supplies; DNA instrument and equipment maintenance
Serological Research Institute (SERI)	Goods	Serology testing reagents and supplies
Thomas Scientific	Goods	DNA analysis reagents and supplies
Southwest Science	Goods	DNA instruments and supplies
Tri-Tech, Inc	Goods	Sexual assault evidence collection kits; Reference collection kits
USA Scientific	Goods	DNA analysis reagents and supplies
Latent Prints Unit		
Adorama	Goods	Photography equipment, processing reagents, and supplies
Arrowhead Forensics	Services	Processing equipment maintenance and repair
B&H	Goods	Photography equipment
Coherent, Inc	Services	Processing equipment maintenance and repair
Dolan Jenner Industries, Inc	Goods	Lighting

Empire Optics	Goods	Lighting
EvidDENT	Goods	Processing reagents and supplies
Foray Technologies	Goods & Services	ADAMS latent print image management system, software support, maintenance
Forensic Comparison Software Company	Goods	Forensic comparison software with mini-AFIS database capability for use in complex latent print comparison cases
Foster + Freeman Ltd	Services	Processing equipment maintenance and repair
Safariland	Goods	Processing reagents and supplies
Sirchie	Goods	Processing reagents and supplies

The Crime Laboratory can more effectively focus its capacities on supporting OPD's Bureau of Investigation's (BOI) mission of investigating crimes if authorized to make regular purchases from these different forensic supply companies to meet the needs listed above. The Crime Laboratory will also better support BOI if it can modify or add to the list in Table 1 to meet unknown future casework demands. Consequently, the Laboratory requests the ability to order a material or service not specifically included on this list on a sole source basis when the material or service is critical to a validated analytical method, necessary to meet accreditation requirements, is legislatively required, or is so designated by a Crime Laboratory subject matter expert.

FISCAL IMPACT

Funding for these purchases will come from the General Purpose Fund (1010), Organization (102610), and Program (PS05), as well as from state or federal grant sources awarded directly or indirectly to the Crime Lab. No additional general funding sources are requested.

The crime lab general funds (O&M) are \$270,020 at the current level. Five years of O&M funds is **\$1,350,100**.

These are grants expected to be awarded to OPD in the years 2025-2028. OPD is including funding from future grants, which the crime lab has consistently received for years:

- CEBR (DNA Backlog reduction) 2025 \$375,000 (average)
- CEBR 2026 \$375,000 (average)
- CEBR 2027 \$375,000 (average)
- CEBR 2028 \$375,000 (average)
- Coverdell 2025 \$62,500 (lowest)
- Coverdell 2026 \$62,500 (lowest)
- Coverdell 2027 \$62,500 (lowest)
- Coverdell 2028 \$62,500 (lowest)
- Subtotal: **\$1,750,000**

These are the crime lab's current grants:

- CHP \$170,500
- CGIC \$695,997
- CEBR 2022 (DNA Backlog reduction) \$400,586
- CEBR 2023 \$331,387
- CEBR 2024 \$419,829
- Coverdell 2023 \$67,300

Cal DOJ Sexual Assault untested kit program 2020 \$153,627
 Cal DOJ Sexual Assault untested kit program 2024 \$147,646
 Proposition 69 \$647,569
 Subtotal: **\$3,034,441**

There is a total funding source of **\$6,134,541** for procurement.

Here is the funding in table format (**Table 1**) below:

Table 1 OPD Crime Lab O&M and grant funding 2024-2028

	O&M funds	CEBR	Coverdell	Total 1
2024	\$ 270,020.00	\$ 419,829.00		
2025	\$ 270,020.00	\$ 375,000.00	\$ 62,500.00	
2026	\$ 270,020.00	\$ 375,000.00	\$ 62,500.00	
2027	\$ 270,020.00	\$ 375,000.00	\$ 62,500.00	
2028	\$ 270,020.00	\$ 375,000.00	\$ 62,500.00	
Total:	\$ 1,350,100.00	\$ 1,919,829.00	\$ 250,000.00	\$ 3,519,929.00
Other current grants for procurement use				
CHP	\$ 170,500.00			
CGIC	\$ 695,997.00			
CEBR 2022	\$ 400,586.00			
CEBR 2023	\$ 331,387.00			
Coverdell 2023	\$ 67,300.00			
Sex assault kit grant 2020	\$ 153,627.00			
Sex assault kit grant 2024	\$ 147,646.00			
Proposition 69	\$ 647,569.00			
Total 2	\$ 2,614,612.00			

Total 1	\$ 3,519,929.00			
Total 2	\$ 2,614,612.00			
Funding for procurement 2024-2028	\$ 6,134,541.00			

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures.

COORDINATION

The Budget Bureau and the Office of the City Attorney were consulted by OPD on the production of this report and the accompanying resolution.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

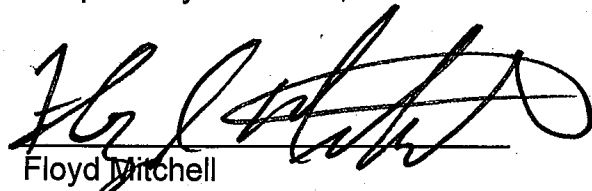
Race and Equity: Provisions for continuing education and supplies will enhance OPD's ability to analyze biological evidence in criminal cases in a timelier fashion. The public safety for all Oakland residents and visitors is enhanced through greater OPD investigative capacity, with science-based methods which mitigates potential bias.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Adopt A Resolution Waiving The City's Advertising And Competitive Bidding Requirements, Waiving The Request For Proposals/Qualifications (RFP/Q) Process Requirements, And Waiving Local/Small Local Business Enterprise (L/SLBE) Program Requirements For The Purchase Of Certified And Accredited Forensic Analytical Supplies, Equipment, Instrumentation, Software, And Related Services On An As-Needed Basis When Laboratory Forensic Science Subject Matter Experts Determine Such Supplies And / Or Services Are Required Based On Casework Conditions, The Laboratory's Validation 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 Six Hundred Thousand Dollars (\$600,000) Per Fiscal Year Through June 30, 2030, For A Total Cost Not To Exceed Three Million Dollars (\$3,000,000)

For questions regarding this report, please contact Sandra Sachs, Crime Laboratory Manager, at (510) 238-3386.

Respectfully submitted,



Floyd Mitchell
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