

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2015 DEC -3 PM 5:53

RESOLUTION No. 85942 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO 1) WAIVE THE ADVERTISING/BIDDING AND REQUEST FOR PROPOSAL/QUALIFICATIONS REQUIREMENTS, AND 2) PURCHASE FROZEN EVIDENCE STORAGE SERVICES FROM SCHAEFER'S COLD STORAGE FOR TWO YEARS WITH TWO DISCRETIONARY ONE-YEAR EXTENSIONS FOR ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,000) PER YEAR AND A TOTAL NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000)

WHEREAS, the City Council and residents of Oakland expect the Oakland Police Department (OPD) to maintain its ability to protect and preserve evidence associated with the commission of crimes; and

WHEREAS, Schaefer's Cold Storage has been the provider of evidence storage protection for the Oakland Police Department since 2001; and

WHEREAS, California Penal Code Section 1417.9 requires the appropriate governmental entity—in this case the Oakland Police Department—to retain all biological material recovered in connection with a criminal case for the period of time that any person remains incarcerated in connection with the case, and to store it in a condition suitable for DNA testing; and

WHEREAS, relocating evidence to another vendor can cause thawing and refreezing of evidence and potentially jeopardize criminal prosecutions; and

WHEREAS, Schaefer's Cold Storage agrees to maintain its ongoing relationship with the Oakland Police Department as a vital business ally; and

WHEREAS, funds have been identified in the General Purpose Fund (1010), Property and Evidence Org (102120), Miscellaneous Rental Account (53219), Non-Project (0000000), Criminal Investigations Program (PS03); 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 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 Schaefer's Cold Storage is the only identified service provider

following an unsuccessful RFP/Q process; now, therefore be it

RESOLVED: That the Oakland City Council does hereby authorize the City Administrator, or designee, to waive the advertising/bidding and request for proposal/qualification requirements because it is within the City's best interests to do so as Schaefer's Cold Storage is the only identified service provider following an unsuccessful RFP/Q process; and be it

FURTHER RESOLVED: That the Oakland City Council, hereby authorizes the City Administrator, or designee, to purchase goods and services from Schaefer's Cold Storage for frozen storage facility use and bins procurement for the preservation of evidence for \$125,000 per year for two years, plus two discretionary one-year extensions, for a total amount not to exceed five hundred thousand dollars (\$500,000); and be it

FURTHER RESOLVED: That the contract term shall be July 1, 2015 through June 30, 2017 with two discretionary one-year extensions; and be it

FURTHER RESOLVED: That the \$125,000 annual cost for cost for Schaefer's Cold Storage shall be paid from the General Purpose Fund (1010), Property and Evidence Org (102120), Miscellaneous Rental Account (53219), Non-Project (0000000), Criminal Investigations Program (PS03); and be it

FURTHER RESOLVED: That the City Administrator or designee shall place a copy of the fully executed Schaefer's Cold Storage Agreement on file with the Office of the City Clerk; and be it

FURHER RESOLVED: That the City Administrator or designee is authorized to enter into a sole-source agreement with Schaefer's Cold Storage and complete all negotiations, certifications, assurances and documentation required to accept, modify, extend, and/or amend this agreement for services, except for any increases in the Agreement Cap set forth herein, without returning to City Council; and be it

THEREFORE RESOLVED: That the City Attorney shall approve the agreement and contract terms as to form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 05 2016, 20

PASSED BY THE FOLLOWING VOTE:

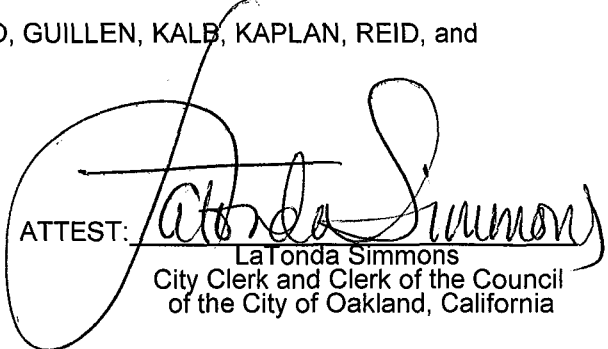
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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