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2018 NOV -1 PM 12:20

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne Kirkpatrick
Chief of Police

SUBJECT: OPD 2018 Forensic DNA Laboratory
Efficiency Improvement and Capacity
Enhancement Program

DATE: October 5, 2018

City Administrator Approval

Date

11/1/18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Sixty-Six Thousand And Seven Hundred And Twenty Dollars (\$166,720) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year (FY) 2018 Forensic Deoxyribonucleic Acid (DNA) Laboratory Efficiency Improvement And Capacity Enhancement Grant Program In The Oakland Police Department (OPD); 2) Waiving The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing And Robot Supplies And DNA Typing Instrument From Five Companies (1) Promega For Nineteen Thousand Two Hundred And Twenty Dollars (\$19,220), (2) Qiagen For Five Thousand Five Hundred Dollars (\$5,500), (3) Thermofisher For Two Thousand Dollars (\$2,000), (4) Sigma - Aldrich For One Thousand Dollars (\$1,000), (5) Aurora-Biomed For Four Thousand Dollars (\$4,000) And (6) Thermofisher For One Hundred Thirty-Five Thousand Dollars (\$135,000) For A Capillary Electrophoresis DNA Typing Instrument.

EXECUTIVE SUMMARY

Adoption of this resolution will allow OPD to accept the USDOJ/NIJ FY 2018 Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement Program (LEICEP) grant of \$166,720, which will fund the technology costs associated with increasing the efficiency of the Forensic Biology DNA typing process. The OPD Crime Laboratory (Crime Lab), with these grant funds, will decrease the cost of the biological evidence analysis and streamline the analysis of sexual assault evidence examination. Staff recommends waiving the City's Advertising and Competitive Bidding Requirements because of the need to buy highly specialized equipment available only from particular vendors.

BACKGROUND AND LEGISLATIVE HISTORY

The Forensic DNA LEICEP was created by the USDOJ/NIJ to assist laboratories in funding novel and innovative methodologies for improving the efficiency and capacity of public forensic

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DNA laboratories through the development and adoption of an improved laboratory process. The NIJ's objective is to publish successful and carefully evaluated novel efficiency improvement methodologies as models to be considered by other forensic science laboratories.

ANALYSIS AND POLICY ALTERNATIVES

The Crime Lab will focus on two goals with the implementation of the FY 2018 Forensic DNA LEICEP initiative:

Goal #1: Acquisition of One Capillary Electrophoresis Genetic Analyzer (CE) for the Forensic Biology Unit.

The new CE (DNA typing) instrument will replace two antiquated 3130 CE instruments and ensure that instrument failure does not create backlogs or derail the Crime Lab's DNA analysis scheme (which includes the victim sexual assault evidence kit analysis program, homicide investigations, and weapons analysis). Additionally, the CE instrument will include a minimum of 6-plus dye capabilities, multiple capillaries and accept 96-well plates. This will allow the Forensic Biology Unit to conduct DNA typing using the FBI mandated megaplex kit (23+ loci), allow for future DNA typing kit expansion, and eliminate bottlenecks on DNA analysis affecting other evidence examinations

Goal #2: Incorporating Direct DNA Male Quantitation for Screening of Biological Material in the Automated Differential Digestion Process Of Sexual Assault Evidence

The funds will be used to purchase DNA and robot supplies used in the research project of incorporating a direct "Y DNA" quantitation step. Determining the presence (or absence) of male DNA in the initial steps of the analysis will reduce the number of samples subjected to unnecessary DNA typing processes.

Waiver of the Advertising and Bidding Process

Section 2.04.050.1.5 (Bid Procedure) explains that the City can make exceptions to its complete bidding process when City Council finds and determines that it is in the best interests of the city to do so. Purchasing DNA supplies and typing instruments from vendors other than those who manufacture DNA kits and instruments used by the Crime Laboratory would not be acceptable for this USDOC/NIJ grant. The Forensic Biology Unit has not validated the use of other products – the use of other products would violate the FBI DNA quality assurance standards (QAS); therefore OPD believes that waiving the complete bidding process in this instance is in the best interest of the City. The FBI DNA QAS must be followed for the Crime Lab to enter DNA profiles into the FBI Combined DNA Index System (CODIS) for searching possible DNA matches. The reagents to be purchased through this grant include: DNA extraction kits (QIAgen), quantitation kits, Fusion6C DNA Typing Kits (Promega), DNA reagents (Sigma-Aldrich), CE (DNA Typing) Instrument and capillaries (ThermoFisher). These reagents and instrument from these vendors have undergone rigorous validation studies and no vendor substitutions are acceptable.

FISCAL IMPACT

The table below detail how OPD will utilize the USDOJ/NIJ FY FY18 Forensic DNA LEICEP funds. The table lists the use of funding for Instruments, technology and supply costs.

Budget Category	Amount
<i>Instrument</i>	
CE (DNA Typing) Instrument	\$135,000
Total Instruments	\$135,000
<i>Technology and Supplies</i>	
Robot Supplies (Aurora Biomed)	\$4,000
DNA Typing Supplies (Promega)	\$19,220
DNA Typing Supplies (QIAGEN)	\$5,500
DNA Typing Supplies (Sigma-Aldrich)	\$1,000
DNA Typing Supplies (ThermoFisher)	\$2,000
Total Technology and Supplies	\$31,720
TOTAL	\$166,720

The \$166,720 in grant funds from the USDOJ/NIJ for the implementation of the FY2018 Forensic DNA LEICEP shall be appropriated in the Federal Grant Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), in a Project Number to be established.

Fiscal Year	Fund Source	Organization	Account	Project	Program	Amount
2018-19	2112	102610	PS05	TBD	PS05	\$166,720

PUBLIC OUTREACH / INTEREST

The public has a significant interest in ensuring that the OPD Crime Laboratory is able to effectively process DNA evidence; successfully processed DNA evidence helps OPD with investigations that bring lead to effective criminal prosecutions.

COORDINATION

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

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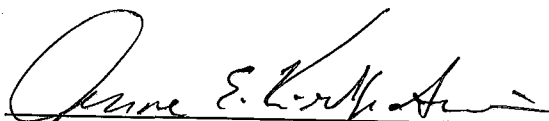
Social Equity. Provisions for continuing education and supplies funded by this grant will enhance OPD's ability to analyze biological evidence in criminal cases in a timelier fashion. The public safety for all Oakland residents and visitors is enhanced through greater OPD investigative capacity.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Sixty-Six Thousand And Seven Hundred And Twenty Dollars (\$166,720) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year (FY) 2018 Forensic Deoxyribonucleic Acid (DNA) Laboratory Efficiency Improvement And Capacity Enhancement Grant Program In The Oakland Police Department (OPD); 2) Waiving The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing And Robot Supplies And DNA Typing Instrument From Five Companies (1) Promega For Nineteen Thousand Two Hundred And Twenty Dollars (\$19,220), (2) Qiagen For Five Thousand Five Hundred Dollars (\$5,500), (3) Thermofisher For Two Thousand Dollars (\$2,000), (4) Sigma – Aldrich For One Thousand Dollars (\$1,000), (5) Aurora-Biomed For Four Thousand Dollars (\$4,000) And (6) Thermofisher For One Hundred Thirty-Five Thousand Dollars (\$135,000) For A Capillary Electrophoresis DNA Typing Instrument.

For questions regarding this report, please contact Jennifer Mihalovich, DNA Technical Leader, Criminalist III, at (510) 238-3386.

Respectfully submitted,



Anne Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
Sandra Sachs, Crime Laboratory Manager,
OPD, Criminalistics Division

Prepared by:
Jennifer S. Mihalovich, Criminalist III
OPD, Criminalistics Division

Bruce Stoffmacher, Legislation Manager
OPD, Research and Planning, Office of the Chief

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OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-SIX THOUSAND AND SEVEN HUNDRED AND TWENTY DOLLARS (\$166,720) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR (FY) 2018 FORENSIC DEOXYRIBONUCLEIC ACID (DNA) LABORATORY EFFICIENCY IMPROVEMENT AND CAPACITY ENHANCEMENT GRANT PROGRAM IN THE OAKLAND POLICE DEPARTMENT (OPD); 2) WAIVING THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASES OF DNA TYPING AND ROBOT SUPPLIES AND DNA TYPING INSTRUMENT FROM FIVE COMPANIES (1) PROMEGA FOR NINETEEN THOUSAND TWO HUNDRED AND TWENTY DOLLARS (\$19,220), (2) QIAGEN FOR FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500), (3) THERMOFISHER FOR TWO THOUSAND DOLLARS (\$2,000), (4) SIGMA - ALDRICH FOR ONE THOUSAND DOLLARS (\$1,000), (5) AURORA-BIOMED FOR FOUR THOUSAND DOLLARS (\$4,000) AND (6) THERMOFISHER FOR ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000) FOR A CAPILLARY ELECTROPHORESIS (DNA TYPING) INSTRUMENT.

WHEREAS, it is anticipated that grant funds in an amount not to exceed \$166,720 shall be awarded by the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) to support OPD's FY 2018 Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement Program (LEICEP); and

WHEREAS, the Forensic DNA LEICEP was created to assist crime laboratories to increase capacity, evaluate procedures within their Forensic Biology Units and implement protocols that will yield a more efficient use of time and resources, such that more biological evidence can be subjected to DNA analyses, and subsequent substantive searches in DNA databases; and

WHEREAS, the grant term for the proposed initiative is January 1, 2019 through December 31, 2019; and

WHEREAS, grant funds in an amount not to exceed \$166,720 were awarded by USDOJ/NIJ to OPD for the FY 2018 Forensic DNA LEICEP; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by 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. 83132 C.M.S., dated December 21, 2010; 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 Nos. 79534 C.M.S. and 79535 C.M.S., dated October 18, 2005 and Resolution Nos. 78909 C.M.S. and 78910 C.M.S., dated November 16, 2004; and

WHEREAS, FY 2018 Forensic DNA LEICEP funds will be allocated to purchase capillary electrophoresis (DNA typing) instrument, and purchase laboratory validated DNA typing reagents and robot supplies; and

WHEREAS, the OPD Criminalistics Division also plans to use \$31,720 in USDOJ/NIJ 2018 Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement Program grant funds to purchase needed DNA typing reagents and robot supplies; and

WHEREAS, the OPD Criminalistics Division also plans to use \$135,000 in USDOJ/NIJ 2018 Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement Program grant funds to purchase a needed capillary electrophoresis (DNA typing) instrument; and

WHEREAS, the OPD Criminalistics Division must use instruments and reagent typing supplies from particular vendors which have undergone rigorous validation studies and are used by the OPD Crime Laboratory; purchasing DNA supplies from vendors other than those who manufacture DNA kits or instruments would not be acceptable as the OPD Forensic Biology Unit has not validated their use; use of non-validated equipment would violate the Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS); and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.051.(B) 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 and instruments from vendors other than those who manufacture DNA kits, supplies, and instruments used by the Crime Laboratory would not be effective as other DNA kit, 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 \$166,720 from the USDOJ/NIJ 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 \$166,720, 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 a capillary electrophoresis (DNA typing) instrument; and be it

FURTHER RESOLVED: That said grant funds shall be used to fund purchase laboratory validated DNA typing reagents and robot supplies; 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 and Robot Supplies and Instruments From Five Companies (1) Promega For Nineteen Thousand Two Hundred and Twenty Dollars (\$19,220), (2) Qiagen For Five Thousand Five Hundred Dollars (\$5,500), (3) ThermoFisher For Two Thousand Dollars (\$2,000), (4) Sigma – Aldrich for One Thousand Dollars (\$1,000), (5) Aurora-Biomed for Four Thousand Dollars (\$4,000) and (6) ThermoFisher for One Hundred Thirty-Five Thousand Dollars (\$135,000) for Capillary Electrophoresis (DNA typing) Instrument; 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 - BROOKS, CAMPBELL WASHINGTON, GIBSON MCELHANEY, GALLO, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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