

2018 NOV -1 PM 12:50

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. 87429 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, NOV 27 2018

PASSED BY THE FOLLOWING VOTE:

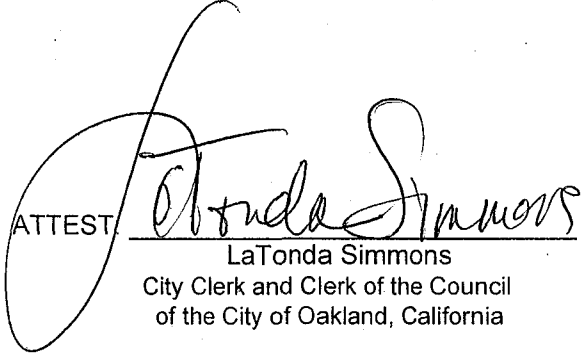
AYES - ~~XXXXXXXXXX~~ CAMPBELL WASHINGTON, GIBSON MCELHANEY, GALLO, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Parks

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