

C-25

October 6, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution authorizing the City Manager, or designee, to execute a contract, and any necessary documents including amendments, with Agilent Technologies, Inc., of Santa Clara, CA, for furnishing and delivering a gas chromatography/mass spectrometry instrument and accompanying equipment, hardware, and software, for a total contract amount not to exceed \$366,636; and,

Increase appropriations in the General Fund Group in the Police Department by \$366,636, offset by Department of Treasury Asset Forfeiture Funds received. (Citywide)

DISCUSSION

City Council approval is requested to enter into a contract with Agilent Technologies, Inc. (Agilent), for the purchase of a gas chromatography/mass spectrometry (GC/MS) instrument and accompanying equipment, hardware, and software.

The Long Beach Police Department (LBPD) performs controlled substance analysis as part of its operations and services provided by the Forensic Science Services Division. A GC/MS instrument is an important piece of forensic crime lab equipment. This equipment is used by LBPD to confirm evidence for the presence of narcotics in forensic drug testing. The GC/MS instrument will assist with possible prosecutions by aiding with evidence provided during case filing. LBPD's current controlled substance lab equipment is operated using procedures that are specific for Agilent instruments and software. LBPD's forensic procedures, methods, manuals, software, and replacement parts are compatible with Agilent equipment. Agilent is the sole equipment manufacturer of the GC/MS instrument. Accordingly, purchasing a GC/MS instrument from a different company would render previously purchased parts and software as well as written procedures and manuals incompatible and unusable.

A competitive procurement process for the purchase of an Agilent GC/MS instrument is not feasible due to the proprietary nature of the equipment and the compatibility with existing LBPD forensic lab equipment. The Forensic Sciences Services Division has been using and has trained with Agilent equipment and software since 1994.

City Charter Section 1801 requires that contracts for City purchases be awarded to the lowest responsible bidder after a competitive bid process but allows for awards without a competitive bid process if accompanied by a Resolution adopted by the City Council.

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This matter was reviewed by Deputy City Attorney Sarah E. Green on September 2, 2020, Deputy Finance Director Sandy Tsang-Palmer on September 14, 2020, and by Budget Management Officer Rhutu Amin Gharib on September 17, 2020.

TIMING CONSIDERATIONS

City Council action to adopt a Resolution is requested on October 6, 2020, to expedite the implementation of this equipment.

FISCAL IMPACT

The total one-time cost of the contract with Agilent Technologies, Inc., will not exceed \$366,636. There are no ongoing maintenance costs with this contract. The requested appropriation increase of \$366,636 in the General Fund Group in the Police Department will be fully offset by Department of Treasury Asset Forfeiture Funds. This purchase complies with the Department of Justice' Guide to Equitable Sharing for State and Local Law Enforcement agencies, which governs the spending of such funds. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ROBERT G. LUNA
CHIEF OF POLICE

RG:MV:md

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE CITY
MANAGER TO EXECUTE A CONTRACT WITH AGILENT
TECHNOLOGIES, INC. WITHOUT ADVERTISING FOR
BIDS FOR FURNISHING A GAS CHROMATOGRAPHY
/MASS SPECTROMETRY INSTRUMENT AND
ACCOMPANYING EQUIPMENT, HARDWARE, AND
SOFTWARE FOR A TOTAL CONTRACT AMOUNT NOT TO
EXCEED \$366,635.75.

WHEREAS, the Long Beach Police Department (LBPd) performs controlled
substance analysis as part of its operations and services provided by the Forensic
Science Services Division; and

WHEREAS, a GC/MS instrument is an important piece of forensic crime lab
equipment; and

WHEREAS, this equipment is used by LBPd to confirm evidence for the
presence of narcotics in forensic drug testing and will assist with possible prosecutions by
aiding with evidence provided during case filing; and

WHEREAS, LBPd's forensic procedures, methods, manuals, software, and
replacement parts are compatible with Agilent equipment; and

WHEREAS, Agilent Technologies, Inc. is the sole equipment manufacturer
of the GC/MS instrument; and

WHEREAS, as a result, no useful purpose would be served by advertising
for bids and to do so would constitute an idle and useless act and an unnecessary
expenditure of public funds;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 | follows:

Section 1. The above recitals are true and correct and are incorporated
herein.

4 Section 2. The City Manager is hereby authorized to enter a contract
5 with Agilent Technologies, Inc. for furnishing a gas chromatography/mass spectrometry
6 instrument and accompanying equipment, hardware, and software in an amount not to
7 exceed \$366,635.75.

8 Section 3. This resolution shall take effect immediately upon its adoption
9 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

0 I hereby certify that the foregoing resolution was adopted by the City
1 Council of the City of Long Beach at its meeting of _____, 20__ by the
2 following vote:

3	
4	Ayes: Councilmembers: _____
5	_____
6	_____
7	_____

8	Noes:	Councilmembers:	_____
9			_____

00	Absent:	Councilmembers:	_____
01			_____

2
3
4 _____
City Clerk