

#56  
6/4/24  
(O-2024-110)

ORDINANCE NUMBER O- 21816

DATE OF FINAL PASSAGE JUN 1 1 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO THE CONTRACT WITH QIAGEN, LLC. EXTENDING THE CONTRACT FOR AN ADDITIONAL FIVE-YEARS PAST THE ORIGINAL FIVE-YEAR TERM AND INCREASING THE CONTRACT AMOUNT FROM \$1 MILLION TO \$3 MILLION.

WHEREAS, the San Diego Police Department's (SDPD) Crime Laboratory Forensic Biology Unit (Crime Lab) analyzes DNA samples for criminal investigations; and

WHEREAS, on average, the Crime Lab receives over 2,000 requests for DNA analysis per year and tests over 10,000 items per year for DNA and other biological fluids; and

WHEREAS, these DNA testing results are critical pieces of evidence used in investigating and prosecuting crimes, including homicides and sexual assaults; and

WHEREAS, Qiagen LLC (Qiagen) is a biotechnology company that produces instruments and kits used by the Crime Lab in the DNA testing process and is the only company that can service and maintain their instruments as well as provide compatible kits; and

WHEREAS, on July 1, 2019, SDPD entered into an agreement with Qiagen for a five-year term. That agreement will expire on June 30, 2024 (Expiration Date); and

WHEREAS, pursuant to San Diego Municipal Code section 22.3016, the Purchasing Agent certified that the award of a sole source contract to Qiagen is necessary and strict compliance with a competitive process would be impractical; and

WHEREAS, SDPD requests an amendment (First Amendment) of the original agreement to increase the amount from \$1 million to \$3 million and to extend the term for five-years beyond the original five year term; and

WHEREAS, under San Diego Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by ordinance approved by a two-thirds majority vote of the City Council; and

WHEREAS, if the First Amendment is not fully approved by the Expiration Date, such approval will have a retroactive effect back to July 1, 2024, in order to avoid any lapses in the Crime Lab's ability to analyze DNA samples; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor, or his designee, is authorized to execute, for and on behalf of said City, the First Amendment to the Agreement with Qiagen, on file in the office of the City Clerk as Document No. OO- 21816

Section 2. That the Chief Financial Officer is authorized to expend an amount not-to-exceed \$2,000,000 from the General Fund (Fund Number 100000) and the Police Department (1914), over the term of the Agreement, including the five (5) additional years, for maintenance and service of DNA testing equipment, consumables and as-need instruments, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By Michelle Easton for  
Lara Easton  
Deputy City Attorney

LEE:hm  
April 26, 2024  
Or.Dept: PSE  
Doc. No. 363668

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024

DIANA J.S. FUENTES  
City Clerk

By Kristelle Medina  
Deputy City Clerk

Approved: 6/11/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 04 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 11 2024.

AUTHENTICATED BY: TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal) DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on MAY 14 2024, and on JUN 11 2024.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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