



## Legislation Text

---

**File #:** 21-0317, **Version:** 1

---

Sheriff's Office and District Attorney's Office recommending the Board:

- 1) Approve and authorize the purchase of an ANDE DNA machine in the amount of \$733,890 over a five year term;
- 2) Find that, in accordance with Section 3.12.160. of the El Dorado County Ordinance Code, due to the unique nature of the property or services required competitive bidding is precluded;
- 3) Approve and authorize the Chair to sign a Budget Transfer drawing down monies from various special revenue funds (Sheriff) increasing revenue and appropriations and transferring savings from salaries (DA) to cover costs of the ANDE DNA machine;and
- 4) Authorize the Purchasing Agent to execute the contract contingent upon Counsel and Risk approval. (4/5 vote required)

**FUNDING:** Special Revenue Funds.

### **DISCUSSION / BACKGROUND**

The Sheriff's Office and the DA's office will utilize this Rapid DNA machine to test DNA samples of arrested subjects, to identify deceased bodies, and for assistance of unsolved crimes and cold cases related to sexual assaults, homicides, kidnapping and terrorism cases. This machine would also assist in identifying individuals during catastrophes where there are mass casualties.

The ANDE DNA machine processes samples of bodily material taken from cheek swabs of certain arrested individuals who are legally required to provide such samples for the purposes of entering and searching the resulting DNA profiles in a data repository.

The Rapid DNA Act of 2017 (Public Law 115-50) was signed by the president on August 18, 2017. The act authorizes the FBI Director to "issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses." Now that the law is in place, the Bureau has been working toward the testing and implementation of this new technology and integration into the booking process of states that are authorized to collect DNA samples at arrest. The FBI worked with the Scientific Working Group for DNA Analysis Methods (SWGDM) and other stakeholders to develop Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies, the corresponding Audit Document for these standards, and the National Rapid DNA Booking Operational Procedures Manual for the FBI approval and operation of the Rapid DNA systems in booking agencies. These standards and procedures have an effective date of September 1, 2020. The Bureau recognizes that National DNA Index System (NDIS) approval of the Rapid DNA Booking Systems and training of law enforcement personnel using the approved systems are integral to ensuring that Rapid DNA is used in a manner that maintains the quality and integrity of Combined DNA Index System (CODIS) and National DNA Index System (NDIS).

The ANDE Rapid DNA machine is the only Booking System(s) approved for use at NDIS by a law enforcement booking station. Therefore, Section 3.12.160. of the El Dorado County Ordinance Code where an exception can be granted to competitive bidding when the unique nature of the property or services required precludes competitive bidding applies to this purchase.

The investment in the ANDE Rapid DNA machine, services, maintenance and consumables over a five (5) year period will be an estimated \$733,890. The District Attorney's Office is covering the cost of the ANDE machine, software and professional services in year one (\$219,000) and the Sheriff's Office will cover the costs of the consumables in year one (\$72,490). The remaining costs of maintaining the machine over a five year period (\$442,400) will be shared between the Sheriff's Office and District Attorney's Office. After five years of owning the ANDE machine the Sheriff's Office and District Attorney's Office would either continue using the machine or would consider buying a newer machine if there were technological advances to benefit from and there are funds available. Once the contract with ANDE Inc. is finalized, reviewed by County Counsel and Risk, we are requesting delegation be granted to the Purchasing Agent to sign the contract.

#### **ALTERNATIVES**

N/A

#### **PRIOR BOARD ACTION**

N/A

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement and Contracts

#### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

#### **FINANCIAL IMPACT**

No Net County Cost. Special Revenue funds will be used.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Forward signed Budget Transfer to the Auditor's Office.

#### **STRATEGIC PLAN COMPONENT**

Public Safety

#### **CONTACT**

Undersheriff Bryan Golmitz