

**REQUEST FOR LEGISLATIVE ACTION**

**Version 6/10/19**

Completed by County Counselor's Office:

Res/Ord No.: 20616

Sponsor(s): Theresa Cass Galvin

Date: February 8, 2021

SUBJECT	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Awarding a Twelve (12) Month Term and Supply Contract with one (1) Twelve Month option to extend for the furnishing of certified laboratory urinalysis testing for use by the Prosecuting Attorney's Office to Avertest, LLC. Of Richmond, VA under the terms and conditions of Johnson County, Kansas Contract No. 2014-106, and existing government contract</u></p>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="324 567 1404 766"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>N/A</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>N/A</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>N/A</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>N/A</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td>N/A</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required)  <input checked="" type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:                  Department: Prosecuting Attorney's Office Estimated Use: \$225,000</p> <p>Prior Year Budget (if applicable): N/A                  Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	N/A	Amount previously authorized this fiscal year:	N/A	Total amount authorized after this legislative action:	N/A	Amount budgeted for this item * (including transfers):	N/A	Source of funding (name of fund) and account code number:	N/A
Amount authorized by this legislation this fiscal year:	N/A										
Amount previously authorized this fiscal year:	N/A										
Total amount authorized after this legislative action:	N/A										
Amount budgeted for this item * (including transfers):	N/A										
Source of funding (name of fund) and account code number:	N/A										
PRIOR LEGISLATION	<p>Prior ordinances and (date): N/A                  Prior resolutions and (date): 19249 (September 6, 2016) 19835 (April 23, 2018)</p>										
CONTACT INFORMATION	<p>RLA drafted by (name, title, &amp; phone): Keith Allen, Senior Buyer, 816-881-3465</p>										
REQUEST SUMMARY	<p>The Prosecuting Attorney's Office requires a Term and Supply Contract for the furnishing of Drug Testing Services for their Anti-Drug and Drug Court Diversion Programs and would like to utilize the Johnson County, Kansas Contract.</p> <p>Pursuant to 1030.4 of the Jackson County Code, the Purchasing Department recommends the award of a Term and Supply Contract for the furnishing of certified laboratory urinalysis testing for use by the Prosecuting Attorney's Office to Avertest, LLC. Of Richmond, VA under the terms and conditions of Johnson County, Kansas Contract No. 2014-106, and existing government contract.</p> <p>This award is made on a "as needed" basis and does not obligate Jackson County, Missouri to pay a specific amount. The availability of funds for specific purchases is subject to annual appropriation.</p>										
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department) N/A  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department) N/A  <input checked="" type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>										
COMPLIANCE	<p><input type="checkbox"/> MBE Goals  <input type="checkbox"/> WBE Goals  <input type="checkbox"/> VBE Goals</p> <p style="text-align: center;">NO GOALS ASSIGNED</p>										
ATTACHMENTS	<p>Copy of Johnson County, Kansas Renewal Contract No. 2014-106 and all pertinent pages.</p>										

REVIEW	Department Director: <i>Juan Peters Baker</i>	Date: 1/27/2021
	Finance (Budget Approval): <i>If applicable</i>	APPROVED By Mark Lang at 9:32 am, Jan 28, 2021
	Division Manager: <i>Alroy M. Schultz</i>	Date: 2-1-2021
	County Counselor's Office: <i>Bryan Corino</i>	Date: 2/2/2021

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

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**JACKSON COUNTY PROSECUTOR'S INTEROFFICE MEMORANDUM**

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**TO:** MR. KEITH ALLEN  
**FROM:** MS. GINA ROBINSON, CHIEF OF OPERATIONS  
**SUBJECT:** REQUEST TO CONTINUE URINALYSIS TESTING WITH AVERTEST  
**DATE:** JANUARY 25, 2021  
**CC:** TINA WISE

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Mr. Allen:

This memo is requesting continuation of the urinalysis testing contract with Avertest for the Jackson County Prosecutor's Office Drug Court. Avertest has proven to be a good partner with the County by providing accurate, timely, and cost effective testing for drug court clients. Our office would like to continue the cost structure as outlined in the attached contract. The estimated annual cost based on prior usage is \$225,000.00

The accounting information is 008-4154-56080. If you need any further information please let me know.

Sincerely,

/s/ Gina Robinson

Chief of Operations  
Jackson County Prosecutor's Office



Contract Detail

[Return](#)

Contract Information

Active Contract Term

Title	Drug Testing Services	Description	Renewal 2
Description	Drug Testing Services for Corrections, Court Services and Mental Health	Start Date	01/01/2021
		End Date	12/31/2023
		Notes	
Contract Number	2014-106		
Type	RFP		
Department	CRT - Court Services		
Bid			
Status	Active		

Purchasing Department Contact Information (Name, Phone, Email) john.boos@jocogov.org

Supplier Information

General/Corporate Address

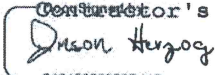
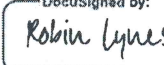
Supplier Name	Avertest**	Address	7202 Glen Forest Drive, Suite 302 Richmond, VA 23226
Supplier Description		Phone	(804) 767-8693
Organization Type	C Corporation	Fax	
Legal Name		Contact Name	
Date Business Formed		Email	
Formation State	Virginia		
Website			

Attachment List

No attachments available



MODIFICATION OF CONTRACT  
JOHNSON COUNTY, KANSAS

<p>1. Modification No.: 2</p> <p>Effective Date: 01/01/2021</p>	<p>2. Contract No.: 2014-106</p> <p>Effective Date: 01/01/2015</p>
<p>3. Purchasing Administrator: Austin Harkrader Telephone Number: (913) 715-0591 E-Mail: austin.harkrader@jocogov.org</p>	<p>5. Contractor-Name and address:  Averhealth 7202 Glen Forest Dr. Suite 302 Richmond, VA 23226 Attn: Courtney Clements cclements@averhealth.com</p>
<p>4. Issued By: Johnson County, Kansas Treasury and Financial Management, Purchasing Division County Administration Building 111 South Cherry Street, Suite 2400 Olathe, KS 66061-3486 913-715-0525</p>	
<p>6. SPECIAL INSTRUCTIONS: Contractor is required to sign Block 8 showing acceptance of the below written modification and <u>return this form to address shown in Block 4 within ten (10) days after receipt.</u> Retain a photocopy of the signed copy of this modification and attach to original of contract, which was previously provided.</p>	
<p>7. DESCRIPTION OF MODIFICATION:</p> <p>Exercise the option to renew the contract for (1) additional thirty-six (36) month period per section 3.01. This extends the contract through 12/31/2023. Updated renewal 2 term pricing is attached. There are zero (0) additional thirty-six (36) month periods remaining.</p>	
<p>8. <del>Contractor's</del> Contractor's Signature  Name Chief Executive Officer Title 6/9/2020   6:34 AM CDT Date</p>	<p>9. Johnson County, Kansas</p> <p>By:</p> <p> DocuSigned by: Robin Lynes ATT4921743854FD Purchasing Manager</p>
<p>10. Distribution:</p> <p>Original - Bid File Copies - Departments as applicable Surety Company</p>	<p>Date: 6/9/2020   9:38 AM CDT</p>

## SERVICE FEES

Service	Price per Unit of Service
Standard Panel comprised of any of seven (7) of the following Standard Drugs plus ETG: Amphetamines (amphetamines, ecstasy, methamphetamines), barbiturates, benzodiazepines, cannabinoids (THC), cocaine, ecstasy, methadone, methamphetamine, opiates (morphine, heroin, hydrocodone, hydromorphone, oxycodone, oxymorphone), PCP, and propoxyphene	\$17.00/ panel*  *The above pricing applies to Year 1 and Year 2 of service. Year 3 and each subsequent odd year of service will be subject to a price increase of \$1.00.
Standard Drug Add-on List: Amphetamines (amphetamines, ecstasy, methamphetamines), barbiturates, benzodiazepines, cannabinoids (THC), cocaine, ecstasy, methadone, methamphetamine, opiates (morphine, heroin, hydrocodone, hydromorphone, oxycodone, oxymorphone), PCP, and propoxyphene	\$ 0.50 / test
Specialty Drug Add-on List: Buprenorphine, Carisoprodol, ETG, Fentanyl, Gabapentin, Heroin, Ketamine, LSD, Meperidine, Tramadol, or Zolpidem	\$2.50 / test (except Gabapentin = \$5.00 / test)
Synthetic Cannabinoids Urine Analysis	\$25.00 / test
Synthetic Stimulants Urine Analysis (Bath Salts)	\$35.00 / test
Standard Oral Fluid Panel (Benz, Coc, Meth, Opiates, & THC)	\$20.00 / panel
Oral Fluid Add-ons (buprenorphine, methadone, oxycodone, and tramadol)	\$1.00 / panel
Hair Test	\$85.00 / panel
Transdermal	\$115.00 / panel
Standard Confirmation Test	Included up to 5% of total monthly volume; \$25.00 / test thereafter
Expert Witness Testimony	\$750.00 / 2-day session
Litigation Packet	\$150.00 / packet
Case Management System	Included, No Charge
Random Selection	Included, No Charge
Client Notification System	Included, No Charge
Video Testimony	Included, No Charge
Training & Consultation Sessions	Included, No Charge
Participation in Courts Staffing Sessions (if Option is selected)	Included, No Charge
Standard Monthly Invoice	Included, No Charge
Additional Invoice Analysis/Customization	TBD

## CONTRACT RENEWAL

**THIS CONTRACT RENEWAL**, made in Olathe, Johnson County, Kansas, and entered into as of the 1st day of January, 2018 (the "Effective Date"), by and between the JOHNSON COUNTY, KANSAS (hereinafter the "County"), and AVERTEST, LLC d/b/a AVERTEST (hereinafter the "Contractor").

### WITNESSETH:

**WHEREAS**, on or about January 1, 2015, the County entered into a term and supply contract with the Contractor for certain drug testing services (hereinafter the "Agreement"); and

**WHEREAS**, the Agreement provides that the same may be renewed for two (2) additional thirty-six (36) month periods terms upon supplemental writing executed by duly authorized representatives of the County and Contractor; and

**WHEREAS**, the County and Contractor hereby agree to renew the Agreement, but with amendment, and accept the terms and conditions of this Contract Renewal.

### I. RENEWAL TERM

The Agreement is hereby renewed for the period commencing with the Effective Date of this Contract Renewal and ending December 31, 2020 (hereinafter the "renewal term").

### II. COMPENSATION

The County's cost under this Contract Renewal shall not exceed **Fifty-Two Thousand Dollars (\$52,000.00)** annually, at the rates set forth in **Attachment B, "Services Fees"**, attached hereto and incorporated herein by reference. **Attachment B** to this Contract Renewal replaces **Attachment B** to the Agreement.

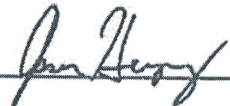
### III. STATUS OF AGREEMENT

All of the terms and conditions of the Agreement, not otherwise modified by, or made inconsistent with, the terms and conditions of this Contract Renewal, shall remain in full force and effect, and shall be made binding on the parties hereto during the renewal term.

[Signatures appear on the following page.]

**IN WITNESS WHEREOF**, the parties hereto have caused this Contract Renewal to be executed in multiple counterparts by their duly authorized representatives and made effective the day and year first above written.

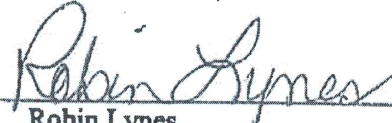
**AVERTEST, LLC d/b/a AVERTEST**

By:   
Jason Herzog

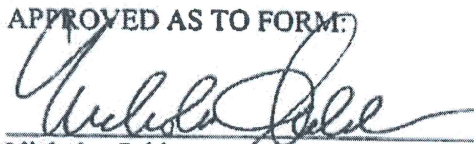
Printed Name

CEO and Co-Chairperson  
Title

**JOHNSON COUNTY, KANSAS**

By:   
Robin Lynes  
Purchasing Manager

APPROVED AS TO FORM:

  
Nicholas Saldan  
Assistant County Counselor



**DO NOT SUBMIT THIS FORM WITH YOUR RESPONSE TO THIS PROPOSAL**

**FORM 6**

**PROPOSED COST**

Failure to state all costs associated with the service being provided including disclosure of any anticipated travel, printing, or other miscellaneous costs may result in such fees not being honored or paid by the County.

ITEM NO	ITEM AND SPECIFICATION	ANNUAL ESTIMATED QUANTITY	UNIT	UNIT PRICE W/O COLOR CODE SYSTEM	TOTAL PRICE W/O COLOR CODE SYSTEM	UNIT PRICE WITH COLOR CODE SYSTEM	TOTAL PRICE WITH COLOR CODE SYSTEM
	<b>MANDATORY</b>						
	<b>ADULTS</b>						
1.	Seven (7) Drug Panel	13,000	Per test	\$12.50	\$162,500.00	\$12.50	\$162,500.00
	<b>JUVENILES</b>						
2.	Eight (8) Drug Panel	8,600	Per test	\$16.00	\$137,600.00	\$16.00	\$137,600.00
	a. Current Street Drugs (available and substituted in the standard panel at no additional cost)	12	Per test	\$15.00	\$180.00	\$15.00	\$180.00
	<b>BOTH ADULTS AND JUVENILES</b>						
3.	GCMS confirmation testing (enter "0" if GCMS confirmation testing is included in the above costs)	1,430	Per test	\$0.00	\$0.00	\$0.00	\$0.00
4.	Courier service for specimens collected by County agencies (number of trips per week). See attached list for locations.	10	Per trip	\$0.00	\$0.00	\$0.00	\$0.00
	<b>TOTAL</b>				<u>\$300,280.00</u>		<u>\$300,280.00</u>
	<b>OPTIONAL</b>						
	<b>ADULTS</b>						
1.	Eight (8) Drug Panel	19,450	Per test	\$16.00	\$311,200.00	\$16.00	\$311,200.00
	a. Current Street Drugs (available and substituted in the standard panel at no additional cost)	25		No Charge	No Charge	No Charge	No Charge
2.	Four (4) Drug Panel	5,500	Per test	\$10.50	\$57,750.00	\$10.50	\$57,750.00

**ATTACHMENT B - SERVICES FEES**

*(Attached)*

3.	GCMS confirmation testing (enter \$0.00 if GCMS confirmation testing is included in the above costs)	3,325	Per test	\$0.00	\$0.00	\$0.00	\$0.00
4.	Tests for steroids and LSD	60	Per Test	\$190.00	\$11,400.00	\$190.00	\$11,400.00
5.	Blood Collection available with 24 hours of request	30	Per Test	\$100.00	\$3,000.00	\$100.00	\$3,000.00

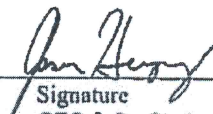
Please state any additional costs or fees associated with this service.

The above Proposed Costs per test include a confirmation allowance of 5% of all samples. Per test volume data provided by the County on December 2, 2014, a confirmation allowance of 5% will sufficiently cover the County's typical confirmation order rate. Should the County exceed the 5% confirmation allowance, the cost per confirmation in excess of the 5% confirmation allowance would be \$25.00 per confirmation test.

The above Proposed Costs per test are based on annual testing volume of 48,000 samples. The test volume data provided by the County on December 2, 2014 indicates an annual test volume of approximately 48,000 samples. If the actual test volume is 15% less, then we ask for the ability to increase the cost per test. Conversely, if the test volume is 15% more, then we offer to decrease the cost per test.

\*The above pricing is for Year 1 and Year 2 of the attached 3-Year Contract Renewal effective January 1, 2018. There will be a \$1.00 price increase to all tests and/or panels beginning in Year 3 of the attached Contract Renewal.

SUBMITTED



Signature  
CEO & Co-Chairman

Title  
Authorized Representative of

Avertest, LLC d/b/a Avertest  
Firm Name

7202 Glen Forest Drive, Suite 302  
Address

Richmond, VA  
City and State

(804) 955-5246  
Telephone No.

December 2, 2014  
Date