

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:  
 Res/Ord No.: 19249  
 Sponsor(s): Alfred Jordan  
 Date: September 6, 2016

<b>SUBJECT</b>	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Awarding a Four Month Term and Supply Contract with one Twelve Month Option to Extend for the furnishing of Drug Testing Services for use by the Prosecuting Attorney's Office to Avertest of Richmond, VA under the terms and conditions set forth in the Johnson County, Kansas Contract No. 2014-106, an existing government contract.</u></p>										
<b>BUDGET INFORMATION</b> <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p><b>OTHER FINANCIAL INFORMATION:</b></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                      Estimated Use: \$144,580.00</p> <p>This RLA only approves the Term and Supply Contract; the funds were/are appropriated through the annual budget adoption. Figures included in the Budget Information section are for informational purposes to provide an estimate of the contract value.</p> <p>Prior Year Budget (if applicable):      Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:		Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:		Amount budgeted for this item * (including transfers):		Source of funding (name of fund) and account code number:	
Amount authorized by this legislation this fiscal year:											
Amount previously authorized this fiscal year:											
Total amount authorized after this legislative action:											
Amount budgeted for this item * (including transfers):											
Source of funding (name of fund) and account code number:											
<b>PRIOR LEGISLATION</b>	Prior ordinances and (date): Prior resolutions and (date):										
<b>CONTACT INFORMATION</b>	RLA drafted by (name, title, & phone): Barbara Casamento, Purchasing Supervisor, 881-3253										
<b>REQUEST SUMMARY</b>	<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. The requested term will run concurrently with Johnson County's Contract.</p> <p>Pursuant to Section 1030.4 of the Jackson County Code, the Director of Finance and Purchasing recommends the award of a Term and Supply Contract for the furnishing of Drug Testing Services for use by the Prosecuting Attorney's Office to Avertest of Richmond, VA under the terms and conditions of Johnson County, Kansas Contract No. 2014-106, an existing government contract.</p> <p>The award is made on an "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>										
<b>CLEARANCE</b>	<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>										
<b>ATTACHMENTS</b>	A memorandum from Mr. Dion Sankar of the Prosecuting Attorney's Office and the pertinent pages of the Johnson County, Kansas Contract.										

REVIEW	Department Director: <i>Jean Peters Baker</i>	Date: <i>8-30-16</i>
	Finance (Budget Approval): <i>If applicable</i> <i>[Signature]</i>	Date: <i>8/30/16</i>
	Division Manager: <i>[Signature]</i>	Date: <i>9/1/16</i>
	County Counselor's Office: <i>[Signature]</i>	Date:

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.

**MEMORANDUM**

To: Barbara J. Casamento, Jackson County Purchasing Supervisor & Gina Robinson, Jackson County Prosecutor's Office Chief Operating Officer

From: Dion Sankar, Drug Court Program Manager

Date: August 29, 2016

Re: Drug Court urinalysis testing contract

---

The ability to monitor the progress of our participants is a critical part of our Drug Court program. The most important way in which we monitor the progress of participants is urinalysis testing. Since January 2015 to early August 2016, there have been 4,350 test conducted on our Drug Court participants. While there are multiple requirements for graduation from the Drug Court program, a core requirement is a showing that the participant has not tested positive for drugs or alcohol for 180 consecutive days. A failed test will require the participant to be placed backwards in the treatment program because they have forfeited all prior "clean" time. As such, our Drug Court program has a specific need for reliable and cost effective urinalysis testing.

Following a successful bid, Phamatech Laboratories & Diagnostic ("Phamatech") was awarded the term and supply urinalysis testing contract for Jackson County in the fall of 2015. Since that time, there have multiple issues regarding Phamatech's service and, more significantly, their compliance with their contractual obligations. At the forefront of the issues is the large amount of false positives which has led to a significant increase in challenges to the accuracy of positive results from participants. The lack of accuracy has severely undermined the participants' confidence in the treatment program and Court. Further, Phamatech has also been deficient in reporting and record keeping. This lack of credible information has created an issue wherein some participants were allowed to progress within the treatment program under the mistaken assumption that they had not tested positive, only to be later sent back to an early phase of treatment program when a positive result was discovered. Furthermore, as of recent, there have been instances where the result of a test is reported differently in the County database than it is in the paper reports. This inability to have accurate information has also led to regular challenges from participants to the treatment program. Based on these and other issues, our Department requested that the contract with Phamatech be terminated.



In 2015, our Department expended \$144,580.21 for urinalysis testing. This sum is consistent with previous years.<sup>1</sup> It is our understanding that Avertest is currently providing urinalysis testing to Johnson County, Kansas. We were provided with a copy of that term and supply contract and we have reviewed the same. At this time, we are requesting that Jackson County allows our Department to enter into the terms as set forth in Avertest's Johnson County, Kansas term and supply contract.

Thank you.

---

<sup>1</sup> For example, in 2014, our Department expended \$135,293.72 for urinalysis testing.

## REQUEST FOR PROPOSAL

 <p><b>Treasury &amp; Financial Management</b></p>	RFP NO: 2014-106 DATE: November 28, 2014 PURCHASING ADMINISTRATOR: <b>JOHN BOOS, CPPB</b> PHONE NO: (913) 715-0590 FAX NO: (913) 715-0577 EMAIL: john.boos@jocogov.org
<p style="text-align: center;"><b>RETURN RFP NO LATER THAN:</b></p> <p><b>OPENING DATE:</b> Friday, November 14, 2014</p> <p><b>OPENING TIME:</b> 2:00 PM Local Time on a clock designated by TFM Purchasing Division</p>	<p style="text-align: center;"><b>RETURN RFP TO:</b></p> <p><b>TREASURY AND FINANCIAL MGMT. PURCHASING DIVISION 111 S. CHERRY, SUITE 2400 OLATHE, KS 66061-3486 RFP NO: 2014-106</b></p>
<p><b>DESCRIPTION:</b></p> <p style="text-align: center;"><b>DRUG TESTING SERVICES</b></p> <p>To respond to this RFP this cover sheet and the appropriate forms should be completed and submitted. The County is requesting one (1) original clearly marked as such, and one (1) electronic copy on digital media such as a CD or Flash device to be returned in response to this RFP. Limit the number of electronic files to one complete (PDF) when returning the information. This is the County's preference is to have the information in one file. Segregating each form into a new file is not preferred.</p> <p><b>How did you hear about this RFP solicitation?</b>  <input type="checkbox"/> Onvia: DemandStar <input type="checkbox"/> Public Purchase <input type="checkbox"/> Drexel <input type="checkbox"/> Newspaper <input type="checkbox"/> County Website Other: <input checked="" type="checkbox"/> Contacted by County Purchasing &amp; Bid Sync</p> <p style="text-align: center;"><b>INVOICE DISCOUNT TERMS</b></p> <p>Is a discount offered for prompt payment of invoices? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>. If yes, please complete information below.</p> <p>VENDOR TERMS: _____ %      DISCOUNT PERIOD _____ DAYS      NET _____ DAYS</p> <hr/>	
<b>MUST BE SIGNED TO BE VALID</b>	
COMPANY: Avertest, LLC d/b/a Avertest	DATE: November 12, 2014
MAILING ADDRESS: 7202 Glen Forest Drive, Suite 302	PHONE: (804) 767-8693
CITY: Richmond      STATE: VA      ZIP: 23226	E-MAIL: jherzog@avertest.com
SSN OR FEDERAL TAX NO: 27-392-9226	TITLE OF AUTHORIZED REPRESENTATIVE: CEO & Co-Chairman
AUTHORIZED SIGNATURE: 	PRINTED NAME: Jason Herzog DATE: November 12, 2014



November 12, 2014

Johnson County Kansas  
Treasury and Financial Management  
Purchasing Division  
111 S. Cherry, Suite 2400  
Olathe, KS 66061-3486

To the Johnson County Kansas Purchasing Division:

We are pleased to provide the Johnson County Kansas Purchasing Division (the "County") with a proposal that meets every requirement outlined in RFP 2014-106.

For nearly 20 years, Avertest has specialized in providing comprehensive alcohol and drug testing services that are tailored to meet the specific needs of judicial and social service customers. Avertest serves more than 90 adult and juvenile probation departments, sheriff offices, children and family welfare programs, and drug, DWI, family, Veterans, and mental health courts. On a monthly basis, Avertest conducts over 200,000 urine drug tests, about 50,000 breath alcohol tests, over 40,000 oral fluid tests, and several thousand hair, transdermal, and blood tests. Through this experience we have developed proven procedures, protocols, and a quality assurance process that uniquely qualify Avertest to fulfill the County's collection and drug testing needs. Everything that we do is done to generate better outcomes for the judicial and social service customers that we serve.

Avertest seamlessly integrates every element of our customers' drug testing program, including sample collections, laboratory services, results reporting, and every step in between, to create the most efficient, accurate, and cost effective solution available. In addition, every element of the collection and drug testing program is based on evidenced based practices that are designed to help the client achieve sustained sobriety. The key elements of the Avertest service offering include the following:

- Random schedule management
- Testing available 365 days per year
- Client notification
- Same gender observed collections
- Protocols to prevent adulteration, tampering and substitution
- State-of-the-art instrument based laboratory
- Next business day results reporting
- Expert and lay testimony
- Treatment court staffing session attendance and participation
- Training and consultation

In summary, Avertest provides *Much More Than Just a Test*.

We are extremely enthusiastic at the prospect of serving the County and hope that this is the beginning of a long-term partnership.

Sincerely,

Jason Herzog  
Chief Executive Officer



Co-operative Purchasing Form

19249

**COOPERATIVE PROCUREMENT WITH OTHER JURISDICTIONS:**

- 1) If Johnson County awarded you the proposed contract, would you sell under the prices and terms of this Contract to any Municipal, County Public Utility, Hospital, Educational Institution, or any other non-profit organization having membership in the Mid-America Council of Public Purchasing (MACPP) or Mid-America Regional Council (MARC) and located within the Greater Kansas City Metropolitan Trade Area? (All deliveries shall be F.O.B. Destination and there shall be no obligations on the part of any member of said Council to utilize this Contract).

YES X NO \_\_\_\_\_

INITIALS: JH

- 2) Sales will be made in accordance with the prices, terms, and conditions of the Request for Proposal and any subsequent contract.
- 3) There shall, however, be no obligation under the cooperative procurement agreement for any organization represented by MACPP or MARC to utilize the RFP or contract unless they are specifically named in the Request For Proposal.
- 4) All sales to other jurisdictions will be made on purchase orders issued by that jurisdiction. All receiving, inspection, payments and other contract administration will be the responsibility of the ordering jurisdiction.
- 5) The principal contracting officer (PCO) is responsible to handle the solicitation and award the contract. The PCO has sole authority to modify the contract and handle disputes regarding the substance of the contract. The PCO is the Purchasing Administrator, Johnson County, Kansas.
- 6) Each jurisdiction that is a party to the joint RFP has authority to act as Administrative Contracting Officer with responsibility to issue purchase orders, inspect and receive goods, make payments and handle disputes involving shipment to the jurisdiction.



## 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><u>MANDATORY</u></b>						
	<b>ADULTS</b>						
1.	Seven (7) Drug Panel	13,000	Per test	\$12.50	<b>\$162,500.00</b>	\$12.50	\$162,500.00
	<b>JUVENILES</b>						
2.	Eight (8) Drug Panel	8,600	Per test	\$16.00	<b>\$137,600.00</b>	\$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 OPTIONAL ADULTS</b>				<b>\$300,280.00</b>		<b>\$300,280.00</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

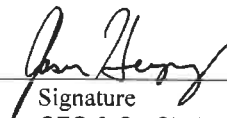
3.	GCMS confirmation testing (enter \$0.00 if GCMS confirmation testing is included in the above costs)	3,325	Per test	\$0.00	\$0.00	\$0.00	\$0.00
4.	Tests for steroids and LSD	60	Per Test	\$190.00	\$11,400.00	\$190.00	\$11,400.00
5.	Blood Collection available with 24 hours of request	30	Per Test	\$100.00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

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