

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** transferring \$50,000.00 within the 2010 Health Fund and authorizing the purchase of portable dental digital x-ray equipment from Dexis LLC of Alpharetta, GA, for use by the Medical Examiner's office, as a sole source purchase, at an actual cost to the county in the amount of \$28,935.00.

**RESOLUTION #17250**, April 19, 2010

**INTRODUCED BY** Theresa Garza Ruiz, County Legislators

WHEREAS, the Medical Examiner's office requires a portable dental digital x-ray unit to confirm positive identification of bodies that cannot be visually identified; and,

WHEREAS, film based x-rays previously used by the Medical Examiner's office are no longer available and the digital x-ray unit purchase will enable the Medical Examiner to process the digital x-rays in house; and,

WHEREAS, Section 1030.1, Jackson County Code, 1984, eliminates the requirement for competitive bidding when items or services to be purchased can be obtained from only one source and requires notification of and approval by the Legislature on such sole source purchases exceeding \$25,000.00; and,

WHEREAS, the Director of Finance and Purchasing recommends the purchase of portable dental digital x-ray equipment for use by the Medical Examiner's office, in the amount of \$28,935.00; and,

WHEREAS, the Director further recommends that he not take competitive bids with regard to said equipment for the reason that the Dexis LLC of Alpharetta, GA, equipment provides unique features and capabilities as described in the attached documentation; and,

WHEREAS, a transfer is necessary to place the funding in the proper account; and,

WHEREAS, a portion of the transferred funds will be used for additional equipment purchases in the future; and,

WHEREAS, the County Executive recommends this transfer; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the following transfer within the 2010 Health Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Health Fund			
Medical Examiner's Office			
002-2001	55010 - Regular Salaries	\$50,000.00	
002-2001	58170 - Other Equipment		\$50,000.00

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Pamela Fellin  
Deputy/Assistant County Counselor

W.M. Gruber  
Acting County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17250 of April 19, 2010, was duly passed on April 26, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

4.27.10  
Date

Mary Jo Spino  
Mary Jo Spino, Clerk of Legislature

Funds sufficient for this transfer are available from the source indicated below.

ACCOUNT NUMBER: 002 2001 55010  
ACCOUNT TITLE: Health Fund  
Medical Examiner's Office  
Regular Salaries  
NOT TO EXCEED: \$50,000.00

April 14, 2010  
Date

D. Taylor  
Director of Finance and Purchasing



**MARY H. DUDLEY, M.D.**

**JACKSON COUNTY MEDICAL EXAMINER**

660 East Twenty Fourth Street  
Kansas City, Missouri 64108

(816) 881-6600  
FAX (816) 404-1345

## MEMO

To: Barbara Casamento, Purchasing  
From: Mary H. Dudley, M.D.  
Date: February 24, 2010  
Re: Sole Source Purchase

An important part of our forensic duties is to confirm positive identification of bodies that cannot be visually identified, including fire victims, decomposed or skeletonized bodies. In these cases we must rely on dental identification by a forensic dentist with experience in comparing antemortem and postmortem dental x-rays. In the past our dental x-rays were film-based, taken using a large, outdated, mobile x-ray unit. The x-rays were taken at the Jackson County Medical Examiner by a dentist from the dental school and processed at the dental school. The results were called over to our office. In December of 2009, we were informed by the dental college that they had switched from film x-rays to digital and could no longer take x-rays for us because they had no way of processing the old film. We have searched the KC area and found only a few private dentists that still use the old film and have a way to process the images. The current operation is cumbersome, dependent on film, and was at the convenience of the dental school as to when they could do the x-rays. Further, the films must then be stored with a less than efficient method and space is becoming an issue.

Being able to perform this function entirely in-house has many benefits. Most importantly, we will eliminate hours of wait time and we will be able to control the consistency in quality of the images. Further, the JCMEO is also required to store the films and the ability to store x-rays digitally will reduce physical storage requirements. The portability of the unit enables us to take x-rays at the office or in the field in the event of a mass fatality.

The JCMEO chooses to use Dexis Inc. as a sole source for purchasing the portable dental digital x-ray equipment and corresponding installation and training as they are the sole makers of this equipment. JCMEO senior staff who are members of the Disaster Mortuary Operational Response Team are highly familiar with this equipment as it is the equipment used by FEMA and the National Disaster Medical System during mass fatality incidents. This x-ray system is used extensively by the Forensic Dentist and has been proven to be highly reliable and durable, even in austere conditions. The equipment is a perfect fit for the needs of our operations in house, at scenes or during a mass fatality incident.

We appreciate your ongoing support. Please let us know if there's anything else you require from us. If you have any questions, please contact me at 881-6595.

Sincerely,

*Mary H. Dudley M.D.*

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**From:** Mary H. Dudley  
**Sent:** Sunday, February 28, 2010 3:21 PM  
**To:** Barbara J. Casamento  
**Cc:** Michael Henderson  
**Subject:** FW: Filippi: Sole Source Portable Dental Digital Xray Equipment

Barbara,

Here is additional information from Dr. Filippi, our forensic dental consultant, on his opinion regarding Dexis and information on the other systems you mentioned in your e-mail that serve different functions from the Dexis system.

Let me know if there is additional information you need to prepare the RLA.

Dr. Dudley

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**From:** ForenDDS@aol.com [mailto:ForenDDS@aol.com]  
**Sent:** Sunday, February 28, 2010 2:20 PM  
**To:** Michael Henderson; Mary H. Dudley  
**Subject:** Filippi: Sole Source Portable Dental Digital Xray Equipment

Dear Mike and Dr. Mary Dudley:

As requested, enclosed is a letter below to submit. I have also enclosed a word document of this same letter and numerous attachments in the zip file for your submission to the requesting Jackson County Administrators. Please review, and advise me upon receipt that the zip file can be opened. Also feel free to add and or edit this information as needed.

This should be a good first step in seeking the necessary reasons for selecting the DEXIS System. Respectfully and my pleasure to assist your office

John Filippi DDS D-ABFO  
Forensic Dental Consultant for the Jackson County Medical Examiner Office

See Zip file Attachments:

**From:** John Filippi DDS D-ABFO  
Dr. Mary Dudley ( Jackson County Medical Examiner)  
Michael Henderson ( OJCME)

**To:** Ms. Barbara J. Casamento  
Ms. Pam Felon

**Topic:** Sole Source on Portable Dental Digital X-ray Equipment.

The following is some detailed information and the opinion(s) of the above mentioned names, regarding the request from the Jackson County Medical Examiners Office for a "Sole Source" support claim. Thank you for this opportunity to explain the features of this digital equipment and why this system is proven superior to all other digital dental systems and manufacturers.

The equipment being requested, is specifically designed to handle the precision digital requirements for a complete forensic dental autopsy and for obtaining positive identifications. This System has been utilized in numerous Medical Examiner's Offices across the country. ( St Louis and the State of New Mexico Medical Examiner's Office are just a few of many). More references can be surely made available upon request.

Also Please find four ( attachments) enclosed, explaining some details and features of the Dexis/ WINID/ Nomad Aribex portable X-ray Systems; all pertaining to the sole source request.

The DEXIS Forensic Digital software program is specifically designed for dental identification. It has been utilized at the WTC 911/ Katrina and now the Haiti DMORT Operations, along with, other Medical Examiner Office forensic case loads and caches. It is the state of the art system for either single or multi death investigations, whereby forensic dental identifications are required by the Medical Legal System.

The Dexis systems allows the capture of postmortem digital dental images that can be uploaded into a detailed dental software program( WINID) for search function comparisons, digital storage and digital recovery in jpeg electronic format. DEXIS also allows for the uploading or digital scanning of existing ante mortem dental records for the comparison identification logarithmic search function. At the date of this submission, no other Digital Dental system or manufacturer provides this functionality. The DEXIS Manufacturer also provides a proven sales support staff, service department, warranty protection, software updates, and an excellent online/phone tech support package.

The DEXIS system has been recognized in Daubert hearings, court testimony and meets the accreditation requirements of the 2009 NAS Report, as it relates to forensic dental identifications.

In closing thank you for your request and the consideration of those in charge, for this opportunity to submit this sole source claim.

John Filippi DDS D-ABFO  
Diplomat American Board of Forensic Odontology ( ABFO)  
Fellow American Academy of Forensic Sciences ( AAFS)  
NamUs Midwest Region Forensic Odontologist  
HHS/ NDMS/ DMORT 7  
1325 North 127th Ave  
Omaha Nebraska 68154  
Home: 402-498-9094  
Cell: 402-960-6642  
email: forendds@aol.com  
flipdmort@aol.com  
NamUs Email: namus.06@findthemissing.org

Attention: The content of this e-mail is private and confidential. Any views or opinions presented are solely those of the author. If you are not the intended recipient, please delete the message and notify the sender

# DEXIS

## US Special Markets Sales Quotation Sheet

Today's Date: 5-Apr-10  
 Quote Valid Until: 30-Jun-10

DEXIS LLC  
 2550 Northwinds Pkwy, #100  
 Alpharetta, GA 30004

Customer:

Ship To:

Special Markets:

Phone:  
 Email/Fax:

Phone:  
 Fax:

Line Item #	Description	Original Manufacturer	Reference Part #	Special Markets Unit Price, \$	Quantity	Extended Price, \$
1	DEXIS Platinum Digital System (includes DEXIS sensor, accessories, warranty, & training) FORENSIC PACKAGE includes:	DEXIS LLC	PLU5101S	19,985.00	1	19,985.00
2	DEXcare Warranty (2nd & 3rd year)	DEXIS LLC	PLU116/PLU119	0.00	2	0.00
3	DEXIS forensic software	DEXIS LLC	PLU236	0.00	1	0.00
4	DEXnet software	DEXIS LLC	PLU222	0.00	1	0.00
5	DEXimage software	DEXIS LLC	PLU202	0.00	1	0.00
6	DEXscan software	DEXIS LLC	PLU205	0.00	1	0.00
7	DEXwrite software	DEXIS LLC	PLU206	0.00	1	0.00
8	Deluxe Laptop	DEXIS LLC	PLU518	0.00	1	0.00
9	Shipping for DEXIS system	DEXIS LLC	PLU900	0.00	1	0.00
10	NOMAD PRO with large case to hold all equipment except scanner	Artibex	PLU337	8,100.00	1	8,100.00
11	Scanner flatbed		PLU339	850.00	1	850.00

\*\*Taxes are applicable\*\*

**Total: \$ 28,935.00**

TERMS OF SALE - US Special Markets  
 DEXIS LLC

**Delivery:** DEXIS LLC will use its best efforts to deliver hardware and software specified on this Purchase Order ("PO") on a timely basis to the "Customer" however Delivery Date is subject to change by DEXIS LLC without notice.

**Limited Warranty:** DEXIS agrees, subject to the terms of this limited warranty, to correct any defects in materials or workmanship in any DEXIS System hardware covered by this limited warranty which occurs during normal use and is reported to DEXIS in writing during the period of one (1) year from the shipment date and to correct any defects in any DEXIS System software covered by this limited warranty which occurs during normal use and is reported to DEXIS in writing during the period of three (3) months from the shipment date.

DEXIS' obligation hereunder shall be on an exchange basis, the part or parts necessary to correct any defect covered by this Limited Warranty. DEXIS will pay normal surface transportation charges for delivery of replacement components to the product location, but shall not be liable for any other expenses including the cost of returning any component part to be replaced by DEXIS for exchange. If, in the opinion of DEXIS, it is not practical to correct the defect by an exchange of components, DEXIS will provide service personnel to correct the defect at no cost except for transportation.

If, upon the inspection of any DEXIS System to which this warranty applies, DEXIS determines that a claimed defect was not due to its workmanship or materials (including, but not limited to misuse, abuse, accidents, neglect, failure of electrical power, humidity control, fire, acts of God), DEXIS will proceed to repair and service the DEXIS System at customer's expense and approval. This warranty shall be null and void upon service, repair or replacement of any portion of the DEXIS System or any modification performed by anyone other than an authorized service representative, or under the direction of the DEXIS Technical Support Department. Customer must use the DEXIS System hardware with the prescribed DEXIS System software and must use the DEXIS System software with the prescribed DEXIS System hardware. Usage of any DEXIS System component with any non-prescribed component will render warranty coverage for the DEXIS System null and void. Any modification of any DEXIS System software will also render warranty coverage for the DEXIS System null and void. Customer's remedies under this limited warranty are exclusive of all others.

DEXIS' warranty obligation with respect to all components, equipment, and accessories which are integrated into a DEXIS System and not manufactured by DEXIS, shall be limited to those express written warranties made to DEXIS by the manufacturer, which DEXIS hereby assigns and transfers to customer. DEXIS is not responsible for the installation, service or performance of computers, peripherals (including printers and card readers), and all other third party items, whether supplied by DEXIS or not.

THE FOREGOING WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES WHATSOEVER WITH RESPECT TO PRODUCT OR SERVICES SOLD HEREUNDER, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

**Limitation of Liability:** IN NO EVENT SHALL DEXIS BE LIABLE AND CUSTOMER WAIVES ALL CLAIMS AGAINST DEXIS FOR CONSEQUENTIAL, INCIDENTAL OR SPECIAL DAMAGES, WHETHER OR NOT BASED UPON DEXIS' NEGLIGENCE OR BREACH OF WARRANTY OR STRICT LIABILITY IN TORT OR ANY OTHER CAUSE OF ACTION ARISING, DIRECTLY OR INDIRECTLY, IN RESPECT TO THE DEXIS SYSTEM OR SERVICES COVERED HEREUNDER, OR THE USE OR FAILURE THEREOF, INCLUDING, BUT NOT LIMITED TO, DAMAGES FOR LOST PROFITS, LOSS OF PRODUCTION OR INJURY TO PERSONS OR PROPERTY. IN ANY EVENT, DEXIS' MAXIMUM LIABILITY SHALL NOT EXCEED THE CONTRACT PRICE OF THE DEXIS PRODUCTS FURNISHED HEREUNDER.

**Returns:** DEXIS LLC operates a strict policy of no returns or refunds on all hardware and software once the original shipping seals are broken. Hardware or software that is returned to DEXIS LLC for refund in unopened, original packaging with the shipping seals unbroken, within 30 days of original shipment, will be accepted subject to a minimum restocking fee of 15% of the total order value. Later returns will be accepted only at the sole discretion of DEXIS LLC, and only on terms to be determined by DEXIS LLC.



**Disputes:** All claims, disputes, or disagreements of any kind that may arise between the Customer and the Seller shall be settled by binding arbitration in accordance with the procedures set forth in the Illinois Code of Civil Procedure in Cook County, Illinois, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

**Governing Law:** Customer and DEXIS LLC agree that these Terms of Sale will be governed by and construed in accordance with the laws of the State of Georgia.

**Effect of Invalidity:** The invalidity of any part of any section of the Terms of Sale contained herein shall not affect the validity of any other section in whole or in part.

**Force Majeure:** DEXIS shall not be liable for delay in any performance or for failure to render any performance, and any such delay or failure shall for all purposes be excused, when such delay or failure is caused by governmental regulation, fire, flood, wind, strike, labor disputes, accident, embargo, riot, act of God, or any other cause or causes, whether of like or different nature, beyond the reasonable control of DEXIS. Customer shall bear any costs incidental to Customer's delay or failure in acceptance of the DEXIS System or any other performance.

**Statute of Limitations:** Any action resulting from the breach on the part of DEXIS as to any DEXIS System manufactured or services delivered hereunder must be commenced within one year after the cause of action has accrued.

Equal employment Opportunity/Affirmative Action Employer M/F/H/V

**REQUEST FOR LEGISLATIVE ACTION**

Completed by County Counselor's Office:

Res/Ord No.: 17250

Sponsor(s): Theresa Garza Ruiz

Date: April 19, 2010

<p><b>SUBJECT</b></p>	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Transferring \$50,000.00 within the Medical Examiner's budget and authorizing the purchase of Portable Dental Digital X-Ray Equipment per the attached quotation for the Medical Examiner's Office from Dexis LLC of Alpharetta, Georgia in the amount of \$28,935.00 as a Sole Source.</u></p>																		
<p><b>BUDGET INFORMATION</b>  <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>50,000.<sup>00</sup></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>0</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>50,000.<sup>00</sup></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number: FROM ACCT: Health Fund, Medical Examiner, Regular Salaries</td> <td colspan="2">FROM ACCT: 002-2001-55010</td> </tr> <tr> <td>TO ACCT: Health Fund, Medical Examiner, Other Equipment</td> <td colspan="2">TO ACCT: 002-2001-58170</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 type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:          Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable):          Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	50,000. <sup>00</sup>	\$	Amount previously authorized this fiscal year:	0	\$	Total amount authorized after this legislative action:	50,000. <sup>00</sup>	\$	Amount budgeted for this item * (including transfers):		\$	Source of funding (name of fund) and account code number: FROM ACCT: Health Fund, Medical Examiner, Regular Salaries	FROM ACCT: 002-2001-55010		TO ACCT: Health Fund, Medical Examiner, Other Equipment	TO ACCT: 002-2001-58170	
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TO ACCT: Health Fund, Medical Examiner, Other Equipment	TO ACCT: 002-2001-58170																		
<p><b>PRIOR LEGISLATION</b></p>	<p>Prior ordinances and (date):          Prior resolutions and (date):</p>																		
<p><b>CONTACT INFORMATION</b></p>	<p>RIA drafted by (name, title, &amp; phone): Barbara Casamento, Purchasing Supervisor, 881-3253</p>																		
<p><b>REQUEST SUMMARY</b></p>	<p>The Medical Examiner's Office requires a Portable Dental Digital X-Ray Unit to confirm positive identification of bodies that cannot be visually identified. In the past the Medical Examiner's Office has used film based x-rays that were processed by the UMKC Dental School. In December, 2009 the Dental School notified the Medical Examiner's Office they would no longer be processing these film based x-rays because they had switched to digital equipment. The Medical Examiner's Office did research in the Greater Kansas City Metropolitan area and found only a few private dentist that might be able to process the film based x-rays. The Purchase of this equipment would allow the Medical Examiner's Office to perform this function entirely in-house resulting in less waiting time for results, higher quality control and a reduction in physical storage space needed to store the film based x-rays.</p> <p>Pursuant to Section 1030.1 of the Jackson County Code, the Director of Finance and Purchasing recommends the purchase of Portable Dental Digital X-Ray Equipment per the attached quotation for the Medical Examiner's Office from Dexis LLC of Alpharetta, Georgia in the amount of \$28,935.00 as a Sole Source. Research by the Medical Examiner's Office and the Purchasing Department indicates that there is no other comparable equipment currently on the market. Dexis has the only equipment that can capture post mortem digital dental images that can be uploaded into a detailed dental software program (WINID) for search function comparisons, digital storage and digital recovery in jpeg format. Dexis equipment also allows for the uploading or digital scanning of existing ante mortem dental records for the comparison identification logarithmic search function.</p>																		

	<p>The Director of Finance and Purchasing also requests the transfer of \$50,000.00 within the Medical Examiner's budget as follows:</p> <p>FROM 002-2001-55010 Health Fund, Medical Examiner, Regular Salaries  TO 002-2001-58170 Health Fund, Medical Examiner, Other Equipment</p> <p>These funds will be used for this purchase and additional equipment at a later date.</p>	
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) N/A <input type="checkbox"/> Business License Verified (Purchasing & Department) N/A <input checked="" type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS	Memorandums from Dr. Mary Dudley, Jackson County Medical Examiner, Dr. John Filippi, Forensic Dental Consultant for the Medical Examiner's Office and Dexis LLC Quote.	
REVIEW	Department Director:	Date: 3/8/10
	Finance (Budget Approval): <i>If applicable</i>	Date: 4/12/10
	Division Manager:	Date: 4/12/10
	County Counselor's Office:	Date:

**Fiscal Note:  
Jackson County, Missouri**

Funds sufficient for this transfer is available from the sources indicated below.

Date: April 12, 2010

RES # 17250

Department / Division	Character/Description	From	To
<b>Health Fund - 002</b>			
2001 - Medical Examiner	55010 - Salaries	50,000.00	
2001 - Medical Examiner	58170 - Other Equipment		50,000.00

*Mary Rasmussen*  
Budgeting

Total -

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.