



Fulton County Board of Commissioners
Agenda Item Summary

19-0990

BOC Meeting Date
12/4/2019

Requesting Agency

Medical Examiner

Commission Districts Affected

All Districts

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval to renew existing contracts - Medical Examiner's Office, 19ITB465167C-BKJ, Forensic Postmortem Toxicology Testing in the amount of \$94,670.00 with Phoenix Laboratories LLC (Indianapolis, IN) to provide toxicology testing services. This is the first of two renewal options. One renewal option remains. Effective dates: January 1, 2020 through December 31, 2020.

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

In accordance with Purchasing Code Section 102-394(6), the Purchasing Department shall present all renewal requests to the Board of Commissioners at least 90 days prior to the contract renewal date or 60 days if the contract term is six (6) months or less.

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*

Yes All People are safe

Is this a purchasing item?

Yes

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Scope of Work: Phoenix Laboratories LLC, to provide Postmortem Toxicology Testing Services for the Medical Examiner's Office. Timely toxicology testing and comprehensive reporting of results are essential functions of death investigation in determining the cause and manner of death in support of federal and law enforcement agencies, the court system, next-of-kin, and the citizens of Fulton County.

Phoenix Laboratories LLC, shall provide forensic postmortem toxicology testing of fluids (vitreous), blood, tissue, and urine samples for the Medical Examiner Office on an as needed basis.

Community Impact: None

Department Recommendation: Phoenix Laboratories LLC

Project Implications: Coordinate criminal justice through a unified, collaborative approach with courts, public safety, and community partners by providing information, evidence and expert opinions to law enforcement agencies and the court system in cases of deaths resulting from criminal acts.

| Agency Director Approval | | County Manager's Approval |
|---|-----------------------|---------------------------|
| Typed Name and Title Felicia Strong-Whitaker, Director | Phone 404-612-5800 | |
| Signature | Date | |

Revised 03/12/09 (Previous versions are obsolete)

Community Issues/Concerns: None

Department Issues/Concerns: None

History of BOC Agenda Item:

| CURRENT CONTRACT HISTORY | BOC ITEM | DATE | DOLLAR AMOUNT |
|--------------------------|----------|----------|---------------|
| Original Award Amount | 19-0609 | 8/7/2019 | \$94,670.00 |
| Renewal No. 1 | | | \$94,670.00 |
| Total revised Amount | | | \$0.00 |

Contract Compliance Information

(Provide Contractor and Subcontractor details.)

Contract Value: \$94,670.00
Prime Vendor: Phoenix Labs
Prime Status: White Female Business Enterprise - Non-Certified
Location: Indianapolis, IN
County: Marion County
Prime Value: \$57,748.70 or 61.00%

Subcontractor: Mercedes Medical
Subcontractor Status: White Female Business Enterprise - Non-Certified
Location: Lakewood Ranch, FL
County: Manatee County
Contract Value: \$10,413.70 or 11.00%

Subcontractor: Nova Biomedical
Subcontractor Status: Non-Minority
Location: Waltham, MA
County: Middlesex County
Contract Value: \$17,040.60 or 18.00%

Subcontractor: Indiana Oxygen
Subcontractor Status: Non-Minority
Location: Indianapolis, IN
County: Marion County
Contract Value: \$9,467.00 or 10.00%

Total Contract Value: \$94,670.00 or 100.00%
Total M/FBE Value: \$68,162.40 or 72.00%

| | | | | |
|---|-------------------------------|------------|------------|--------------|
| Solicitation Information | NON-MFBE | MBE | FBE | TOTAL |
| No. Bid Notices Sent: | | | | |
| No. Bids Received: | | | | |
| | | | | |
| Total Contract Value | \$94,670.00 or 100.00% | | | |
| Total M/FBE Values | \$68,162.40 or 72.00% | | | |
| Total Prime Value | \$57,748.70 or 61.00% | | | |
| | | | | |
| Fiscal Impact / Funding Source <i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i> 100-340-3400-1160: General, Medical Examiner, Professional Services - \$94,670.00 | | | | |
| Exhibits Attached <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i> Exhibit 1: Contract Renewal Agreement Exhibit 2: Contract Renewal Evaluation Form Exhibit 3: Contractor Performance Report | | | | |
| Source of Additional Information <i>(Type Name, Title, Agency and Phone)</i> Karleshia Bentley, Executive Assistant, Medical Examiner's Office, 404-613-4406 | | | | |

| | | |
|--|------------------------------|----------------------------------|
| Agency Director Approval | | County Manager's Approval |
| Typed Name and Title Felicia Strong-Whitaker, Director | Phone 404-612-5800 | |
| Signature | Date | |

Revised 03/12/09 (Previous versions are obsolete)

Procurement**Contract Attached:**
No**Previous Contracts:**
Yes**Solicitation Number:**
19ITB465167C-BKJ**Submitting Agency:**
Medical Examiner's
Office**Staff Contact:**
Karleshia Bentley**Contact Phone:**
404-613-4406**Description:** To provide toxicology testing services**FINANCIAL SUMMARY****Total Contract Value:**

Original Approved Amount: \$94,670.00

Previous Adjustments: \$0.00

This Request: \$94,670.00

TOTAL: \$189,370.00

MBE/FBE Participation:

Amount: . %: .

Amount: . %: .

Amount: . \$68,162.40 or 72.00%

Amount: . %: .

Grant Information Summary:

Amount Requested: .

☐

Cash

Match Required: .

☐

In-Kind

Start Date: .

☐

Approval to Award

End Date: .

☐

Apply & Accept

Match Account \$: .

Funding Line 1:

100 340 3400 1160

Funding Line 2:

.

Funding Line 3:

.

Funding Line 4:

.

KEY CONTRACT TERMS**Start Date:**

01/01/2020

End Date:

12/31/2020

Cost Adjustment:

.

Renewal/Extension Terms:

One renewal option remains

ROUTING & APPROVALS

(Do not edit below this line)

| | | | |
|---|--------------------------------------|--------------------------|------------------|
| X | Originating Department: | Gorniak, Jan | Date: 10/29/2019 |
| X | County Attorney: | Palmer, Ashley | Date: 11/21/2019 |
| X | Purchasing/Contract Compliance: | Strong-Whitaker, Felicia | Date: 11/22/2019 |
| X | Finance/Budget Analyst/Grants Admin: | Walker, Catherine | Date: 10/29/2019 |
| . | Grants Management: | . | Date: . |
| X | County Manager: | Anderson, Dick | Date: 11/22/2019 |



DEPARTMENT OF PURCHASING & CONTRACT COMPLIANCE

CONTRACT RENEWAL AGREEMENT

DEPARTMENT: Medical Examiner

BID/RFP# DESCRIPTION: Forensic Postmortem Toxicology Testing

BID/RFP# NUMBER: 19ITB465167C-BKJ

ORIGINAL APPROVAL DATE: August 7, 2019

RENEWAL PERIOD FROM: 01/01/2020 TO 12/31/2020

RENEWAL OPTION #: 1 OF 2

NUMBER OF RENEWAL OPTIONS: 2

RENEWAL AMOUNT: \$94,670.00

COMPANY'S NAME: Phoenix Laboratories LLC

ADDRESS: 910 N Delaware St

CITY: Indianapolis

STATE: Indiana

ZIP: 46202

This Renewal Agreement No. ____ was approved by the Fulton County Board of Commissioners on BOC DATE: BOC NUMBER:

SIGNATURES: SEE NEXT PAGE

SIGNATURES:

Vendor agrees to accept the renewal option and abide by the terms and conditions set forth in the contract and specifications for Bid/RFP# _____

(Person signing must have signature authority for the company/corporation)

NAME: _____ (Print)
(CEO, President, Vice President)

VENDOR'S SIGNATURE: _____ DATE: _____

ATTEST:

NOTARY PUBLIC: _____

TITLE: _____ COUNTY: _____

SEAL (Affix) MY COMMISSION EXPIRES: _____

FULTON COUNTY, GEORGIA

ROBERT L. PITTS, CHAIRMAN
FULTON COUNTY BOARD OF COMMISSIONERS

DATE: _____

ATTEST:

TONYA R. GRIER
CHIEF DEPUTY CLERK TO THE COMMISSION

DATE: _____

SEAL (Affix)

DEPARTMENT AUTHORIZES RENEWAL OPTION ON THE AFOREMENTIONED BID/RFP:

DEPARTMENT HEAD: _____ (Print)

DEPARTMENT HEAD SIGNATURE: _____ DATE _____

| | |
|---------------------------------------|--------------------------------------|
| ITEM#: _____ RCS: _____ | ITEM#: _____ RM: _____ |
| RECESS MEETING | REGULAR MEETING |

Contract Renewal Evaluation Form

| | |
|-------------------------|--|
| Date: | October 10, 2019 |
| Department: | MEDICAL EXAMINER |
| Contract Number: | 19ITB465167C-BKJ |
| Contract Title: | Forensic Postmortem Toxicology Testing |

Instructions:

It is extremely important that every contract be rigidly scrutinized to determine if the contract provides the County with value. Each renewal shall be reviewed and answers provided to determine whether services should be maintained, services/scope reduced, services brought in-house or if the contract should be terminated. Please submit a completed copy of this form with all renewal requests.

1. Describe what efforts were made to reduce the scope and cost of this contract.

Our policies dictate that the Associate Medical Examiner responsible for the forensic investigation of the death in any case ascertains whether toxicology testing is: 1) critical 2) necessary or 3) not necessary to determining the manner and cause of death of that case. In cases where said testing is not critical, no testing is performed. In cases where the testing is necessary but not critical, toxicology testing is performed by the GBI at no cost to Fulton County*. Only in cases in which toxicology testing is believed by the physician to be critical to the final determination of manner and cause of death is that testing performed by an independent agency. As a result, of the 2547 Medical Examiner cases in 2015, 1370 required toxicology testing. Of those cases requiring toxicology testing only 360 were sent to a private agency.

* See #7 below for negative impact of delayed results from GBI

2. Describe the analysis you made to determine if the current prices for this good or service is reflective of the current market. Check all applicable statements and provide documentation:

☐ Internet search of pricing for same product or service:

| | |
|--|-----------------------------|
| Date of search: | Click here to enter a date. |
| Price found: | Click here to enter text. |
| Different features / Conditions: | Click here to enter text. |
| Percent difference between internet price and renewal price: | Click here to enter text. |

Explanation / Notes:

This type of testing is highly specialized and offered by a small group of laboratories. They do not post prices for testing on the internet.

☐ Market Survey of other jurisdictions:

| | |
|---|---|
| Date contacted: | August 20, 2019 |
| Jurisdiction Name / Contact name: | Cobb County Medical Examiner DeKalb County Medical Examiner |
| Date of last purchase: | 2019 |
| Price paid: | 94,670.00 FY 2019 |
| Inflation rate: | Click here to enter text. |
| Adjusted price: | Click here to enter text. |
| Percent difference between past purchase price and renewal price: | Click here to enter text. |
| Are they aware of any new vendors? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Are they aware of a reduction in pricing in this industry? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| How does pricing compare to Fulton County's award contract? | The vendor Fulton County selected has lower pricing |

Explanation / Notes:

As different testing costs different amounts and what amount of testing needed is case dependent it is difficult to compare individual pricing other than by amount spent per year. Other jurisdictions in the Metropolitan Atlanta area has fewer cases where toxicology testing is needed and well as few overall death investigations. While some laboratories might offer this testing at reduced prices, these laboratories are unaccredited. Results from unaccredited laboratories are unacceptable to Medical Examiner offices as they are not admissible at trial.

☒ Other (Describe in detail the analysis conducted and the outcome):

The original contract was obtained through an Invitation to Bid process and the lowest responsive bidder chosen at the time.

3. What was the actual expenditure (from the AMS system) spent for this contract for previous fiscal year?

2017 \$74,883.00

2018 \$86,500.00

4. Does the renewal option include an adjustment for inflation? ☐ Yes ☒ No
(Information can be obtained from CPI index)

Was it part of the initial contract? ☐ Yes ☒ No

Date of last purchase: [Click here to enter a date.](#)

Price paid: [Click here to enter text.](#)

Inflation rate: [Click here to enter text.](#)

Adjusted price: [Click here to enter text.](#)

Percent difference between past purchase price and renewal price: [Click here to enter text.](#)

Explanation / Notes:

[Click here to enter text.](#)

5. Is this a seasonal item or service? ☐ Yes ☒ No

6. Has an analysis been conducted to determine if this service can be performed in-house? ☒ Yes
☐ No If yes, attach the analysis.

The personnel cost of this service alone would make it prohibitive for our office. According to a 2015 survey published by the Society of Toxicology, most toxicologists in the United States have a PhD. Degree and earn a yearly salary in the range of \$ 150,000.00-\$ 199,000.00. In addition the purchase cost of the highly complicated equipment used to perform these tests would be several hundred thousand dollars. Further, the operating costs each year are cost prohibitive for the number of cases in which our office needs this kind of testing.

7. What would be the impact on your department if this contract was not approved?

Our office contracts with an independent agency for the testing of body fluids for drugs, poisons and various other substances in cases where toxicology testing is critical to determining the manner and cause of death. The number of cases requiring toxicology testing to determine manner and cause of death has steadily increased over the last 5 years: especially in light of the current "heroin epidemic". While limited toxicology testing is offered to our office at no charge by the Georgia Bureau of Investigation, this testing is not comprehensive and delays our ability to complete our reports regarding manner and cause of death by up to 4 months. More importantly, delay in results from the GBI in these cases, delays our completion of the death certificate by the same amount of time. Delay in the completion of our cases negatively affects law enforcement and the criminal justice system; who rely on our reports in the investigation and prosecution of criminal cases. In addition, delay in preparing the death certificate delays the next of kin of the deceased in being able to make funeral arrangements and complete required acts regarding the estate of the deceased. We could not adequately perform our duties to the citizens of Fulton County without independent toxicology testing.

Karleshia Bentley

October 10, 2019

Prepared by

Date

Dr. Jan Gorniak

October 10, 2019

Department Head

Date

DEPARTMENT OF PURCHASING & CONTRACT COMPLIANCE

CONTRACTORS PERFORMANCE REPORT
PROFESSIONAL SERVICES

| | | | |
|---------------------|---|-----------------------|---------------------|
| Report Period Start | Report Period End | Contract Period Start | Contract Period End |
| 10/10/2019 | 12/31/2019 | 1/1/2019 | 12/31/2019 |
| PO Number | | | PO Date |
| 19SC121584C-BKJ | | | 9/19/2019 |
| Department | Medical Examiner | | |
| Bid Number | 19ITB465167C-BKJ | | |
| Service Commodity | Forensic Postmortem Toxicology Testing | | |
| Contractor | Phoenix Laboratories, LLC | | |

| | |
|------------------|---|
| = Unsatisfactory | <i>Achieves contract requirements less than 50% of the time, not responsive, effective and/or efficient, unacceptable delay, incompetence, high degree of customer dissatisfaction.</i> |
| = Poor | <i>Achieves contract requirements 70% of the time. Marginally responsive, effective and/or efficient; delays require significant adjustments to programs; key employees marginally capable; customers somewhat satisfied.</i> |
| = Satisfactory | <i>Achieves contract requirements 80% of the time; generally responsive, effective and/or efficient; delays are excusable and/or results in minor programs adjustments; employees are capable and satisfactorily providing service without intervention; customers indicate satisfaction.</i> |
| = Good | <i>Achieves contract requirements 90% of the time. Usually responsive; effective and/or efficient; delays have not impact on programs/mission; key employees are highly competent and seldom require guidance; customers are highly satisfied.</i> |
| = Excellent | <i>Achieves contract requirements 100% of the time. Immediately responsive; highly efficient and/or effective; no delays; key employees are experts and require minimal directions; customers expectations are exceeded.</i> |

. Quality of Goods/Services (-Specification Compliance - Technical Excellence - Reports/Administration - Personnel Qualification)

Comments:

PROVIDE TOXICOLOGY TESTING OF SAMPLES OF URINE, BLOOD, AND BODY FLUIDS FOR THE MEDICAL EXAMINER TO AID IN THE DETERMINATION OF THE CAUSE AND MANNER OF DEATH.

0
1
2
3
4

. Timeliness of Performance (-Were Milestones Met Per Contract - Response Time (per agreement, if applicable) - Responsiveness to Direction/Change - On Time Completion Per Contract)

Comments:

SAMPLES ARE SUBMITTED WEEKLY TO VENDOR, TESTS ARE PERFORMED AS REQUESTED, AND RESULTS ARE ACCESSED IN ONLINE DATABASE FOR QUICK REPORTING.

0
1
2
3
4

. Business Relations (-Responsiveness to Inquiries - Prompt Problem Notifications)

Comments:

0
1

19-0990

EXCELLENT COMMUNICATION WITH ACCOUNT REP, PROMPTLY RESPONDS TO QUESTIONS, ADVISES OF NEW TESTING PROCEDURES AND MARKET

☒ 4

. Customer Satisfaction (-Met User Quality Expectations - Met Specification - Within Budget - Proper Invoicing - No Substitutions)

Comments:

INVOICES ARE SUBMITTED MONTHLY, PRICES ARE AS QUOTED

☐ 0

☐ 1

☐ 2

☐ 3

☒ 4

. Contractors Key Personnel (-Credentials/Experience Appropriate - Effective Supervision/Management - Available as Needed)

Comments:

INTERACTION WITH PERSONNEL ARE LIMITED TO THE FACT THEY APPEAR TO BE CAPABLE OF PERFORMING THEIR DUTIES AS REQUIRED

☐ 0

☐ 1

☐ 2

☐ 3

☒ 4

Overall Performance Rating:

4.0

Would you select/recommend this vendor again?
Check box for Yes. Leave Blank for No)

☒ Yes ☐ No

Rating completed by:

Kathleen Bentley

Department Head Name

Department Head Signature

Date

Dr. Lou Gornick

10/8/2019