



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 28, 2023

FROM: POLICE DEPARTMENT WARDS: ALL

SUBJECT: SECOND AND THIRD AMENDMENTS TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH BIO-TOX LABORATORIES, INC FOR FORENSIC TOXICOLOGY TESTING SERVICES REQUESTED BY RIVERSIDE POLICE DEPARTMENT TO 1) INCREASE ANNUAL COMPENSATION IN THE AMOUNT OF \$26,078 FOR FISCAL YEAR 2022/23 FOR A TOTAL ANNUAL AMOUNT OF \$86,078; AND 2) EXTEND AGREEMENT FOR A FIVE-YEAR TERM ENDING JUNE 30, 2028 FOR AN ANNUAL AMOUNT OF \$100,000 OR UP TO A TOTAL AMOUNT OF \$500,000

ISSUES:

Approve the Second Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, Inc. for Forensic Toxicology Testing Services requested by the Riverside Police Department to increase the annual compensation for Fiscal Year (FY) 2022/23 in the amount of \$26,078 for the total annual amount of \$86,076 and approve the Third Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, Inc. for Forensic Toxicology Testing Services to extend the Agreement for a five-year term ending June 30, 2028, for an annual amount of \$100,000 per year or up to a total amount of \$500,000 in accordance with Purchasing Resolution 23914, Article 7, Section 702(f).

RECOMMENDATIONS:

That the City Council:

1. Approve the Second Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, INC for Forensic Toxicology Testing Services to increase the annual compensation for FY 2022/23 in the amount of \$26,078 for the total annual amount of \$86,076;
2. Approve the Third Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, INC for Forensic Toxicology Testing Services to extend the Agreement for a five-year term ending June 30, 2028, for an annual amount of \$100,000 per year or up to a total amount of \$500,000; and
3. Authorize the City Manager, or designee, to execute the necessary contract documents with Bio-Tox including the ability to make minor and non-substantive changes.

BACKGROUND:

The Riverside Police Department (RPD) requires blood analyses to prosecute criminal cases for suspects under the influence of drugs and alcohol.

The County of Riverside issued a Request for Proposal (#SHARC-364) for forensic toxicology testing services in May of 2018 on behalf of the Sheriff/Coroner, City of Riverside and City of Corona. An Agreement with Bio-Tox Laboratories, Inc. was approved by the Riverside County Board of Supervisors on July 31, 2018, which awarded a five-year contract through June 30, 2023, with an option to renew the agreement for five additional one-year periods.

On September 18, 2018, the City Council approved the Services Agreement with Bio-Tox Laboratories, Inc. for a total aggregate amount of \$300,000 for forensic toxicology testing services through June 30, 2023, and authorized issuance of purchase orders in annual amounts estimated at \$60,000 throughout the expiration of the agreement on June 30, 2023.

On November 30, 2022, the City of Riverside executed the First Amendment to Professional Consultant Services Agreement with Bio-Tox Laboratories, Inc. for CHP Alcohol and Toxicology Testing within Riverside City Limits amending the payment provisions "Exhibit B-1" which increased the cost of specific services with no increase to the total compensation stated in the original Agreement.

On August 29, 2023, the Riverside County Board of Supervisors approved Amendment Number 4 to their Agreement with Bio-Tox Laboratories, Inc. (#SHARC-96148-002-06/23) to extend the Agreement for an additional five-year term ending June 30, 2028.

DISCUSSION:

In November of 2022, the Riverside Police Department (RPD) entered into the First Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, Inc. for Toxicology Services. Under the terms of the First Amendment, Bio-Tox Laboratories, Inc. were able to increase pricing for toxicology services after the first year. Due to the increase in the cost for services, authorization for an increase of \$26,078 is needed to pay outstanding invoices for Fiscal Year 2022/23.

Additionally, Bio-Tox Laboratory, Inc. extended the terms and pricing of their Riverside County Agreement for forensic toxicology testing services to RPD for the term of July 1, 2023, through June 30, 2028. Purchasing Resolution No. 23914, Article 7, Section 702(f) states that competitive procurement shall not be required when cooperative purchasing is available and undertaken or when services can be obtained through Federal, State and/or other public entity pricing contracts or price agreements.

RPD is proposing a Third Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, Inc. for Forensic Toxicology Testing Services to extend the Agreement for an additional five-year term ending June 30, 2028, in line with the County of Riverside's Agreement.

With the increase of the number of people being apprehended and suspected of being under the

influence each year, cost associated with toxicology testing services has also increased and will reach approximately \$100,000 per year over the next five-years, for a total of \$500,000.

The Purchasing Manager concurs that the recommendation is in compliance with Purchasing Resolution No. 23914.

STRATEGIC PLAN ALIGNMENT:

This item contributes to Strategic Priority No. 2 Community Well-Being and Goal number No. 2.4 – Support programs and innovations that enhance community safety, encourage neighborhood engagement, and build public trust.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The Riverside Police Department is dedicated to improving quality of life by creating a safe environment in partnership with the people it serves. The Department's ability to have Bio-Tox Laboratories, Inc. perform toxicology testing services to benefit the public safety of the City's diverse populations, and results in the greater public good.
2. **Equity** – The Riverside Police Department provides public safety services to all residents in the City of Riverside. The Department's ability to have Bio-Tox Laboratories, Inc. perform toxicology testing services is an additional tool that helps the Department provide equitable distribution of public safety services.
3. **Fiscal Responsibility** – The Department is proposing this purchase in accordance with Purchasing Resolution 23914, Sections 702(f) which states, Competitive Procurement through the Informal Procurement and Formal Procurement process shall not be required in any of the following circumstances... "when Services can be obtained through Federal, State, and/or other public entity pricing contracts or price agreements."
4. **Innovation** – The Riverside Police Department must constantly change and adapt to meet the community's changing needs and prepare for the future. The ability for the Police Department to have Bio-Tox Laboratories, Inc. perform toxicology testing provides the Department with an additional resource to achieve this goal.
5. **Sustainability & Resiliency** – Regularly assessing the Riverside Police Department's services, making changes as needed and utilizing valuable partnerships with other agencies allows the Department to meet the needs of the present without compromising the needs of the future and ensures the City's capacity to preserve, adapt and grow.

FISCAL IMPACT:

The total fiscal impact of this report is \$526,078, \$26,078 in reference to the Second Amendment and \$500,000 over a five-year term beginning July 1, 2023, and ending June 30, 2028, for the Third Amendment.

Sufficient funds in the amount of \$126,078 are budgeted and available in the General Fund, Police-Administrative Services, Professional Services account number 3105000-421000.

Funds for future fiscal years in the amount of \$100,000 per year for four additional years will be included in the budget during budget preparation and adoption for those years.

Prepared by: Larry V. Gonzalez, Chief of Police
Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Mike Futrell, City Manager
Approved as to form: Phaedra Norton, City Attorney

Attachments:

1. Second Amendment to Professional Consultant Services Agreement for Toxicology Services with Bio-Tox to Increase Compensation for FY22/23
2. Third Amendment to Professional Consultant Services Agreement for Toxicology Services with Bio-Tox to Extend for Five-Year Term
3. County of Riverside Amendment No. 4 to the Agreement with Bio-Tox Laboratories, Inc., Contract ID No. SHARC-96148-002-06/23