



City of Arts & Innovation

City Council Memorandum

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

FROM: POLICE DEPARTMENT WARDS: ALL

SUBJECT: SECOND AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH BIO-TOX LABORATORIES, INC FOR FORENSIC TOXICOLOGY TESTING SERVICES RELATED TO CALIFORNIA HIGHWAY PATROL (CHP) ARRESTS IN CITY OF RIVERSIDE TO EXTEND AGREEMENT FOR A FIVE-YEAR TERM ENDING JUNE 30, 2028, FOR AN ANNUAL AMOUNT OF \$50,000 PER YEAR OR UP TO A TOTAL AMOUNT OF \$250,000

ISSUES:

Approve the Second Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, Inc. for Forensic Toxicology Testing Services related to California Highway Patrol (CHP) Arrests in the City of Riverside to extend the Agreement for a five-year term ending June 30, 2028, for an annual amount of \$50,000 or up to a total amount of \$250,000 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 related to California Highway Patrol (CHP) Arrests in the City of Riverside to extend the Agreement for a five-year term ending June 30, 2028, for an annual amount of \$50,000 or up to a total amount of \$250,000; and
2. 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. Many of the traffic stops and/or arrests are performed by City of Riverside Police Department Officers. However, the California Highway Patrol (CHP) also conducts traffic enforcement operations within Riverside City limits. Per Government Code Sections 29601 and 29602, Penal Code Sections 1463.14, 1463(c) and 1463(f), and Health and Safety Code Section 11372.5, the cost of all toxicology testing is the responsibility of the city in which the arrest took place.

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 January 8, 2019, the City Council approved the Service Agreement with Bio-Tox Laboratories, Inc. for forensic toxicology testing services for California Highway Patrol (CHP) arrests within the City of Riverside in the total amount of \$175,000, or \$35,000 per fiscal year, for a term ending June 30, 2023, and in line with the County of Riverside's competitively bid Agreement.

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:

Bio-Tox Laboratory, Inc. extended the terms and pricing of their Riverside County Agreement for forensic toxicology testing services to the Riverside Police Department (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 Second Amendment to the Professional Consultant Services Agreement with Bio-Tox Laboratories, Inc. for Forensic Toxicology Testing Services related to California Highway Patrol (CHP) arrests in the City of Riverside 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 \$50,000 per year over the next five-years, for a total of \$250,000.

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 Departments 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 Departments 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 preserves, adapt and grow.

FISCAL IMPACT:

The total fiscal impact of the actions of this report are a total of \$250,000 over a five-year term beginning July 1, 2023, and ending June 30, 2028, or \$50,000 for FY 2023/24. Sufficient funds for FY 2023/24 in the total amount of \$50,000 are available in the General Fund, Police-Administrative Services, Professional Services account number 3105000-421000.

Funding requests for future fiscal years will be included in the budget during budget development and will be brought forward to Council for 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

Attachment:

1. Second Amendment to Professional Consultant Services Agreement for Forensic Toxicology Testing Services related to CHP Arrests in the City of Riverside to Extend for Five-Year Term
2. County of Riverside Amendment No. 4 to the Agreement with Bio-Tox Laboratories, Inc. Contract ID No. SHARC-96148-002-06/23