Agenda Item #: <u>3X-1</u>

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

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Meeting Date: Mai	rch 9, 2021	[X] []	Consent Ordinance] []	Regular Public Hearing	
Department: Submitted By: Submitted For:	Department of Public Safety Department of Public Safety Division of Justice Services						
	<u>I. EXE</u>	CUTIV	E BRIEF				

Motion and Title: Staff recommends motion to receive and file: Third Amendment to Contract for Professional Services with Phamatech, Inc. (R2018-1520) for the period of October 2, 2018 through September 30, 2021 to provide drug-testing services to all participants referred by the Adult, Delinquency, and Family Drug Courts.

Summary: This amendment allows for the expansion of types of drug screens and confirmations that can be requested by the drug court programs to help identify and assess the treatment needs of drug court participants. The Third Amendment includes the addition of an 8 panel screen which includes heroin plus Fentanyl and expanded Adulteration Screen (Creatinine, pH and Nitrites) bringing the unit rate from \$16.50 to \$17.25 per unit, and upon request, expanded fentanyl confirmation panel at \$25 per unit, kratom screening at \$5 per unit, and kratom confirmation panel at \$35 per unit. There is no change in the contract amount. This amendment was executed in accordance with Agenda Item 3X-2 dated October 2, 2018 which authorized the County Administrator or designee to execute minor amendments and administrative documents associated with the above contracts, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office and within budgeted allocations. **Countywide** (SF)

Background and Justification: The Palm Beach County Drug Court Treatment Program is a rehabilitation program for non-violent defendants who have drug use disorders. The Delinquency Drug Court program is a court supervised drug treatment program, which provides regular and continuous supervision as well as intensive substance abuse treatment sanctions, incentives, and support services to juvenile offenders and their families. Drug testing is a standard component for drug courts. Participants are regularly drug tested at random during the duration of a program. Drug testing and treatment results are reported to the drug courts in a timely manner and a liaison from each agency attends weekly staffing meetings and court hearings as a part of the drug court team. The First Amendment to Contract dated January 15, 2019 expanded the types of confirmation testing that could be requested and the Second Amendment to Contract dated November 19, 2019 increased the contract by \$12,940, added fentanyl screening to the 7 panel test, and added methadone screening to Delinquency and Family Drug Courts.

Attachments:

1.) Third Amendment to Contract for Professional Services with Phamatech, Inc. with Exhibit B-03

Recommended By:	Senoke	129/21
-	Department Director	Date
Approved By:		2/11/21
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2021</u>	<u>2022</u>	2023	<u>2024</u>	<u>2025</u>
Capital Expenditures Operating Costs External Revenues					
Program Income (County) In-Kind Match (County)			· · · · · · · · · · · · · · · ·		
Net Fiscal Impact					
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0
Is Item Included In Curre	ent Budget?	Yes <u>X</u>	No		
Does this item include t	he use of fede	eral funds? Y	es No_	<u>X</u>	
Budget Account Exp No Rev No	Object <u>8201</u>	epartment <u>660</u>	-		
	: General Fund	l quency Drug Co y Drug Court	-		
*No change in overall fise 'Exhibit B-03' but the cont Departmental Fiscal Re v	ract amount re				n the
	III. <u>REVI</u>		rs	ж.	
A. OFMB Fiscal and/or	Contract Dev.	and Control C	comments:		
Jun Marti My of MB	ובצוב	UM 2/3	Contract Add	ministration	214121
B. Legal Sufficiency	:		2-4-2		

C. Other Department Review:

Department Director

Assistant County Attorney

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This summary is not to be used as a basis for payment.

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THIRD AMENDMENT TO CONTRACT

THIS THIRD AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES (hereinafter "Third Amendment"), is made as of this day of <u>March</u> 2021, by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the "COUNTY" and Phamatech, Inc. (herein referred to as the "COUNTY"), a for-profit corporation authorized to do business in the State of Florida, whose Federal I.D. is **33-0836229.WITNESSETH:**

WHEREAS, the Parties, entered into that certain Contract for professional services on October 02, 2018, (R 2018-1520) for the Adult, Delinquency, and Family Drug Court programs which provided funding in an amount not to exceed \$666,525; and

WHEREAS, the First Amendment to Contract dated January 15, 2019 expanded the types of confirmation testing that could be requested; and

WHEREAS, the Second Amendment to Contract dated November 19, 2019 increased the contract by \$12,940, added fentanyl screening to the 7 panel test, and added methadone screening to Delinquency and Family Drug Courts; and

WHEREAS, the CONSULTANT's responsibilities under the Contract are to provide drug testing services to all participants referred by Adult, Delinquency, and Family Drug Courts; and

WHEREAS, the Parties agree to amend the Contract to include the 8 panel screen (Amphetamines, Benzodiazepines, Cocaine, Opiates, Oxycodone, THC, ETG (Alcohol) and Heroin) plus Fentanyl and expanded Adulteration Screen (Creatinine, pH and Nitrites) for the Adult, Delinquency, and Family Drug Court programs at a unit rate of \$17.25 per unit, and upon request expanded fentanyl confirmation panel (4-ANPP, 4-FBF, Acetylfentanyl, Carfentanyl, Cyclopropyl Fentanyl, Fentanyl, Methoxyacetylfentanyl, Norfentanyl) at \$25 per unit, kratom screening at \$5 per unit, and kratom confirmation panel at \$35 per unit.

NOW THEREFORE, the above named Parties hereby mutually agree to revise the Contract, and enter into this Third Amendment as follows:

- I. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Third Amendment shall have the same meaning and effect ascribed to them in the Contract.
- II. This Third Amendment shall become effective upon execution by the parties.

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- III. Upon written direction from the COUNTY's Representative/Liaison, CONSULTANT shall cease offering the 7 Panel Test and Fentanyl Screen and shall only offer the 8 Panel Test and Fentanyl Screen. CONSULTANT shall be compensated for all 7 Panel Test and Fentanyl Screen up to the date indicated in written direction from the COUNTY's Representative/Liaison.
- IV. Exhibit "B-02" of the Contract is deleted in its entirety and replaced by Exhibit "B-03" attached hereto and incorporated herein.
- V. In all other respects except as specifically modified, herein the original Contract remains in full force and effect.

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IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, through its authorized representative, has made and executed this Third Amendment on behalf of the COUNTY, and the CONSULTANT has hereunto set its hand the day and year above written.

PALM BEACH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

" Baker vdena By: // Verdenia C. Baker

County Administrator

WITNESS:

Signature

Dana M Conde/Contract Manager
Name (type or print)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: **County Attorney**

APPROVED AS TO TERMS AND CONDITIONS

By: Department Director

CONSULTANT:

Phamatech Inc. By: Tuan Pham, President

(corp. seal)

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Service/Program: Drug Court Participant Drug Testing PHAMATECH INC.

Reimbursable Expenses for Project Period October 1, 2018 – September 30, 2021 THIRD AMENDMENT

The Consultant will prepare and submit monthly invoices to the Drug Court offices. Invoices must include the Drug Court Client Identification Number, client name, dates of services, amount due for each service and the total amount due. Invoices will be reviewed and approved by the County's representative to verify that services have been rendered in conformity with the contract. Approved invoices will then be sent to the Finance Department for payment.

Total reimbursement during the 3-year contract is \$679,465. For the period of October 1, 2018, through September 30, 2019, the total amount of funds provided to CONSULTANT under this Contract shall not exceed \$224,193 ("first fiscal year"). For the period of October 1, 2019, through September 30, 2020, the total amount of funds provided to CONSULTANT under this Contract shall not exceed \$227,636 ("second fiscal year"). For the period of October 1, 2020 through September 30, 2021, the total amount of funds provided to CONSULTANT under this Contract shall not exceed \$227,636 ("third fiscal year"). For the period of October 1, 2020 through September 30, 2021, the total amount of funds provided to CONSULTANT under this Contract shall not exceed \$227,636 ("third fiscal year"). The CONSULTANT shall notify the COUNTY's representative in writing when 90% of the "not to exceed amount" has been reached for each of the three fiscal years of this Contract.

ADULT DRUG COURT:

Unit Cost Rate					Unit Cost Rate	
7 Panel Test	\$16.50			8 Panel Test &	\$17.25	
Fentanyl Screen				Fentanyl Screen		
Amphetamines, Benzoo	liazepines, Co	ocaine,	Opiates,	(Amphetamines, Benzodiazepi	nes, Cocaine, Opiates,	
Oxycodone, THC, ETG	(Alcohol)			Oxycodone, THC, ETG (Alcohol), Heroin, pH and		
Expanded Opiate	\$3			Nitrite)		
Flakka	\$25			Expanded Opiate \$3		
Ecstasy	\$3			Flakka	\$25	
Buprenorphine	\$3			Ecstasy	\$3	
Methadone	\$3			Buprenorphine	\$3	
Retest*	\$9			Methadone	\$3	
	+ -			Retest (include Heroin)	\$9	
				Kratom	\$5	
				Kratom	\$35	
				Confirmation		
				Expanded Fentanyl	\$25	
				Confirmation		

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JUVENILE/DELINQUENCY DRUG COURT:

	Unit Cos	t Rate			Unit Cost Rate
7 Panel Test	\$16.50			8 Panel Test &	\$17.25
Fentanyl Screen				Fentanyl Screen	
Amphetamines, Benzoc		Cocaine,	Opiates,	(Amphetamines, Benzodiazepi	
Oxycodone, THC, ETG	·			Oxycodone, THC, ETG (Alco	ohol), Heroin, pH and
Expanded Opiate	\$3			Nitrite)	
Flakka	\$25			Expanded Opiate	\$3
Ecstasy	\$3			Flakka	\$25
Buprenorphine	\$3			Ecstasy	\$3
Methadone	\$3			Buprenorphine	\$3
Retest*	\$ 9			Methadone	\$3
				Retest (include Heroin)	\$9
				Kratom	\$5
				Kratom	\$35
				Confirmation	
				Expanded Fentanyl	\$25
				Confirmation	

FAMILY DRUG COURT:

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	Unit Cost Rate	;		Unit Cost Rate	
7 Panel Test	\$16.50		8 Panel Test &	\$17.25	
Fentanyl Screen			Fentanyl Screen		
Amphetamines, Benzoo		e, Opiates,	(Amphetamines, Benzodiazep		
Oxycodone, THC, ETG	·		Oxycodone, THC, ETG (Alcohol), Heroin, pH and		
Expanded Opiate	\$3		Nitrite)	^	
Flakka	\$25		Expanded Opiate	\$3	
Ecstasy	\$3		Flakka	\$25	
Buprenorphine	\$3		Ecstasy	\$3	
Methadone	\$3		Buprenorphine	\$3	
Retest*	\$ 9		Methadone	\$3	
			Retest (include Heroin)	\$9	
			Kratom	\$5	
			Kratom	\$35	
			Confirmation		
			Expanded Fentanyl	\$25	
			Confirmation		

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*By Request from the drug court programs to include: Expanded Opiates, Benzodiazepines, Flakka, Ecstasy, Buprenorphine, Methadone, Retest, Expanded Fentanyl Confirmation, Kratom, Kratom Confirmation

NOTE: Included in all panels will be creatinine interpretation, measurement of pH and nitrite testing to detect commercial adulterants.

EXPANDED FENTANYL CONFIRMATION PANEL CONSISTS OF:

4-ANPP 4-FBF Acetylfentanyl Carfentanyl Cyclopropyl Fentanyl Fentanyl Methoxyacetylfentanyl Norfentanyl

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