

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: April 6, 2021 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Justice Services

I. EXECUTIVE BRIEF

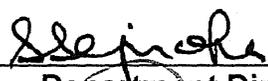
Motion and Title: Staff recommends motion to approve: First Amendment to Contract for Professional Services with Phamatech, Inc. (R2020-1393) for the period of October 1, 2020 through December 31, 2021, to provide drug-testing services to indigent defendants on pretrial supervised release, court ordered for random drug testing for a total not-to-exceed amount of \$58,000 per calendar year.

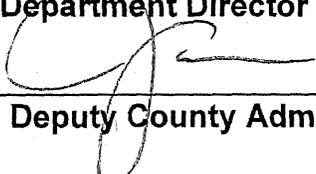
Summary: During a meeting with Phamatech in November, it was discovered that heroin was not included under opiates in the 7-panel screen. This amendment incorporates an 8-panel screen which includes heroin, bringing the unit rate from \$35.00 to \$35.75. The drug screens are utilized by the Pretrial Services program. As part of the MacArthur Safety and Justice Challenge grant program, funding was allocated to the Public Safety Department's Pretrial Services Office for drug testing services to be provided to indigent defendants. Countywide (SF)

Background and Justification: Palm Beach County was awarded the John D. and Catherine T. MacArthur Safety and Justice Challenge grant program in the amount of \$1,400,000 effective October 1, 2020. The County's MacArthur Safety and Justice Challenge grant program is administered by the Criminal Justice Commission to safely reduce the county jail population and racial and ethnic disparities within it. As part of the grant award, \$293,800 of the total \$1,400,000 funding was allocated to the Public Safety Department, Pretrial Services Office for enhancements to current services. In March 2020, the Pretrial Services Office solicited proposals to provide drug testing services to approximately 15-20 indigent pretrial individuals per week on supervision that have been court ordered for random drug testing. During the FY 2021 budget process, the Criminal Justice Commission allocated additional funding for drug testing in an amount up to \$116,000.

Attachments:

- 1.) First Amendment to Contract for Professional Services with Phamatech, Inc. with Exhibit B-01

Recommended By:  3/2/21
Department Director Date

Approved By:  3/11/21
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>0</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Is Item Included In Current Budget? Yes ___ No X

Does this item include the use of federal funds? Yes ___ No X

Budget Account Exp No: Fund 1513 Department 820 Unit 7722 Object 9000
 Exp No: Fund 0001 Department 660 Unit 5217 Object 3401
 Rev No: Fund 0001 Department 660 Unit 5217 RevSc 8773

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Fund: MacArthur's Foundation's Safety and Justice Challenge \$1.4M and General Fund
 Unit: MacArthur Foundation \$1.4 FY20-FY21 and MacArthur Pre-Trial
 Grant: MacArthur Foundation Safety and Justice Challenge

*Reimbursement per calendar year is limited to \$58,000. Total reimbursement during the contract is \$116,000. If there is a remaining balance from 2021 calendar year it will be carried forward to FY 22 (October through December 2021)

*No change in overall fiscal impact. New unit rate for 8 Panel Test was added on the 'Exhibit B-03' but the contract amount remains the same.

Departmental Fiscal Review: FF *[Signature]* 1/28/21

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 3/9/21
 OFMB LM
3/8

[Signature] 3/19/21
 Contract Administration
 3-9-21 TW

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

FIRST AMENDMENT TO CONTRACT

THIS FIRST AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES (hereinafter "First Amendment"), is made as of this 10th day of April 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 "CONSULTANT"), 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 1, 2020 (R 2020-1393) for the pretrial services program which provided an amount not to exceed \$58,000 per calendar year, total reimbursement during the 2 year contract is \$116,000; and

WHEREAS, the CONSULTANT's responsibilities under the Contract are to provide drug testing services to indigent defendants in the pretrial supervision unit; 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 (Creatinine, pH and Nitrites) for the Pretrial Services program at a unit rate of \$35.75 per unit.

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

- I. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this First Amendment shall have the same meaning and effect ascribed to them in the Contract.
- II. 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.
- III. Exhibit "B" of the Contract is deleted in its entirety and replaced by Exhibit "B-01" attached hereto and incorporated herein.

- IV. In all other respects except as specifically modified herein the original Contract remains in full force and effect.

THE REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK

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

ATTEST:
JOSEPH ABRUZZO
CLERK OF CIRCUIT COURT
AND COMPTROLLER,
PALM BEACH COUNTY

PALM BEACH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: _____
Mayor Dave Kerner

By: _____
Deputy Clerk

WITNESS:

CONSULTANT:



Signature

Phamatech Inc.

By: _____
Tuan Pham, President

Dana M. Conde / Contract Manager

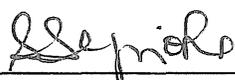
Name (type or print)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(corp. seal)

By: _____
County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 

Department Director

EXHIBIT "B-01"

SCHEDULE OF PAYMENTS

The Scope of Work to be completed by CONSULTANT as defined in EXHIBIT "A" consist of specific completion phases which shall be clearly identified on a unit type basis upon submission to the COUNTY of certain "deliverables" as expressly indicated below. Compensation for the work task stated herein shall be in accordance with the following Schedule of Payments:

The CONSULTANT will prepare and submit monthly invoices to the Pretrial Services office. Invoices must include the Pretrial Services 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.

Reimbursement per calendar year is limited to \$58,000.

Total reimbursement during the contract is \$116,000.

Service/Program

Pretrial Services Supervision Random Drug Testing:

Service	Unit Type	Rate
7- Panel Drug Test	1 test	\$35.00
8- Panel Drug Test	1 test	\$35.75