

DATE: April 12, 2010

TO: Honorable Board of Acquisition and Contract

FROM: Millard J. Hyland, M.D.  
Medical Examiner/Pathologist  
Department of Laboratories and Research

RE: Authorization for the County of Westchester to enter into an agreement with National Medical Services, Inc. to provide specialized laboratory testing services and expert testimony for the Department of Laboratories and Research in an amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars at the rates set forth in Schedule "A", for a term commencing on May 29, 2010 and expiring on May 28, 2011.

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Attached is a Resolution which, if approved by your Honorable Board, would authorize the County, acting by and through its Department of Laboratories and Research, ("Department") to enter into an agreement with National Medical Services, Inc., located at 3701 Welsh Road, Willow Grove, Pennsylvania to provide specialized laboratory testing services and expert testimony in an amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars at the rates set forth in Schedule "A" attached to the Resolution submitted herewith. The term of the agreement will commence on May 29, 2010 and terminate on May 28, 2011.

This contract will promote the public safety of Westchester County residents as it is used for the detection of chemical/drug abuse by persons suspected of DWI offenses. These services will also be used to detect drug use by deceased subjects of the Medical Examiner. The goals and objectives of this program are to provide the residents of Westchester County with chemical/drug abuse detection services. The value and importance are in the best interest of the County in terms of ensuring continued public safety. The goals and objectives will be tracked and monitored by the Department's Toxicology Division which tracks all sample submissions, returned results which are added to legal case folders, and approves payment, which is processed through Administration. National Medical Services has been providing these testing services to the Department over the past four years and they have satisfactorily provided the level and array of testing that the Department requires.

The agreement with National Medical Services is exempt from application of the Westchester County Procurement Policy and Procedures pursuant to Sections 3(a)(vii) and (viii) thereof, which exempts "contracts for the services of expert witnesses" and "contracts for

medical or health-related services.” A Resolution for your consideration is annexed hereto. I recommend your favorable consideration of the annexed proposed Resolution.

MJH/tsa

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-29-2010 - JOMARY VIEIRA, SECRETARY

**RESOLUTION**

Upon a communication from the Medical Examiner of the Department of Laboratories and Research, be it hereby:

**RESOLVED**, that the County of Westchester, acting by and through its Department of Laboratories and Research, is authorized to enter into an agreement with National Medical Services, Inc. located at 3701 Welsh Road, Willow Grove, Pennsylvania to provide specialized laboratory testing services and expert testimony in an amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars at the rates set forth in Schedule "A" attached hereto, for a term commencing May 29, 2010 and terminating May 28, 2011; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effectuate the purposes hereof.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	31	0010-3200	4380		\$14,583.31 (2010)
101	31	0010-3200	4380		\$10,416.69 (2011)

Budget Funding Year(s): 2010-2011      Start Date 5/29/10      End Date 5/28/11  
 (must match resolution)  
 Funding Source      Tax Dollars \$25,000.00  
    State Aid \_\_\_\_\_  
\$25,000.00      Federal Aid \_\_\_\_\_  
 (must match resolution)      Other \_\_\_\_\_

"Schedule A" - PRICE PROPOSAL

Substance	Est. Quantity	Limits*	Medium:	Blood	Urine	Gastric	Liver
Benzodiazepines Panel - including:	As Needed			\$148.00	\$148.00	\$173.00	\$198.00
Desalkylflurazepam		5 ng/mL		Acode 9329B	Acode 9329U	Acode 9329FL	Acode 9329TI
Nordiazepam		20 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Oxazepam		20 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Lorazepam		5 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Diazepam		20 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Hydroxyethylflurazepam		5 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Temazepam		20ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Chlordiazepoxide		20ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Midazolam		5 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Flurazepam		2 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Alpha-Hydroxyalprazolam		5 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Alphazolam		5 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Hydroxytriazolam		5 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Triazolam		2 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Estazolam		5 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Clobazam		20ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
Clonazepam		2 ng/mL		See 9329B	See 9329U	See 9329FL	See 9329TI
7-Amino Clonazepam		5 ng/mL					
Flunitrazepam and Metabolites	As Needed			XX	XX	XX	XX
Blood				\$160.00	\$160.00	\$185.00	
Urine				Acode 9315B (Screen)	Acode 9315U (Screen)	Acode 9315FL (Screen)	
		2 ng/mL		\$148.00	\$148.00	\$173.00	
		5 ng/mL		Acode 5523B (Confirmation)	Acode 5523U (Confirmation)	Acode 5523FL (Confirmation)	**special request
Cannabinoids Panel	As Needed			\$153.00	\$98.00	\$178.00	\$203.00
Delta-9 THC		1 ng/mL		Acode 0960B	Acode 0964U	Acode 0960FL	Acode 0960TI
Delta-9 Carboxy THC		5 ng/mL		See 0960B	xx		
11-Hydroxy Delta-9 THC		5 ng/mL		See 0960B	See 0964U		
				See 0960B	xx		
Amphetamines Panel - including:	30			\$152.00	\$152.00	\$302.00	\$352.00
Amphetamine		5 ng/mL		Acode 8600B	Acode 8600U	Acode 8600FL	Acode 8600TI
Methamphetamine		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Methylenedioxyamphetamine (MDMA)		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Methylenedioxyamphetamine (MDA)		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Methylenedioxyethylamphetamine (MDEA)		10 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Ephedrine		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Methylephedrine		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Pseudoephedrine		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Phenylpropanolamine (PPA)		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Norpseudoephedrine		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Phentermine		10 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Phendimetrazine		10 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Phenmetrazine		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Selegiline		5 ng/mL		See 8600B	See 8600U	See 8600FL	See 8600TI
Diphenhydramine	As Needed	50 ng/mL		\$56.00	\$56.00	\$206.00	\$256.00
				Acode 1760B	Acode 1760U	Acode 1760FL	Acode 1760TI
Bupropion	10	10 ng/mL		\$97.00	\$97.00	\$247.00	\$297.00
				Acode 0803B	Acode 0803U	Acode 0803FL	Acode 0803TI
Quetiapine	As Needed	5 ng/mL		\$108.00	\$135.00	\$258.00	\$308.00
				Acode 4051B	Acode 4051U	Acode 4051FL	Acode 4051TI

APPROVED BOARD OF ACQUISITION

"Schedule A" - PRICE PROPOSAL

Citalopram	As Needed	5ng/mL		\$119.00 Acode 1272B	\$119.00 Acode 1272U	\$269.00 Acode 1272FL	\$919.00 Acode 1272TI
				\$64.00			\$264.00
Haloperidol	5	0.50ng/mL		Acode 2220B	**special request	**special request	Acode 2220TI
				\$106.00	\$133.00	\$256.00	\$306.00
Risperidone	5	2ng/mL		Acode 4105B	Acode 4105U	Acode 4105FL	Acode 4105TI
				\$56.00	\$56.00	\$81.00	\$106.00
Trazodone	As Needed	0.03/mcg/mL		Acode 4535B	Acode 4535U	Acode 4535FL	Acode 4535TI
				\$194.00	\$194.00	\$219.00	\$244.00
Levamisole	As Needed	0.1 mcg/mL		Acode 2501B	Acode 2501U	Acode 2501FL	Acode 2501TI

\*Reporting limits indicated for blood

\*\*Testing in this sample matrix is by special request - viability and cost can be quoted at time of request

Prices for specific drugs are dependent upon whether screen and confirmation testing is requested by the submitting agency

Testimony may be required, estimated at two times per year. Indicate complete cost (including travel, lodging, fee, etc.).

Please see enclosed Expert Services Fee Schedule for the fees Westchester County will be billed for rendered expert services.

APPROVED BOARD OF ACQUISITIC.

Schedule "A" continued



**NMS LABS EXPERT SERVICES FEES**

Federal Tax ID 23-173-1658

**Category I Administrative**

Litigation Package Preparation	\$75 per hour
Records Search	\$75 per hour
Record Reviews	\$75 per hour
Report Preparation (Administrative)	\$75 per hour
Retainer for Records	\$150 / \$250 both non-refundable*
Telephone Conferences	\$75 per hour
In-house Depositions	\$75 per hour
Out-of-Office Time: Depositions, Hearings, Arbitration, Court Appearances and Travel Time	\$750 per Day – May be billed at ½ day increments when applicable
Cancellation Fee – Legal Proceeding	\$375 – applicable if less than 48 hr. notification given

\*Forensic File only \$150 (Flat Fee) / expanded Lit Pack includes Forensic File, Instrumentation Data, and Chain of Custody Documentation – \$250 and up.

**Category II Analyst**

Litigation Package Preparation	\$160 per hour
Records Search	\$160 per hour
Record Reviews	\$160 per hour
Telephone Conferences	\$160 per hour
In-house Depositions	\$160 per hour
Out-of-Office Time: Depositions, Hearings, Arbitration, Court Appearances and Travel Time	\$1,000 per Day – May be billed at ½ day increments when applicable
Cancellation Fee – Legal Proceeding	\$500 – applicable if less than 48 hr. notification given

**Category III Scientist / Toxicologist**

Technical Time <sup>1</sup>	\$300 per hour (min. 1 hour - \$300)
Interpretation of Data <sup>2</sup>	\$300 per hour (min. 1 hour - \$300)
Telephone Conferences	\$300 per hour (min. 1 hour - \$300)
In-house Depositions	\$300 per hour (min. 2 hour - \$600)
Out-of-Office Time: Depositions, Hearings, Arbitration, Court Appearances and Travel Time <sup>3</sup>	\$2,000 per Day – May be billed at ½ day increments when applicable
Expert Services Cases	\$300 per hour (nonrefundable retainer - \$1,200)
Cancellation Fee – Legal Proceeding	\$1,000 – applicable if less than 48 hr. notification given

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Pricing Effective Date: 03/01/08



## NMS LABS EXPERT SERVICES FEES

### Category IV Fellow

Technical Time <sup>1</sup>	\$400 per hour (min. 1 hour - \$400)
Interpretation of Data <sup>2</sup>	\$400 per hour (min. 1 hour - \$400)
Telephone Conferences	\$400 per hour (min. 1 hour - \$400)
In-house Depositions	\$400 per hour (min. 2 hour - \$800)
Out-of-Office Time: Depositions, Hearings, Arbitration, Court Appearances and Travel Time <sup>3</sup>	\$2,500 per Day - May be billed at ½ day increments when applicable
Expert Services Cases	\$400 per hour (nonrefundable retainer - \$1,600)
Cancellation Fee -- Legal Proceeding	\$1,250 - applicable if less than 48 hr. notification given

### Travel Expenses

	Local Counties (Montgomery, Bucks, Chester, Delaware) and City of Philadelphia	Out of State and/or Other Counties in PA
Travel Time	\$150 per hour, max. \$1,200	See appropriate Categories
Lodging	Pre-arranged, Reimbursement	Pre-arranged, Reimbursement
Meals	Reimbursement	Reimbursement
Out of pocket expenses	Reimbursement	Reimbursement
Mileage	Reimbursement at the prevailing IRS rate per mile (portal to portal)	Reimbursement at the prevailing IRS rate per mile (portal to portal)

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<sup>1</sup> Category III and IV personnel will make record of all time spent on a case. Analytical preparation time and preparation for legal proceedings will be charged at the appropriate rate.

<sup>2</sup> If research is required by NMS personnel for the technical interpretation or clarification of results, then the client will be charged at the appropriate hourly rate.

<sup>3</sup>The request of an appearance within 24 hours at any legal proceeding will result in a STAT charge. The STAT charge will be 2 times the category rate for court appearances.