

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

January 28, 2025

FROM

PETE MENDOZA, Director, Purchasing Department

SUBJECT

Agreement with Bio-Tox Laboratories, Inc. for Forensic Drug and Alcohol Toxicology Services

RECOMMENDATION(S)

1. Approve **Agreement No. 25-78** with Bio-Tox Laboratories, Inc. for forensic drug and alcohol toxicology services, in an aggregate amount not to exceed \$3,000,000, for the period of February 1, 2025, through January 31, 2030.
2. Authorize the Purchasing Agent to adjust the agreement with Bio-Tox Laboratories, Inc. to add or remove forensic drug and alcohol toxicology services, as needed by County departments.

(Presenter: Pete Mendoza, Director, 387-2073)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Departments that require forensic drug and alcohol toxicology services are responsible for ensuring adequate funding in their current and future budgets. The District Attorney's (DA) average annual expenditure for these services is over \$250,000 and a five-year contract is estimated to cost \$1,500,000. This includes estimated increases in service fees, incremental increases in the number of samples being submitted for testing, and changes in the types of drug panels that the samples are tested against. The DA has received a grant from the State's Office of Traffic Safety since 2012 and receives up to \$100,000 annually as a reimbursement for services provided by Bio-Tox.

The Sheriff/Coroner/Public Administrator's (Sheriff) average annual cost for forensic drug and alcohol toxicology services is approximately \$250,000. A five-year contract is estimated to cost \$1,500,000. This includes estimated increases in service fees and incremental increases in the number of samples being submitted for testing.

The County's overall annual expenditure for forensic drug and alcohol toxicology services is estimated to cost \$600,000.

BACKGROUND INFORMATION

Agreement with Bio-Tox Laboratories, Inc. for Forensic Drug and Alcohol Toxicology Services
January 28, 2025

Forensic drug and alcohol toxicology services are essential for evidence collection and preservation in connection with California code violations. Forensic toxicology results are utilized in the prosecution of cases to demonstrate the level of impact if a defendant is under the influence of various substances. In addition to providing testing services, a contracted vendor must be able to demonstrate chain of custody and evidence preservation, provide consultation to prosecuting attorneys, prepare for and provide expert testimony in court, and meet the requirements to maintain laboratory accreditation in forensic toxicology.

Prosecutors and jurors expect a laboratory to be credentialed when providing evidential support in a forensic case. Under the American National Standards Institute (ANSI), ANSI National Accreditation Board (ANAB) is the exclusive provider of accreditation for the American Board of Forensic Toxicology (ABFT) in conjunction with the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) 17025. ISO/IEC 17025 is an international standard that establishes requirements for competence, impartiality, and consistent operation of testing and calibration laboratories. Accreditation ensures the highest level of rigorous and trustworthy toxicology testing for international laboratory excellence and specialized forensic toxicology. There are very few laboratory vendors within the State of California and the U.S. who hold ANAB/ABFT accreditation.

The Sheriff and DA have contracted with Bio-Tox for over 20 years due to its accredited status in meeting ANAB and ABFT requirements, ability to preserve evidence and maintain clear chain of custody, and ability to meet the County's need for on-call expert testimony in court proceedings. In addition, Bio-Tox is located in Riverside and is able to pick up samples and complete analyses in an expeditious manner. This avoids the costly and time-consuming process of mailing samples and potentially compromises the chain of custody or losing samples. In addition, Bio-Tox spent over 100 hours in 2024 for case reviews and phone consultations for the DA as part of the service offered without an additional charge. They provide excellent customer service and training to the DA as needed.

On January 28, 2020 (Item No. 37), the Board of Supervisors approved Contract No. 20-46, which added quantitative analysis to positive tests to determine levels of substances. This reduced potential civil liability in meeting discovery requirements for the DA and reduced the dismissal of cases due to delays and non-compliance with Penal Code Section 1054 et. seq., which mandates timely disclosure of a criminal defendant's drug and alcohol test results. The contract also added more types of felony crimes for testing and analyses. These contract changes have resulted in faster settlements or additional charges for the prosecution of cases. Additional contract changes have included modifications in drug panels in response to legislative changes, changes in the types of manufactured substances, or changes in street substances.

The Purchasing Department recommends approving the agreement with Bio-Tox Laboratories, Inc. to establish a countywide provider for forensic drug and alcohol toxicology services.

PROCUREMENT

The Purchasing Department supports the non-competitive procurement of Bio-Tox for its toxicology services based on specialized credentials. Bio-Tox is accredited to provide testing, analysis, and court testimony to assist the Sheriff and DA in their efforts of crime prevention or effective prosecution to deter additional crime. Bio-Tox has been providing services to the County for over 20 years. There is not another accredited laboratory in the immediate area that can provide comprehensive forensic toxicology services to the County.

**Agreement with Bio-Tox Laboratories, Inc. for Forensic Drug and
Alcohol Toxicology Services
January 28, 2025**

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on January 2, 2025; Sheriff/Coroner/Public Administrator (Kelly Welty, Chief Deputy Director, 387-3760) on December 30, 2024; District Attorney (Claudia Walker, Chief of Administration, 382-7689) on December 30, 2024. County Administrative Office (Kathleen Gonzalez, Administrative Analyst, 387-5412) January 10, 2025; County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on January 10, 2025.

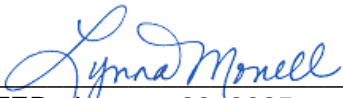
**Agreement with Bio-Tox Laboratories, Inc. for Forensic Drug and
Alcohol Toxicology Services
January 28, 2025**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 28, 2025



cc: Purchasing - Yang w/agree
Contractor - c/o Purchasing w/agree
File - w/agree
CCM 01/30/2025