



Office of the City Manager

CONSENT CALENDAR
June 12, 2007

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Douglas Hambleton, Chief of Police, Police

Subject: Contract: Phlebotomist Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Central Medical Laboratory, Inc. to provide phlebotomist services for the Police Department, in an amount not to exceed \$10,000 annually for all services and expenses for the term ending June 31, 2010.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this cost is allocated via General Fund budget code 010-7302-420-30-38 for FY2007 and funding for subsequent years contingent upon Council authorization.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley Police Department is required to provide the services of a Certified Phlebotomist for the withdrawal of a blood sample from persons under arrest for certain “driving under the influence” (DUI) crimes to determine levels and degrees of alcohol or drug influence/intoxication. In the past year, 78 blood samples were collected for analysis.

BACKGROUND

In the past, blood draws have been obtained at local hospitals. At times, traveling to the hospital has created a delay in obtaining a chemical sample. Hospitals tend to consume a large amount of time for officers transporting and standing by DUI arrestees during busy emergency room hours. There has also been substantial resistance from hospital administrators when an officer requests a “Forced Blood Draw”, even under urgent circumstances such as after an injury-accident and the arrested driver refuses to take a test.

A “Forced Blood Draw” is authorized when a person who has been lawfully arrested for a DUI offense refuses to submit to a breath, urine, or blood test in order to determine their blood alcohol content, which is required by California law. The courts authorize a “Forced Blood Draw” in DUI cases with uncooperative drivers who have been placed under arrest due to the temporary nature of alcohol in the blood and the short time it takes to dissipate. The Courts have provided that the forced taking of blood be (1) done in a medically approved manner, (2)

incident of a lawful arrest and (3) be based on the reasonable belief that the driver is intoxicated to meet the threshold that the forced draw does not violate the Fourth Amendment right against unreasonable search and seizure.

The Berkeley Police Department is seeking to resolve these problems by using an on-call phlebotomy service to respond to the Berkeley City Jail and provide the draw in a medically approved manner. This will be a new service for the City.

A formal bid process was conducted and concluded on April 26 2007 when the evaluation panel selected Central Medical Laboratory, Inc. to provide the following services:

- a. Be available on a 24-hour basis, 7 days a week
- b. Respond to a request for service within 45 minutes of notification, to the Berkeley City Jail
- c. Respond in the most expeditious fashion to a request that is made to another location within the City of Berkeley, or outside the City (i.e. Highland Hospital)
- d. Obtain a blood sample when requested by an officer from a subject who is in custody
- e. Properly mark all samples for identification as evidence in court
- f. Dispose of all waste including needles at conclusion of the draw
- g. Provide the Police Department with clear and concise documentation regarding how the sample was obtained if any problems were encountered and any other pertinent information to the case
- h. Be available to testify in court about the removal of the sample and any report prepared for the case
- i. Conduct a forced blood draw if necessary at the request of a police officer
- j. Allow the withdrawal of the sample to be video recorded
- k. Provide a Phlebotomy chair

All services shall be preformed with the utmost care and strictly according to all applicable clinical standards, including those set forth in the Business and Professions Code 1246 and Article 5, Title 17, of the California Code of Regulations.

The Department intends to contract with Central Medical Laboratory, Inc. to provide this service for a one-year period, with the option to renew for two additional years. Based on the number of draws in the past year and the rate per draw proposed by Central Medical Laboratory, Inc., we anticipate an annual cost of approximately \$10,000.00. We request multi-year authorization for this contract in anticipation that the total contract amount will require Council approval when extended.

RATIONALE FOR RECOMMENDATION

Authorizing the City Manager to enter into contract with Central Medical Laboratory, Inc. will ensure service provision in the most cost and time efficient means available at this time.

ALTERNATIVE ACTIONS CONSIDERED

Central Medical Laboratory, Inc. was selected following evaluation of the proposals submitted in our formal bid process as the most responsive firm. The firm provided the most complete array of services at the lowest cost.

CONTACT PERSON

Bruce Agnew, Captain, Police, 981-5810

Lynne Ohlson, Public Safety Business Manger, 981-5976

RESOLUTION NO. -N.S.

CONTRACT WITH CENTRAL MEDICAL LABORATORY, INC. TO PROVIDE PHLEBOTOMIST SERVICES FOR THE POLICE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED \$10,000

WHEREAS, there is a need for phlebotomy services for the withdrawal of a blood sample from persons under arrest for certain crimes to determine levels and degrees of alcohol or drug influence/intoxication; and

WHEREAS, the Police Department has determined that on-call phlebotomy services would significantly reduce the time and cost to obtain blood samples; and

WHEREAS, the City issued a Request for Proposals from interested and qualified phlebotomy service firms; and

WHEREAS, the firm of Central Medical Laboratory, Inc. was selected from interested and qualified phlebotomy service firms; and

WHEREAS, funding is available in the FY2007 budget allocation (010-7302-420.30-38).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Central Medical Laboratory, Inc. for on-call phlebotomy services for the Police Department in an amount not to exceed \$10,000 annually for their services for a term ending June 30, 2010. A record signature copy of the contract and any amendments to be on file in the Office of the City Clerk.