

City Council – Action Request Form

Date: August 8, 2022

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Patrice Toney, Assistant City Manager
Lori Sykes, Senior Assistant City Attorney

Council Action Requested:

Resolution Authorizing Execution of an Independent Contractor Agreement with National Medical Services, Inc. d/b/a NMS Labs for Laboratory Testing and Related Services for the Winston-Salem Police Department

Strategic Focus Area: Safe and Secure Community

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Summary of Information:

The Winston-Salem Police Department historically relied on the North Carolina State Crime Laboratory (formerly the North Carolina SBI Crime Laboratory) for forensic testing (for example, blood alcohol testing for Driving While Impaired charges and drug testing for Violation of Controlled Substances Act charges). Backlogs and other operational challenges at that laboratory, however, had resulted in court cases being dismissed for lack of forensic evidence. In 2014, City Council approved the establishment on an on-site laboratory to be located at the Beaty Public Safety Training and Support Center. This laboratory (the "Lab") is operated and managed by National Medical Services, Inc. ("NMS")(previously Integrated Forensic Laboratories, Inc.), which is an accredited laboratory headquartered in Pennsylvania. The original "License to Use City Facility and Service Agreement" was entered into in 2014 and its term has been extended through a number of amendments. At this time, the number of allowed extensions of the contract has been reached.

Committee Action:

Committee	Finance 8/8/22 Public Safety 8/8/22	Action	Approval
For	Unanimous	Against	

Remarks:

Under the proposed Independent Contractor Agreement, NMS will continue to maintain, manage and operate an on-site accredited forensic crime laboratory at the Beaty Center, with the most significant aspects of the Agreement being as follows:

1. NMS will continue to provide the equipment and personnel necessary to operate the Lab, with all personnel screened according to City and Winston-Salem Police Department standards and available to testify as needed in court.
2. NMS will continue to provide Qualitative Drug Identification testing and toxicology testing to include blood alcohol levels and the presence of controlled substances in blood. NMS will additionally provide Hemp/Marijuana Differentiation testing.
3. NMS will continue to meet designated turn-around times for all testing.
4. NMS will continue to meet sample and document retention requirements of the WSPD.
5. NMS will continue to provide quarterly reports of services provided under the Agreement.

The term of the proposed new Agreement would be the twelve-month period beginning effective July 1, 2022 through and including June 30, 2023. The Agreement may be extended for up to two (2) additional two-year terms. The cost under the Agreement for the initial term of July 1, 2022 to June 30, 2023 is \$137,220. Any cost increase under any renewal period of the Agreement will be negotiated between the parties but will not exceed 6% per renewal period.

The attached Resolution authorizes the execution of the Independent Contractor Agreement and any associated documentation by the appropriate City officials and the execution of any amendment to the Agreement to effectuate a renewal term, subject to all documentation being approved as to form and legality by the City Attorney.