



47.
C.O.#139924

**COMMISSIONERS COURT
COMMUNICATION**

REFERENCE NUMBER _____

PAGE 1 OF 9

DATE: 12/13/2022

**SUBJECT: APPROVAL OF LETTER OF COMMITMENT BETWEEN
TARRANT COUNTY AND TOXCEL FOR THE FISCAL YEAR 2023
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
DRIVING UNDER THE INFLUENCE OF DRUGS TOOL SUPPORT
FUNDING OPPORTUNITY FOR THE MEDICAL EXAMINER'S
OFFICE**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court approve a Letter of Commitment between Tarrant County and toXcel for the FY 2023 National Highway Traffic Safety Administration (NHTSA) Driving Under the Influence of Drugs (DUID) Tool funding opportunity for the Medical Examiner's Office.

BACKGROUND

Due to the growing problem of drug-impaired driving, NHTSA developed the DUID tool to assist state, local, territorial, and tribal governments with assessing and strengthening their drug-impaired driving programs. As drug-impaired driving prevalence has increased, so too have the responsibilities placed on state and local agencies tasked with reducing impaired-driving-related injuries and fatalities. Through a systematic review of activities, policies, and procedures being implemented, the DUID tool allows users to assess their existing programs to reduce drug-impaired driving.

The Medical Examiner's Office received funding in the amount of \$65,000.00 for equipment and training related to toxicology testing and testimony for drug-impaired driving cases. This Letter of Commitment with toXcel outlines provisions for reporting, participation in quarterly meetings, and reimbursement of expenses.

This Letter of Commitment has been reviewed as to form by the Criminal District Attorney's Office.

FISCAL IMPACT

The grant award is for \$65,000.00 for FY 2023. No local match is required.

SUBMITTED BY: Budget and Risk Mgmt

PREPARED BY: Holly Webb
APPROVED BY: Kandice Boutte

toXcel

**7140 Heritage Village Plaza
Gainesville, VA 20155**

Phone: (703) 754-0248

Fax: (703) 310-6950

November 15, 2022

Robert Johnson, Ph.D., F-ABFT
Chief Toxicologist
Tarrant County Medical Examiner – Toxicology
200 Feliks Gwozdz Pl
Fort Worth, TX 76104

**RE: DUID Tool Support Project Funding Recipient Selection/Memorandum of Understanding under
NHTSA Contract DTNH2217D00040/693JJ921F000183**

Dear Dr. Johnson:

Thank you for applying for the National Highway Traffic Safety Administration (NHTSA) DUID Tool Support funding opportunity. Upon review of your application, the Tarrant County Medical Examiner – Toxicology has been selected to receive \$65,000 to be used for equipment and training related to toxicology testing and testimony for drug-impaired driving cases.

Toxcel LLC is managing this effort under contract to NHTSA (Contract DTNH2217D00040/693JJ921F000183). Jennifer Davidson is serving as the NHTSA Task Order Manager and Jennifer Symoun is the Toxcel Project Manager. All communication for this project will go through Toxcel and Toxcel will handle all cost reimbursements.

Please review the attached information and return a signed letter of commitment (template attached) to me (jennifer.symoun@toxcel.com) at your earliest convenience. Once signed we can begin reimbursing expenses related to this effort. The attached information outlines directions for submitting invoices for reimbursement and monthly and quarterly reporting requirements.

I am excited to work with you to help enhance Tarrant County's DUID prevention and enforcement efforts! Please do not hesitate to contact me if you have any questions.

Sincerely,



Jennifer Symoun
Vice President, Engineering and Behavioral Sciences
Toxcel LLC
703-754-0248 x8208
jennifer.symoun@toxcel.com

Background

Due to the growing problem of drug-impaired driving and States legalizing marijuana to varying degrees, NHTSA developed the Drug-Impaired Driving Criminal Justice Evaluation Tool (DUID tool) to assist State, local, territorial, and tribal governments with assessing and strengthening their drug-impaired driving programs. As drug-impaired driving prevalence has increased, so too have the responsibilities placed on State and local agencies tasked with reducing impaired-driving-related injuries and fatalities. Through a systematic review of activities, policies, and procedures being implemented, the DUID tool allows users to assess their existing programs to reduce drug-impaired driving. The tool can help jurisdictions identify gaps in their drug-impaired driving programs, inform strategies to strengthen the programs, and help track progress over time against baseline results. The tool also includes links to best practices and resources for strengthening drug-impaired driving programs.

Objective

To encourage use of the DUID Tool, NHTSA is making funding available to a limited number of agencies and organizations to assist with overcoming the challenges identified in the results generated by the tool. Through the collection of progress reports and discussions with agency contacts, NHTSA will be able to gather additional successful practices, challenges, and mitigation strategies related to DUID prevention and enforcement. This information can be used to ultimately assist in increasing drug-impaired driving convictions and reducing the prevalence of drug-impaired driving.

Implementation Support Processes and Procedures

Eligible Expenses

The following are eligible DUID Tool support activities:

- Development of new or updated agency policies and procedures related to the various elements of the Tool.
- Implementation or support of DWI Task Forces.
- Training (to include related travel to attend training).
- Purchasing off the shelf or development of data collection systems.
- Hiring a consultant to assist with identifying business process needs and/or IT programming support.
- Purchasing iPads or other tablets, cell phones, computers, scanners for obtaining/approving e-warrants
- Software used for e-warrant creation/approval (such as a PDF-creator program).
- Development of a web-based system for e-warrants.
- Phlebotomy equipment (e.g., phlebotomy chair, venipuncture equipment).
- Laboratory fees (for testing of blood samples).
- iPads or other tables, cell phones for facilitating DRE call-outs Software and applications for facilitating DRE call-outs.
- Public outreach.

Agencies may suggest other types of activities related to the questions asked in the Tool in their application and Toxcel will determine if these activities are eligible. Funding cannot be used to pay for officer salaries, overtime, equipment that will not fully depreciate over the course of the project, or construction.

All travel must meet Federal Travel Regulation requirements (<https://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-ftr>). Highlights of these requirements include: If not

travelling by vehicle, travel must occur using coach-class service of a common carrier (i.e., air or rail). All air travel must use a "U.S. flag" air carrier service. Travel costs for hotels, meals, and incidentals must be within Federal Government per diem rates (see <https://www.gsa.gov/travel/plan-book/per-diem-rates>). Mileage can be reimbursed if travel related to this effort occurs using a personal vehicle (see <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/private-owned-vehicle-pov-mileage-reimbursement-rates> for mileage reimbursement rates).

Reporting

A monthly report template is attached with fields for describing activities completed the previous month and planned for the upcoming month, any challenges faced and mitigation strategies, lessons learned, and successes. Monthly reports will be due the 10th of each month (or the closest date prior if the 10th falls on a weekend) beginning after receipt of the signed letter of commitment. Monthly reports should cover the previous month and are required even when you do not have any expenditures for a month. You will receive an email reminder about the upcoming monthly report due date on the 5th of each month (or the closest date prior if the 5th falls on a weekend).

We will also hold periodic calls to discuss how the funding is being used, challenges, successes, and lessons learned. You will be contacted by a member of the Toxcel Team several weeks prior to schedule a time for a one hour call. If you have specific needs or concerns that you'd like to discuss during the call it will be helpful to know in advance so that we can ensure that a subject matter expert is available to attend the call.

The information gathered from the monthly reports and periodic calls will be used in the development of a project report summarizing how agencies used the funding to strengthen their DUID programs. You will have the opportunity to review and provide input to the report before it is published by NHTSA.

Invoicing

Funding will be distributed in the form of reimbursement upon receipt of invoices. Invoices should be submitted monthly (if expenses are incurred in that month) with the monthly report and must be accompanied by receipts or other proof of how the funding was spent. Invoices will be paid within 30 days of receipt of the invoice and monthly report and can be paid by check or electronic funds transfer. Invoices must include the following information:

- Business name and address
- Contract number (DTNH2217D00040/693JJ921F000183)
- Invoice number
- Award value
- Line detail of expenses to be reimbursed, including quantity, cost per unit, and total amount
- Receipts for purchased items/travel
- Total cost for the current invoice
- Total invoiced to date
- Amount remaining
- Electronic Funds Transfer (EFT) information (if applicable, not required if payment by check is preferred)

Budget Development and Updates

In addition to the signed commitment letter, please submit to Toxcel a line item budget that outlines planned expenditures for this effort. Changes may be made after the initial submission, although the total budget amount must remain within \$65,000.00 unless additional funding is requested and

approved. Any changes to the items listed in the budget after the initial submission must be sent to Toxcel.

Timeframe

Implementation support will begin immediately upon receipt of the signed attached letter of commitment. The project will conclude in September 2023 and all invoices must be received by September 10, 2023.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Toxcel LLC
Gainesville, VA United States

Certificate Number:
2022-960325

Date Filed:
12/01/2022

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Tarrant County

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

DTNH2217D00040/693JJ921F000183

Toxcel LLC is managing this effort under contract to NHTSA to provide funding to agencies to help improve processes and procedures to address drug-impaired driving.

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Alan, Katz	Gainesville, VA United States	X	

5 Check only if there is NO Interested Party.

☐

6 UNSWORN DECLARATION

My name is Jennifer Symoun and my date of birth is 7/16/1979

My address is 41688 Truly Circle Aldie VA 20105 USA
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Loudoun County, State of Virginia on the 1st day of Dec, 2022
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)



B. GLEN WHITLEY
COUNTY JUDGE
of
TARRANT COUNTY

December 13, 2022

Jennifer Symoun
toXcel
DUID Tool Support Coordinator (under contract to NHTSA)
7140 Heritage Village Plaza
Gainesville, VA 20155

Dear Ms. Symoun:

The Tarrant County Medical Examiner - Toxicology agrees to follow the requirements for receiving \$65,000.00 for reimbursable expenses to strengthen our DUID prevention and enforcement efforts. We will provide monthly reports using the required template by the 10th of each month following the reporting period and will participate in quarterly phone calls to discuss efforts made using the funding from this program. Invoices for reimbursement of expenditures will be submitted to you on a monthly basis when expenses are incurred. We understand that information and lessons learned captured from our efforts may be included in the project final report and we will have the opportunity to review the report prior to its publishing by NHTSA.

We are committed to this effort and able to allocate the time and resources required to receive funding assistance.

Our primary point of contact for this effort is:

Robert D. Johnson, Ph.D., F-ABFT
Chief Toxicologist - Tarrant County Medical Examiner's Office
200 Feliks Gwozdz Place
Fort Worth, Texas 76104
817-920-5700 ext. 8396
rdjohnson@tarrantcounty.com

Sincerely,



NAME: HONORABLE B. GLEN WHITLEY

TITLE: TARRANT COUNTY JUDGE

DATE: December 13, 2022

APPROVED AS TO FORM:

12-6-22

_____

Criminal District Attorney's Office*

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

**Estimated refundable expenditures for the DUID Tool Support Project Funding
under NHTSA Contract DTNH2217D00040/693JJ921F000183**

Equipment/Consumables*		
Item	Cost	Estimated Total
TurboVap Evaporator	\$5000/each	\$5,000
SPE Manifold	\$5000/each	\$10,000
DWI Sample Refrigerator	\$1,500	\$1,500
Reference Standards	\$1,500	\$1,500
Pipettors	\$2,000	\$2,000
DWI testing consumables	\$10,000	\$6,500
Equipment Total		\$26,500

Training*		
Training Opportunity	Cost/person	Estimated Total
AAFS Annual Meeting	2000	\$8,000
Borkenstein DWI Alcohol Course	3000	\$9,000
ABFT Certification Preparation	1500	\$4,500
SAT Annual Meeting	1000	\$6,000
DUID Interpretation Training	1500	\$4,500
Pharmacology Training	500	\$2,500
ANAB accreditation training	1300	\$4,000
Training Total		\$38,500

***All costs are estimated and subject to change**

**NOTE: Expenditures are reimbursed at actual cost to the County on a monthly basis
as grant-related costs are incurred**