

Memorandum of Agreement

Regarding LFUCG RFP: #20-2021

Drug Testing Services for LFUCG Adult Probation

This Memorandum of Agreement is made and entered in the city of Lexington Kentucky by and between

Capital Court Authority LLC, 100 East Main Street Frankfort Kentucky 40601, represented by its Owner and Director of Operations, Kyle T. Thompson, Esq., hereinafter referred to as "company owner/Director of Operations".

~and~

The Lexington-Fayette Urban County Government, 200 East Main Street, Lexington Kentucky 40507, represented by its Designee, the Honorable Mayor Linda Gorton, herein referred to as Mayor Gorton.

WHEREAS, Capital Court Authority LLC, a private probation company operating in the Commonwealth of Kentucky under Supreme Court Rule IX, which provides drug testing for the Courts of the Commonwealth, the Administrative Office of the Courts, and multiple other state agencies. And, pursuant to the interest to provide specified services as defined in LFUCG RFP #20-2021.

WHEREAS, the Lexington-Fayette Urban County Government, in its interest to secure the services of a provider for the specified purpose of laboratory-based drug screenings for the Division of Community Corrections - Bureau of Adult Probation within the defined parameters established in RFP 20-2021.


NOW, therefore and in consideration of the foregoing premises, Capital Court Authority LLC and the Lexington-Fayette Urban Government, hereby agree on and stipulate the following;

Capital Court Authority LLC (Lexington office) shall;

- Provide laboratory drug screening services to the defendants under supervision of the Bureau of Adult Probation - Division of Community Corrections.
- Adhere to the prescribed testing requirements of the Kentucky Administrative office of the Courts, and Federal Testing Standards (SAMHSA).
- Adhere to the provisions, conditions and parameters for drug testing protocols as detailed under TESTING PROCEDURES (Sec. 1 RFP #20-2021).

- Maintain and preserve the confidential information of all defendants referred to Capital Court Authority LLC.
- Provide direct point of contact for the Lexington office of Capital Court Authority for any inquiries or concerns from representatives of the Bureau of Adult Probation, Division of Community Corrections or designated parties within the LFUCG. Further, Capital Court Authority, LLC will provide proper maintenance of chain of custody from collection to testing at all times.
- Provide a liaison for court testimony on behalf of the LFUCG – Division of Community Corrections related to any and all matters that falls within the scope of the defined services being provided.
- Report results of defendant’s drug screenings at the completion of each designed test day to the point of contact designated by the Bureau of Adult Probation.
- Provide access to the web based online portal provided by Cordant Health Services (the laboratory services provider for Capital Court Authority LLC) to all designated personnel with the Bureau of Adult Probation and/or Division of Community Corrections.
- Adhere to the pricing agreement for random drug screening fees as defined in PRICING OF SERVICES PROVIDED (Sec. 11 RFP #20-2021).
- Agree to modify, amend or expand the parameters of services provided to the LFUCG with proper advance notice and specificity of services being requested.

This agreement, having been affirmed by the signatories so specified, enters into this agreement executed this 15th day of September, 2019.


 Kyle T. Thompson
 Owner/Director of Operations/Legal Counsel
 Capital Court Authority LLC.

9/15/2021
 DATE


 Hon. Mayor Linda Gorton
 Lexington-Fayette Urban County Government

11/12/2021
 DATE

REVIEWED AND AGREE:
 Legal Counsel – LFUCG Urban County Council

DATE



Capital Court Authority

Lexington-Fayette Urban County Government

Proposal for RFP #20-2021

**Drug Testing Services for Participants
in Electronic Monitoring, Work
Release, and Probation Programs**

Submitted via Ion Wave:

Kyle Thompson

Director of Operations

Capital Court Authority, LLC

July 28, 2021

Supplier Information

Company Name: Capital Court Authority, LLC
Contact Name: Kyle Thompson
Address: 100 E. Main St.
Frankfort, KY 40601

Phone: (502) 352-2550
Fax: (502) 352-2552
Email: cca.kyle@gmail.com

Supplier Notes

ONLY ONLINE BIDS WILL BE ACCEPTED! By submitting your response, you certify that you are authorized to represent and bind your company and that you agree to all bid terms and conditions as stated in the attached bid/RFP/RFQ/Quote/Auction documents.

Kyle T. Thompson
Print Name


Signature

SCOPE OF WORK:

Capital Court Authority, LLC can provide for all of the drug testing needs of the Lexington-Fayette Urban County Government for participants in Electronic Monitoring, Work Release, and Probation Programs with our numerous vendors that we have built relationships with over the last eight (8) years in this industry. Currently, Capital Court Authority, LLC has fifteen (15) employees and four (4) physical offices that include Frankfort (headquarters), Shelbyville, Georgetown, and Lexington.

Our Fayette County office is located at 1021 Majestic Drive, Suite 150, Lexington, KY 40513, in Beaumont Centre. This location was strategically chosen because of the access to public transportation, traffic models that shows much easier road travel access throughout our business hours than the previous location of drug testing services at the Fayette County Regional Jail, and a cost-efficient office option for our staff and the testers that can assist in keeping prices down for each client. At the present, Capital Court Authority, LLC is the sole approved provider of PreTrial urine sample drug testing services in Fayette County through the Administrative Office of the Courts, Office of PreTrial Services. CCA has annually entered into a Memorandum of Understanding with AOC to provide these services in the multiple jurisdictions that we have a physical presence. In addition, Capital Court Authority, LLC provides drug testing services to twenty-eight (28) separate county Department for Community Based Services Offices across the Commonwealth.

TESTING PROCEDURES:

Our urine drug testing procedures follow the prescribed requirements of the Administrative Office of the Courts and Federal Testing Standards (SAMHSA) for urine screening as follows:

1. The Provider shall provide a call-in system with a Phase System that will be assigned by the Office of Adult Probation to correspond with the number of tests that a client shall take in a one (1) month period.
2. An employee of the Provider will enroll each client into our call-in system. Further, we will provide thorough instructions regarding the testing process and, after requiring each client to sign the instruction sheet acknowledging the terms of their agreement to test with our office, including paying all fees necessary to test each time they are required to present themselves to our office, we will give them a copy of all signed instructions for their records. We will provide them with a document that will include their ID#, that they will key into the call-in system, and the phase that they are assigned, and should listen for each morning after connecting to said system.
3. At the time that the Client presents him/herself for testing services, they must come to the office prepared to provide a sample.
4. The Client shall pay for the drug testing collection and service prior to their observed urine sample production. Failure to pay or inability to pay for the test will result in the employee of the Provider refusing to provide drug testing services to the Client.
5. An employee of the provider shall provide a valid receipt for drug testing services with amounts paid, a clear date, name and address of the provider on the document.

6. Clients shall be provided a testing window of a minimum of six (6) hours to provide a urine specimen for the Provider. CCA's typical testing window is 9:00 A.M. to 12 PM and then from 1:00 P.M. to 4:00 P.M., Monday through Friday.
7. Client shall be allowed at least two (2) attempts to produce a sample. Each attempt must be a minimum of five (5) minutes.
8. Client shall provide a valid and acceptable form of identification.
9. Client must remove all unnecessary or bagging clothing that may prevent proper observation by the employee of the Provider that is conducting the test.
10. Client shall empty all of the contents of his/her pockets prior to entering the bathroom. The Provider will provide a standard and safe place for these items while the Client is testing.
11. The Client shall thoroughly wash and dry his/her hands prior to providing a sample.
12. All drug tests shall be strictly observed and collected by an employee of the Provider that is of the same sex of the client.
13. The Client shall provide, at the time of testing, a minimum of 30 mL's of his/her own urine for testing.
14. The Client shall raise or move any and all clothing that makes observation difficult for the employee of the Provider.
15. Clients who are unable to provide a sample within the allotted time that is provided to them for testing may be considered non-compliant and the Provider of testing services shall notify the Office of Adult Probation by the end of the testing day of this non-compliance.
16. Male Clients shall lower their pants to their knees for direct observation by the employee of the Provider of testing services while providing a valid urine sample for testing.
17. Female Clients shall squat, not sit, while providing a valid urine sample for testing. Female Clients must provide a valid sample "hands-free" to ensure that the urine is actually the Client's sample.
18. An employee of the Provider shall never allow the Client to be left alone with a urine sample.
19. An employee of the Provider shall pour the urine from the collection cup into the vial for transfer to the laboratory. After locking the vial with the plastic clip found on the side, the employee of the Provider shall place the lab sample sticker, that contains the date of testing and the Client's initials in his/her own writing, over the top and sides of the vial, securing the sample. At this point, the employee of the Provider shall place the Chain of Custody documents in the shipping bag from the laboratory then placing the vial in the same bag with the corresponding Chain of Custody with identical sample numbers on each. The Client shall be allowed the opportunity to watch the entire collection, pouring into the vial, locking the vial, sample identification and marking, and placing of their urine sample into the shipping bag with the same chain of custody and sample that both contain his/her identifiers.
20. An employee of the Provider will place the sample provided by the Client into a refrigerator for storage until the end of the day's business.

21. An employee of the Provider will pack all samples into a pre-addressed shipping container and then deliver the entire bag of the day's samples to a pick-up location for a common carrier used by the laboratory for shipments.
22. An employee of the Provider will provide a daily log of all testers for that day for use by the Office of Adult Probation to determine the attendance, or lack thereof, for each client scheduled to test that day.

PAYMENT:

Capital Court Authority, LLC is a "cash-based" business, in that we will never take the insurance, Medicaid, or Medicare information or identifiers for any client and bill or request payment from any third party or insurance fund or state or federal agency. As such, CCA accepts cash, credit card, check card, money order and cashier's check for payment of all services rendered. We do NOT accept personal checks from any client for any service of Capital Court Authority, LLC.

PRIVATE INFORMATION AND TEST RESULTS:

While we are not a covered HIPAA entity, nevertheless we do not and will not share any private information, including the results of any drug test with anyone but the client, any representative of the Office of Adult Probation, or their counsel of record without the express written consent of the Client.

IDENTIFICATION:

It is the preference in every circumstance that the Client provide a state issued identification card. However, we understand that due to financial reasons and criminal convictions, obtaining a state issued identification card may be difficult. Therefore, we can use any photo that may identify the individual including, but not limited to, a work badge, a mugshot, a social or shopping club card that has a photo on it, or any other means to identify that the person that is presenting themselves for drug testing is, in fact, the proper client that should provide a valid urine sample.

TYPES OF TESTING:

The National standard for drug detection in humans is lab screened urine testing. The GC/MS and LC/MS/MS testing is the highest standard of testing for common drugs of abuse. Capital Court Authority, LLC prefers to utilize these testing methods as they are the best evidence that may be provided in a Court of law involved in a case that addresses the freedoms or rights of any Client of our company.

Yet, there are many times that a Judge, Prosecutor, Law Enforcement Officer, Attorney, Social Worker, Probation Officer or Employer needs to know IMMEDIATELY concerning the presence of drugs of abuse, including alcohol, in a person's system. In those cases, Capital Court Authority, LLC, can provide on-site urine screens with instant results that can include each drug that the Office of Probation Services has requested for testing, except for Synthetics. (Those particular detections must always be tested at a laboratory.) In each of those instances, we follow the exact same procedure for collection of the urine sample. However, after collection, we use a

dip card that provides us with over 98% accuracy and results are back in less than five (5) minutes. If there is a positive screen on that on-site test, we *always* give the Client the right to send the sample to the laboratory for verification and confirmation at their cost. We also give the Client the opportunity to execute an Affidavit of Self-Admission regarding all drugs that they admit they have ingested, what date the drug use occurred on, and a notarized signature of the Client. Should a Client choose to execute this document, we shall inform them that we will be providing the document immediately to the Office of Probation Services.

In addition to the above-mentioned urine drug screen options, CCA has the ability to provide oral mouth swabs. (The accuracy of these swab tests is around 95% at the current time.) The only time we would suggest using this as a testing option would be when a Client has a *documented* medical condition that prevents him/her from providing a valid urine specimen and testing is necessary to determine the detection of drugs of abuse in the Client.

The final option that CCA can provide for drug screening and detection is a hair follicle test. While the cost is much higher than any of the previous tests discussed, the collection of just 1.5 inches of hair from the crown of the Client's head can provide up to ninety (90) days of review of drug use by the Client. The downsides of these particular types of tests is the high cost and the inability to determine exactly when the drug use occurred, as the presence of a drug in hair could have resulted from use at any time during the last three (3) months.

Capital Court Authority, LLC has the financial and human capital capabilities to perform *any* number of tests required by LFUCG, Division of Adult Probation, per day, week, month or year. CCA already has the collection site, personnel, supplies, and testing partners to immediately begin testing all Clients of the Division.

POINT OF CONTACT:

The single point of contact for all drug testing in Fayette County is our Lexington Office Supervisor, Mr. Randy Jones. Mr. Jones has an extensive professional background in corrections and investigations that included many years over the drug testing program, as well as Internal Affairs at the Fayette County Jail. Mr. Jones' contact information is Randy Jones, Capital Court Authority, LLC, Lexington Supervisor, (859) 368-7161 (office); (502) 542-9064 (Cell Phone); 1021 Majestic Drive, Suite 150, Lexington, KY 40513 (Office Address); cca.randyjones@gmail.com (Email communication).

The only other point of contact you may need is the Director of Operations for the company, Mr. Kyle Thompson. Mr. Thompson is the Owner, CEO, Director of Operations, and Legal Counsel for Capital Court Authority, LLC. His contact information is Kyle T. Thompson, Capital Court Authority, LLC, (502) 352-2550 (Office); (502) 229-8889 (Cell Phone); 100 East Main St., Frankfort, KY 40601 (Office Address); cca.kyle@gmail.com (Email communication).

LIAISON FOR COURT TESTIMONY

Capital Court Authority, LLC already has two individuals that are experienced and skilled in testifying in Court proceedings regarding drug test results and are more than willing to attend any Court matter when provided with proper notice provided to our offices.

The first person is Lisa Broaddus. Mrs. Broaddus is a Court-Liaison for four (4) different Courts throughout Central Kentucky. She currently serves at the pleasure of the Scott District and Traffic Courts, the Bourbon District Court, and the Spencer District Court. Lisa has over twenty-five (25) years of experience as an employee and Deputy Director of the Administrative Office of the Courts for the Commonwealth of Kentucky. She has been with the company for more than a year and has built up a wonderful relationship with each of the Courts she serves and looks forward to working with the Fayette County Courts, where she already has many contacts and business relationships. Her contact information is Lisa Broaddus, Capital Court Authority, LLC, Court Liaison Worker, 100 East Main St., Frankfort, KY 40601 (Office); (502) 352-2550 (Office Phone); (502) 320-2595 (Cell Phone); cca.lisabroaddus@gmail.com (Email Communications)

The second option is Kyle Thompson, Director of Operations and Legal Counsel for Capital Court Authority, LLC. Mr. Thompson has testified in over three hundred (300) cases in the last eight (8) years as the primary presence in courts throughout CCA's service region. Mr. Thompson has practiced law for twenty (20) years in Kentucky; he has been a former prosecutor for the Franklin County Attorney's Office; and, he is a certified regulatory investigator. Mr. Thompson has an extensive knowledge of toxicology, drug use and abuse, treatment options and success rates, and the Rules of Evidence for the State of Kentucky. His contact information is Kyle T. Thompson, Capital Court Authority, LLC, Director of Operations/Legal Counsel, 100 East Main St., Frankfort, KY 40601 (Headquarters); (502) 352-2550 (Office Phone); (502) 229-8889 (Cell Phone); cca.kyle@gmail.com (Email Communication)

LABORATORY PARTNER:

In the drug testing field, there are numerous providers of laboratory "screening" and "confirmation". However, while many of these labs may provide competitive pricing for doctors and clinics, the need for financially manageable drug testing is met by a relatively small number of entities. In addition to cost of testing, it is vitally important that the laboratory partner that we use is a "Certified Laboratory and Instrumented Initial Testing Facility Which Meets Minimum Standards to Engage in Urine and Oral Fluid Drug Testing for Federal Agencies" as determined by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). CCA has included a copy of the Federal Register, Vol. 86, No. 124, Thursday, July 1, 2021, providing notice of all such certified laboratories. Because of this relatively small list of providers, and while CCA has attempted to meet the requisite desire of LFUCG to engage sub-contractors that are Minority-Owned Businesses, Women-Owned Businesses, and Veteran Owned Businesses, the need for certified and quality laboratory sub-contractors that are certified through rigorous application and inspection has eliminated any ability to use laboratories that perhaps meet LFUCG's RFP's stated needs or desires.

To that end, and after a thorough search for not only all of CCA's business needs, but a laboratory partner to provide these services *with* us, we have chosen to *partner* with Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403 in this bid for the detection and confirmation testing of drugs for each Client required to test for the Fayette County Adult Probation Office. If the true desire of the RFP, LFUCG, and the Fayette County Adult Probation Office is to use a separate, "independent", laboratory for confirmation testing, we have also secured a partnership with Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, another SAMHSA certified lab, to provide those services. However, while we will provide the pricing for these confirmation testing services by the "independent" laboratory, the process of repackaging, properly labeling, and shipping of these specimens, along with the actual cost of the confirmation testing, is incredibly high and not cost effective for the Client or CCA, regardless of the laboratory we choose to assist us and LFUCG. The more economical and efficient (and industry standard) option would be to allow Redwood Toxicology Laboratory to provide the confirmation testing for any positive test results that are disputed by a Client. However, both options are presented and offered for this particular Request for Proposals.

Capital Court Authority, LLC, partners with Omega Laboratories, 400 N. Cleveland St., Mogadore, OH 44260, for our hair follicle testing options. Prices are listed below.

REPORTING OF TEST RESULTS:

Redwood Toxicology Laboratory uses a proprietary drug reporting system called ToxAccess. From the Redwood website and documentation provided to CCA:

"Engineered to support millions of drug and alcohol laboratory tests each year, the ToxAccess[®] website allows our clients to order tests and receive results from the laboratory more quickly and easily than ever. Our secure, web-based system helps you administer everyday collections and automates the reporting process so that results are at your fingertips as soon as they are ready.

COLLECTION MANAGEMENT

An intelligent solution that accelerates data entry and the test ordering process, saving you time and money.

- Decrease collection time and improve data accuracy
- Eliminate handwritten laboratory test request forms
- Intuitive step-by-step process ensures consistency in your program
- Improve scheduling, tracking and communication between clients, collectors, and donors
- Track the location of shipped, pending or complete specimens

RESULT REPORTING

Web-Result Reporting provides a secure and complete solution for searching, managing and printing drug and alcohol test reports.

- Comprehensive and easy to interpret drug and alcohol toxicology reports

- Easily locate, view, print and save donor results
 - Access monthly reports, drug statistics, donor summaries, and more
 - Examine donor reports and save them securely within the system”
- https://www.redwoodtoxicology.com/services/online_reporting

Through ToxAccess, we have the ability to easily allow online access to drug testing results with login credentials that can be tailored and managed for the entire Division and for individuals with varying degrees of access, dependent upon their needs and authority for the Division. The Adult Probation Clients can be managed and viewed as its own subset of the entire database, so that employees of the Division can review all Fayette Probation tests, without the concern of seeing any other client from another office of CCA.

ToxAccess and Redwood Toxicology Laboratory also have allowed CCA, and in turn LFUCG, access to their “Call In” Drug Testing Line. This toll-free number is used for the dissemination of daily information regarding the Clients that are required to test for that day. Capital Court Authority’s Lexington Office has already implemented the “Phase” system for all PreTrial and County Attorney referral cases. CCA would use the same criteria for assignment of “Phases” as used for all other testers for Fayette County, Kentucky drug testers. Currently, the “Phase” designations that CCA-Lexington uses are as follows:

Phase 1 – 3 times per week

Phase 2 – 2 times per week

Phase 3 – 1 time per week

Phase 4 – 2 times per month

Phase 5 – 1 time per month

Capital Court Authority can set these drug testing “Phases” randomly throughout a calendar week/month and will provide the proposed testing calendar to the Fayette County Adult Probation Office by the 15th of the month prior to the following month of testing. Should the Division so desire, we can alter and move any drug testing date on the calendar to meet their needs for the upcoming month. CCA will ensure that the “Call In” Line is appropriately set before each day’s testing in the Lexington Office.

PRICING OF SERVICES PROPOSED:

Panels Offered with Corresponding Costs Payable by Clients –

A. Standard Fifteen (15) Panel Urine Drug Screen with Following Drugs:

- Marijuana
- Cocaine
- Fentanyl
- Alcohol
- Amphetamines
- Opiates
- Oxycodone
- Benzodiazepine
- Suboxone
- Methadone
- Barbiturate

PROPOSED COST: \$25.00 Per Test

B. Standard Fifteen (15) Panel Urine Drug Screen – ALL drugs listed above in Panel A, *with* additional Synthetic Cannabinoid Panel.

PROPOSED COST: \$40.00 Per Test

C. Laboratory Confirmation of Urine Drug Screen performed at Redwood Toxicology Laboratory –

PROPOSED COST:
\$20.00 PER DRUG ON CONFIRMATION for MOST Drugs
\$30.00 Suboxone Confirmation
\$35.00 Fentanyl Confirmation
\$50.00 K2/Spice Confirmation

D. Laboratory Confirmation of Urine Drug Screen performed at Alere Toxicology Services (“Independent” Lab) --

PROPOSED COST:
\$125.00 packaging and shipping from Redwood to Alere
\$25.00 PER DRUG on standard panel
\$35.00 Fentanyl Confirmation
\$50.00 K2/Spice Confirmation

E. Standard twelve (12) Panel Oral Swab Drug Screen –

PROPOSED COST: \$25.00 Per Test

F. Standard Confirmation of Oral Swab Drug Screen –

**PROPOSED COST:
\$30.00 PER DRUG ON CONFIRMATION**

G. Hair Follicle Testing (Omega Laboratories) –

**PROPOSED COST:
\$180.00 – 7 Panel Drug Test
\$225.00 – 13 Panel Drug Test
\$250.00 – 17 Panel Drug Test**

H. On-Site/Instant Testing –

**PROPOSED COST:
\$15.00 PER TEST and includes ALL drugs except
Synthetic THC**

CORPORATE STABILITY AND EXPERTISE

Capital Court Authority, LLC, is an exceptionally stable company with regards to its finances and operations. Created in January, 2014, CCA has grown from one (1) small office with three (3) employees, that served Franklin County Courts only, to a company with (4) offices and fifteen (15) employees serving dozens of local court jurisdictions, state and local agencies, including currently offering drug testing services for twenty-eight (28) DCBS offices, as well as private individuals and companies. CCA provides more than 10,000 drug tests annually and monitors more than 2,000 probation cases at any one time throughout Central Kentucky. CCA is an approved PreTrial Drug Testing Provider with the Kentucky Administrative Office of the Courts since 2014. CCA is the only such provider in Fayette County. Capital Court Authority, LLC, has become the largest provider of PreTrial Drug Testing Services in Central Kentucky and is the largest private probation company in the Commonwealth in just seven (7) short years.

The founding owner of the company, Kyle Thompson, has twenty (20) years of legal and courtroom experience, along with thirty (30) years of business experience. Prior to opening CCA, Mr. Thompson ran an extremely successful legal practice focusing on criminal and domestic work throughout Kentucky.

The financial executive of the company, Ashley Sutphin, has more than twenty-five (25) years of experience in business finances and oversees the daily operations of CCA's billing department, along with handling all financial aspects of a thriving company including, but not limited to payroll, taxation, benefits, and governmental licensing and financial compliance.

Capital Court Authority, LLC has a Certified Public Accountant, Rick Waddle, that has provided expertise and services to the company since its inception. Mr. Waddle has written a letter that endorses the corporate financial stability of CCA. Said letter is attached.

In addition, CCA has provided a number of financial documents to prove it's corporate and financial stability to LFUCG, Division of Adult Probation. Those documents include the