

### Infrared Breath Test Equipment Replacement Plan

The State of Vermont has established that a person with a blood alcohol concentration (BAC) of .08 or higher shall not operate a motor vehicle. The application of this law requires Vermont to maintain the ability to reliably and accurately measure BAC. The method Vermont has decided to establish and maintain this capability is the Infrared (IR) breath testing technology.

Vermont has a network of IR machines throughout the state. There are currently 66 established testing sites in police agencies across Vermont. Additionally, there are four in mobile breath testing vehicles (Batmobiles) and five at the police academy for training. There are also at any time, seven to ten units in the Department of Health lab for repair or as backup for deployed units.

*current*  
63 active  
4 Bat  
6 training (at Academy)  
some - in service or used for parts

The BAC DataMaster breath testing instruments currently used for evidential testing need to be replaced in order to address the issues of increased out-of-service time and repair/maintenance costs. Currently, the State has instruments from several manufacturing series in place, with the oldest dating back to 1988. As the instruments age, the frequency and extent of maintenance and repairs also increases.

Vermont Infrared Purchase History	
40	between 1980 and 1993
30	in 1995-96
2	in 1997 for mobile units
4	in 2000 for Batmobiles

*20 - replace now  
6-10 per year thereafter*

While our annual preventive maintenance program has been successful in reducing the number of service calls for maintenance and repair, the reasonable equipment

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lifetime is being pressed to the limit. We are removing instruments from regular service at an increasing rate and will soon deplete our inventory of reliable replacements.

Several options for implementing a DataMaster replacement program have been discussed. Department of Health, the Governor's Highway Safety Program, States Attorneys, Vermont Chiefs of Police, Sheriffs Association and Vermont State Police participated in the discussions as part of an informal infrared committee. The options discussed include: phased purchase, mass purchase and perpetual replacement purchase programs.

1. Phased Purchase. To purchase 80 units to replace current models and add units in remote locations to cut police officer travel time, Vermont would purchase a set number of units for a set number of years. Twenty per year for four years would replace all of our aging units and provide new locations requested. The numbers and span of years would be determined by funding source and scheme.
2. Mass Purchase. Eighty units would be purchased on one order.
3. Perpetual replacement purchase. Vermont would commit to purchase four units per year into perpetuity. This would create an ever-rotating inventory of units without requiring a large, one-time layout of funds.

The approach deemed best is mass purchase of a large (i.e. 75-80) number of new DataMaster instruments at one time. Advantages in taking this approach are to assure consistency of equipment manufacture used for BAC testing; simplify any training updates that may be needed when newer models are installed and reduce the cost per unit based on volume purchase (i.e. a savings up to \$35,000). It would take approximately a year for the manufacturer to deliver the total number of

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instruments and 18-24 months to for laboratory staff to certify and install them in the field. This schedule is expected to be compatible with current staffing resources. Those instruments placed into service between 1989 and 1995 would be the first to be replaced with a focus on those that have had a higher rate of need for service.

Cost per unit on current Vermont contract:

1-10 units	\$6,253.00
11-20 units	\$6,100.00
21 + units	\$5,998.00

It must be noted that if a graduated replacement plan is implemented, it will result in slight differences among the instruments in use throughout the state. These differences will not constitute model designation changes; will not have affected the status of recognition by National Highway Traffic Safety Administration on their “Conforming Products” list nor change the way in which breath samples are analyzed. These differences will create the need for increased parts inventory.

The group also discussed various funding options.

1. New state dollars – due to budget situation in Vermont, no new funds are anticipated to be available.
2. Current federal highway safety funds – the current and anticipated federal highway safety funds (~ \$720,000/year) for the foreseeable future are committed to on-going public education and law enforcement programs.
3. Penalty transfer funds – The current TEA 21 § 154/164 penalty provisions cause ~\$2,400,000 to be transferred to highway safety program from the Vermont FHWA highway fund. The Vermont legislature utilizes a provision in TEA 21 to transfers that money to Agency of Transportation for hazard elimination projects.

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The informal committee addressing this growing problem has no authority to designate a funding source for IR replacement. Our goal is to bring information to State managers so this looming problem can be addressed in a thoughtful, considered manner before it becomes a crisis.

## DRAFT BUDGET FOR IR REPLACEMENT:

80	Datamaster units @ \$6,000	\$480,000
20	Power Conditioners @\$200	4,000
	1 limited service position @ DOH for 2 yrs to install & troubleshoot	125,000
80	Install phone lines for data download @ \$125	10,000
80	First year phone line fee @ \$35 x 12 mo. X 80 sites	33,600
	DOH Lab shop repair equipment replace & upgrade	25,000
	3-year parts & supplies inventory	50,000
	Officer & DM supervisor regional training & materials	8,000
	<b>TOTAL</b>	<b>\$735,600.00</b>

add printers 100 | each  
#####  
for 80

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**Celotti, Stella**

**From:** jejohnso@dps.state.vt.us  
**Sent:** Tuesday, October 12, 2004 4:31 PM  
**To:** Tom Fields; Bill Wolfe home; Steve Reckers; cscatterf@dps.state.vt.us; scelott@vdh.state.vt.us; Bob D; William O'Leary; rgauthier@dps.state.vt.us; Robert Norris; James Baker; Cindy Taylor-Patch; sgschurr  
**Subject:** [Fwd: Datamaster replacement issue]

OK, here's our chance to bring this issue to a group who may have some ability to help us resolve our issues with the aging Datamaster inventory and help us build redundancy into the system that may resolve some availability issues, and update the network so some work can be done remotely over phonedlines by the DOH.

Any chance we could put our heads together to prepare me for this the week of October 25? The financial plan for updating the inventory is no problem, but we obviously need very specific information about problems with the current situation, and for that I need to rely on you, since I never actually use the things. Can I count on you to provide me information about specific problems? Does anyone want to present the information themselves November 3? If we can't meet together, I could probably meet with most of you individually, to make sure I am bringing all pertinent information to the table.

Enclosed is the Datamaster replacement plan, put together with the help of the IR committee. I'm checking with Purchasing to get the latest replacement cost figures for the units themselves. However, I suspect there are other parts of the plan that need to be updated, such as the status of availability of replacement units for units that go out of service. If you want to make changes, please use the "track changes" on the tool menu, so I can make sure I capture all your updates.

----- Original Message -----

**Subject:**Datamaster replacement issue  
**Date:**Wed, 22 Sep 2004 17:59:38 -0400  
**From:**Paco Aumand <paumand@dps.state.vt.us>  
**To:**Jeanne Johnson <jejohnso@dps.state.vt.us>  
**CC:**Steve Reckers <sreckers@dps.state.vt.us>

*241-5501*

Jeanne;  
 I am inviting you present to the DPS law enforcement advisory board on Wednesday November 3 beginning at 01:00 p.m. on the issue of the **datamaster replacement**. I would also like by that time, if possible, and update of the replacement plan that you prepared a few years ago.

The board also wants to hear about how bad the problem is and/or will be if we do not act. If you want to invite others to offer testimony please do so. Contact me if you have any questions.  
 Paco

*about 24000 more in cost*  
*New DM-computer are internal*  
*\* select by NF TSA on compliance out*  
*simulator will be external printer will need to go to + to eventually because of inter-availability of C-DM (compact DM) require external printer*  
*\* replace 5-20 up front 6-10 / year after that*  
*same in cost*

Jeanne Johnson  
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Governor's Highway Safety Program  
Department of Public Safety  
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Waterbury, VT 05671-3201  
Phone: 802-241-5501  
Fax: 802-241-5558

**Celotti, Stella**

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**From:** jejohnso@dps.state.vt.us  
**Sent:** Wednesday, October 13, 2004 10:52 AM  
**To:** scelott@vdh.state.vt.us; Bob D  
**Subject:** [Fwd: RE: Datamasters - National Patent]

Are you guys ok with this? I'm just dealing with Steve from my own activities and possibilities, but I don't know if you have other ideas or plans.

----- Original Message -----

**Subject:**RE: Datamasters - National Patent  
**Date:**Wed, 13 Oct 2004 09:07:05 -0400  
**From:**Smith, Steven <[steven.smith@state.vt.us](mailto:steven.smith@state.vt.us)>  
**To:**'[jejohnso@dps.state.vt.us](mailto:jejohnso@dps.state.vt.us)' <[jejohnso@dps.state.vt.us](mailto:jejohnso@dps.state.vt.us)>

We might as well hold off until after your presentation. Then maybe we might have a better idea of the immediate need of these units. If the units will be purchased all at once (80), we can probably get a better price and request a sole source purchase approval at that time. It doesn't make sense to go thru the approval process to establish a contract that we may not use for a year or two. If there is a need to purchase a couple of units in the near future, I can issue an authorization number (up to \$10,000.00).

Steve Smith  
Purchasing Agent  
State of Vermont  
Dept. of Buildings & General Services  
Purchasing & Contracting Division  
1078 U.S. RTE 2 - Middlesex  
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Email: [Steven.smith@state.vt.us](mailto:Steven.smith@state.vt.us)  
<http://www.bgs.state.vt.us/pca>

-----Original Message-----

**From:** jejohnso@dps.state.vt.us [<mailto:jejohnso@dps.state.vt.us>]  
**Sent:** Wednesday, October 13, 2004 8:33 AM  
**To:** Smith, Steven  
**Subject:** Re: Datamasters - National Patent

Well, THERE's an interesting question!!! Probably zero, but possibly as many as 80. How's that for an answer? The fact is there isn't any money available for the purchase right now, but I'm making a presentation to a law enforcement advisory group about the subject November 2. Whether they decide to do anything, and if they did, what it would be and when it would happen is anybody's guess. I'd say nothing is like to happen for this year or possibly even next, if I had to gamble on it.

Smith, Steven wrote:

Jeanne,

Those are the current prices. The contract is #2965. I'm not sure why it is not on our website, but I'll get it added. I sent an email to Dawn Williams on 09/08/04 advising this contract cannot be extended again and we will need to go thru the same sole source request procedure as we have in the past (memo from Burton Wilke) etc. I haven't heard back from Dawn, but I will follow up with her. Do you know how much will be purchased in the next year?

Steve Smith  
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<http://www.bgs.state.vt.us/pca>

-----Original Message-----

**From:** [jejohnso@dps.state.vt.us](mailto:jejohnso@dps.state.vt.us) [mailto:[jejohnso@dps.state.vt.us](mailto:jejohnso@dps.state.vt.us)]

**Sent:** Tuesday, October 12, 2004 3:42 PM

**To:** Steve Smith

**Subject:** Datamasters - National Patent

I am updating the budget for the long wished-for Datamaster Replacement Plan. I didn't find a contract for DM's on the Contracts web site. The most recent prices on that Plan are:

Cost per unit on current Vermont contract:

1-10 units	\$6,253.00
11-20 units	\$6,100.00
21 + units	\$5,998.00

Do we have something more recent than this?

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