



TO: ALL USING DEPARTMENTS
FROM: Denyse Insalaco-Weatherbee, Buyer
DATE: April 26, 2011
SUBJECT: NEW CONTRACT FOR DRUG AND ALCOHOL TESTING
BID NO.: 211115-004 – May 1, 2011 – April 30, 2012



Please be advised that there is a new contract for “**DRUG AND ALCOHOL TESTING**”.

It is the **responsibility of each department** to contact the contract vendor to schedule a meeting with them to establish rules, guidelines and procedures. Each department is responsible for scheduling their own drug testing with Employer Care.

If there are any problems with the vendor, please notify me in writing so I can look into the matter and attempt to resolve them.

For your convenience I have listed contract information on the attached sheet.

DIW
Att.

PAGE 2

DRUG AND ALCOHOL TESTING CONTRACT

BID NO.: 211115-004

CONTRACT TERM: MAY 1, 2011 – APRIL 30, 2012

VENDOR INFORMATION:

EmployerCare, Inc.

2949 Elmwood Avenue, Suite 102

Kenmore, NY 14217

Telephone #716-873-5885

Fax #716-873-5995

Vendor #118244

Contact Person: Daniel J. Chonka



SERVICE ITEM DESCRIPTION COLLECTION:

- | | | |
|----|--|-------------------------------|
| 1 | Collection for Urine Only: | \$13.49 per collection |
| 2. | Collection for Breath Alcohol Only: | \$19.49 per collection |
| 3. | Collection for Urine and Breath Alcohol: | \$32.98 per collection |

SPECIMEN TESTING/ANALYZATION/MEDICAL REVIEW OFFICER SERVICES:

- | | | |
|----|--|-------------------------|
| 1. | Urine specimen analyzed for drugs and their Metabolic derivatives, Marijuana (THC), Cocaine, Amphetamines, Opiates and Phencyclidine – 5 Panel Drug Screen | \$16.00 per test |
|----|--|-------------------------|

FOR POSITIVES ONLY:

- | | | |
|------|--|--|
| 1 A. | MRO Additional Fee for Positives | \$100.00 per test |
| 1 B. | 2 nd Lab Fee to confirm a positive | \$125.00 per test
if donor requests |
| 1 C. | Arbitration-Expert Testimony Fee | \$75.00 per hour
Court costs |
| 2. | Breath Alcohol Test shall be performed to Determine an alcohol concentration of 0.02, or greater | Included in #2 and #3 above |
| 3. | 24/7 After Hours Drug & Alcohol Screening | *No Additional charge |

IN OFFICE TESTING:

- | | | |
|----|--|-------------------------|
| 1. | 8:00 A.M. – 4:30 PM Monday-Friday Business Hours | zero per hour |
| | After 4:30 PM Monday-Friday | \$20.00 per hour |
| | Saturday/Sunday/Government Holidays | \$25.00 per hour |

ON – SITE TESTING HOURS:

- | | | |
|----|--|-------------------------|
| 1. | 8:00 A.M.- 4:30 PM, Monday-Friday Business Hours | \$20.00 per hour |
| | 4:30 PM to 7:59 AM Monday-Friday | \$25.00 per hour |
| | Saturday/Sunday/All Hours & Government Holidays | \$28.00 per hour |

*Per hour portal to portal based on travel time - **No Charge for Mileage**
Travel and testing time is included in the portal to portal fees.

SPECIFICATIONS

PROPOSAL TO SUPPLY OUR REQUIREMENTS FOR THE PERIOD OF MAY 1, 2011 THROUGH APRIL 30, 2012.

The Drug and Alcohol Testing Program must be in compliance with Federal DOT requirements as set forth in the Omnibus Transportation Employee Testing Act of 1991.

Erie County Departments to take part in this bid are the Department of Public Works, Sheriff's Department, Department of Environment and Planning and the Parks Department. It is the successful bidder's responsibility to meet with each department within two weeks after bid award, for an "Introduction Meeting."

Proposal will be evaluated upon bidder's response in the categories of:

- 1) Scope of Services
- 2) Qualification & Experience
- 3) Schedule of Fees

1) **SCOPE OF SERVICES (FOR PUBLIC WORKS & ENVIRONMENT & PLANNING** Drug and Alcohol Testing – provide all aspects of the testing program including: Perform all necessary Drug and Alcohol Sample Collection and Tests; Provide a Federally-Approved, NIDA-Certified Laboratory for all Pertinent Tests; make available at all times at all County locations (within reasonable reporting time) an agency certified to conduct post-accident and reasonable suspicion testing; provide all necessary forms and supplies; provide complete medical review officer (MRO) and substance abuse professional (SAP) services; make available 24 hour counseling services; generally, provide any additional services not enumerated herein that brings the County into full compliance. Drugs for which tests are required under 49 CFR, Part 40 and DOT/FTA agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP) and opiates.

Reporting and record keeping – provide and maintain all records necessary to comply with the law and to document this compliance should the County be audited or involved in litigation arising from drug and alcohol testing program.

SPECIFICATIONS

2) **SCOPE OF SERVICES (FOR SHERIFF'S DEPARTMENT**

A. The following procedures shall be used whenever an employee is required to give a urine sample:

1. A urine sample will be taken of the employee. The collection shall be done in such a manner as to protect the authenticity and reliability of the sample and the privacy of the individual.

2. Immediately after the sample has been given, it will be divided into two(2) equal parts, provided at least 60 ml has been provided. Each of the two (2) portions of the sample will be separately sealed, labeled and stored in a secure and refrigerated atmosphere. Both of the samples will be sent or delivered to a testing laboratory.

3. In each instance of a drug test, a chain-of-custody procedure will be followed. This procedure is used to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

4. A chain-of-custody form will be used from the time of collection, to receipt by the testing laboratory/laboratories. Upon receipt by the laboratory/laboratories, an appropriate laboratory chain-of-custody form, accounting for the sample within the laboratory, shall be used.

5. A tamper-proof sealing system will be designed in a manner such that the specimen bottle will be sealed against undetected opening, and the bottle can be undetected opening, and the bottle can be identified utilizing an identification number identical to that appearing on the urine custody and control form.

Space shall be provided to initial the bottle, thereby affirming its identity.

6. Should the employee be unable to pass the required amount of urine, he/she shall remain at the collection center and follow all directives given by the collection site person until such time as 60 ml or more of urine has been passed. Should the employee be unable to pass at least 60 ml of urine during his/her shift, he/she shall be referred to the employer's designated physician who shall determine if such inability was purposefully done or medically unavoidable. If medically, unavoidable, the employee shall be eligible for retesting at any time designated by the employer during a 12-month period.

SPECIFICATIONS - CONTINUED

B) REPORT AND REVIEW BY MRO:

All confirmed positive drug tests shall be referred to an MRO who shall perform the following tasks:

1. Review the chain-of-custody documents and tests results for completeness and accuracy.
2. Give the employee an opportunity to discuss the results.
3. If there appears to be no medical reason for the positive test result which is acceptable to the MRO, the test shall be verified as positive and the same reported to the sheriff and/or his designee.
4. Should the employee provide a medically-acceptable explanation to the MRO, the MRO shall report the test as negative to the collection clinic, which in turn, shall report same to the sheriff and/or his designee.
5. There should be immediate notification 24/7 if positive result. The department would provide emergency contact number.

C) RE-TEST PROCEDURES FOLLOWING POSITIVE DRUG TEST RESULTS:

If the confirmatory test and medical review is positive for the presence of an illegal drug, the employee will be so notified and the employee and the union will be provided with copies of all documents pertinent to the test sent to or from the employer by the laboratory.

The second untested sample, which has been retained by the collection center, shall be submitted by the employer to the testing laboratory using the testing procedure noted herein. The employee, the union and the employer will be given a copy of the results. Should the second result be positive, the employee and the union waive any right to challenge the integrity of the chain-of-custody or the testing protocol for either sample.

D. SPECIMEN INTEGRITY AND EMPLOYEE CONDUCT:

Specimen collection will occur in a clinical setting and under strict procedures so as to avoid specimen tampering. Careful chain-of-custody procedures shall be followed at all times. Any attempt to hinder collection procedures or to adulterate or substitute a urine sample, will result in disqualification of an applicant and disciplinary charges against the employee and a re-test. Additional specifications (for all Departments)

Notification of policy changes-keep the County abreast of any changes to the various drug and alcohol testing statutes that might impact our program.

SPECIFICATIONS - CONTINUED

Location of testing – random drug testing shall be performed at an approved vendor site. Random alcohol testing shall be performed at the employee’s County office. All testing shall be performed in a manner so as not to embarrass the employee and to protect the employee’s right to confidentiality.

Training – provide any needed training to comply with changes to the law as well as training for new supervisors.

2) **QUALIFICATIONS AND EXPERIENCE**

The successful proposal shall include:

- A) All pertinent information about your company and its subcontractors and their ability to perform these services.
- B) Proof of all appropriate licenses and certifications necessary to perform the duties outlined in the scope of services.
- C) Examples of proven track record in providing full drug and alcohol testing services under the law to other large clients.
- D) Record of past work with any Erie County Department or other agency funded in whole or in part by Erie County.
- E) Name (s) of any employees or contractually related persons who were County Employees within the past year. Also provide statement of any additional potential conflicts of interest.
- F) Certification of liability protection.
- G) Schedule of fee on a per driver basis and on a per test basis with both prices reflecting the full range of services enumerated in section 1 above - scope of services. Erie county reserves the right to choose which price they will use to award the contract. CDL population is estimated at over 300 Drivers. Sheriff’s department estimates 200 - 250 Drug tests.