ATTACHMENT A

SOLICITATION NO. 0900000539

This Solicitation is a Contract Document and is a request for proposal in connection with the Contract awarded by the Office of Management and Enterprise Services as more particularly described below. Any defined term used herein but not defined herein shall have the meaning ascribed in the General Terms or other Contract Document.

PURPOSE

The Contract is awarded as a statewide contract to provide, the various Oklahoma state agencies, and affiliates, a means to process drug and alcohol collection and testing services for employees and applicants, based on any or combination of the following and most recent citing of the Federal Motor Carrier Safety Administration (FMCSA) requirements, encompassed in 49 Code of Federal Regulations (CFR) Part 40 and Part 382; the Federal Substance Abuse and Mental Health Services Administration (SAMHSA) Mandatory Guidelines for Federal Workplace Drug Testing Programs by Department of Health and Human Services (HHS); Oklahoma Workplace Drug and Alcohol Testing Act, 40 O.S. §551-563, and rules promulgated by Oklahoma State Department of Health (OSDH), the using entities' drug and alcohol testing internal policy and procedure; and any amendments of the listed above.

1. Contract Term and Renewal Options

The initial Contract term, which begins on the effective date of the Contract, is one year and there are [4] one-year options to renew the Contract.

2. Scope of Work

Contract specific definitions are set forth below as Exhibit 1.

Contract specific requirements and terms are set forth below as Exhibit 2.

3rd party acknowledgment form is set forth as Exhibit 3.

Price and discounts are set forth as Exhibit 4.

Collection Site times and locations are set forth as Exhibit 5 & 6.

List of illicit substances available for testing are set forth as Exhibit 7.

Exhibit 1. Contract Specific Definitions

1.1 **Alcohol –** Intoxicating agent in beverages or other, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

1.2 **Collection site** – A place designated by the employer where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of drugs and/or alcohol.

1.3 **Confirmation test** – A second analytical procedure to identify the presence of a specific drug or metabolite which uses a different technique and chemical principle from that of the initial test to ensure reliability and accuracy. * Gas chromatography / mass spectrometry (GC / MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

1.4 **Controlled Substance** – drug or chemical which has been declared by federal or state law to be illegal for sale or use but may be dispensed under a physician's prescription.

1.5 **Cutoff Level** - The concentration of a drug or drug metabolite in the urine at which a specimen is considered positive.

1.6 **DOT** – Federal Department of Transportation

1.7 **Evidential Breath Testing (EBT) devise** - is a device that measures the alcohol level of a person through his breath

1.8 **FMCSA** – Federal Motor Carrier Safety Administration

1.9 **Gas Chromatography (GC)** – A type of technique used to separate mixtures of substances, to be analyzed in vapor for chemical detection.

1.10 **HHS** – Federal Department of Health and Human Services

1.11 **HIPAA –** Health Insurance Portability and Accountability Act

1.12 **Illegal drug** – Includes narcotics, hallucinogens, depressants, stimulants, look-alike drugs, or other substances, which can affect or hamper the senses, emotions, reflexes, judgment of other physical or mental activities. Included is any drug which is not legally obtainable, or which has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed.

1.13 **Initial test** – Also known as a screening test, An immunoassay screen to eliminate “negative” urine specimens from further consideration

1.14 **Legal drug –** Drugs prescribed by a licensed practitioner and over-the-counter drugs which have been legally obtained and are being used solely by the individual and for the purpose for which they were prescribed or manufactured in the appropriate amount.

1.15 **Mass Spectrometry (MS)** - is an analytical technique that is used to measure the mass-to-charge ratio of ions.

1.16 **Medical Review Officer (MRO) –** A licensed physician responsible for receiving laboratory results generated by an employer’s drug testing

program. This physician must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an

1.17 individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information. The physician is expected to have American Association of Review Officers or American College of Occupational Medicine certification as Medical Review Officer.

1.18 **Non-DOT -** A Non-DOT drug test is a drug test given to a worker in an industry that's not regulated by the U.S. Dept of Transportation (DOT). There are two standard specifications when it comes to drug testing.

1.19 **Panel Drug Test** – A specified number panel drug test defines a basic drug screening examination designed to identify any one of the commonly abused controlled substances such as marijuana, cocaine, opiates, amphetamines, and Phencyclidine (PCP).

1.20 **PHI -** "Protected Health Information" or "PHI" means any information, whether oral or recorded in any form or medium:

- **1.20.1** that relates to the past, present, or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and
- **1.20.2** that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual and shall have the meaning given to such term under the Privacy Rule, including, but not limited to, 45 CFR Section 164.501.

1.21 **PII –** Personal Identifiable Information

1.22 **SAMHSA** – Federal Substance Abuse and Mental Health Services Administration

1.23 **Sample** – Tissue, fluid, or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body.

1.24 **Sample collection** – Procedures as dictated by state law.

1.25 **Split sample** – One urine specimen from one individual that is separated into two specimen containers.

Exhibit 2. Contract Specific Terms

C. As referenced in subsection 8.2.H, the Bid shall show the ability of the Bidder to meet or exceed the following mandatory specifications.

C.1. Describe the organizations' ability to test either one or both group types described below:

C.1.1 The first group consists of safety-sensitive transportation employees/applicants subject to DOT drug and alcohol testing as covered by the Federal FMCSA requirements in 49 CFR Part 40 and Part 382.

C.1.2. The second group consists of all other employees/applicants (non-DOT) as covered by Federal Workplace Drug/Alcohol Testing Guidelines by Department of Health and Human Services OR Title 40 O.S. 551-563, Standards for the Oklahoma Workplace Drug and Alcohol Testing Act, rules promulgated under Title 310, Oklahoma State Department of Health, Chapter 638, and the using entities' drug and alcohol internal policy and procedure.

C.2. Describe the organizations' ability to meet the below required categories of testing which include, but are not limited to:

C.2.1. Pre-Employment
C.2.2. Random Testing
C.2.3. Reasonable Suspicion
C.2.4. Return to Duty
C.2.5. Follow Up

C.3. Discuss the organizations' ability to develop and administer procedures and protocols for random drug and alcohol testing:

The successful offeror shall select individuals for testing, conduct the test, notify appropriate authorities regarding test results, and otherwise operate the random testing system in a manner that complies with Federal or state regulation if requested by the using entity. The selection for random drug and alcohol testing shall be made by a scientifically valid method and must be a computer based random number generator that is matched with drivers/employee social security number, payroll identification numbers or other comparable identifying number. Each employee selected for random drug and alcohol testing under the selection process used shall have an equal chance of being tested each time selections are made. Each employee selected for testing shall be tested during the selection period. The annual random rates to be tested for drug and alcohol, including scheduling period, and a list of employees based on their job function or specific group of employees who will be in the random pool group will be provided by using entity.

C.3.1. The successful offeror shall conduct random testing with individual pools for each using entity. The successful offeror shall update the pool monthly or as changes are provided by using entities.

C.4. Discuss the organizations' ability to meet the following qualifications:

C.4.1. The successful offeror must have a minimum of five-year experience in processing specimens for drug testing and handling alcohol testing including the administration and management of a random drug testing program as of the proposal closing date.

C.4.2. The successful offeror shall provide all materials, supplies, and equipment necessary to successfully perform the services required herein, including but not necessarily limited to, specimen collection and identification supplies, test tubes, labels, reagents, shipping containers, split specimen containers, etc.

C.4.3. All testing equipment, materials, and supplies used by the successful offeror must meet accuracy and reliability standards and requirements as established by the Federal Department of Transportation (DOT), Federal Department of Health and Human Services (HHS), and the Oklahoma State Department of Health Services (OSDH).

C.5. Describe the organizations policy regarding substance Cut-Off Levels:

Detection of cut-off levels and lists of analytes are subject to adjustments when required by applicable Federal and State guidelines.

C.6. Describe the organizations' ability to certify test results:

The successful offeror shall employ personnel for test validation who review all pertinent data and quality control results and certify that the laboratory's test reports are valid. This may be the individual(s) responsible for the day-to-day management or operations or their designee(s).

C.7. Discuss the organizations' policies on meeting compliance requirements for PII, PHI and HIPAA standards.

C.8. Acknowledge that a Successful offeror may receive or create certain health or medical information ("Protected Health Information" or "PHI,") in connection with the performance of this Contract:

This PHI is subject to protection under state and federal law, including the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA") and regulations, as amended, promulgated there under by the U.S. Department of Health and Human Services.

C.9. Acknowledge that it is a successful organizations' responsibility to meet the following personnel qualifications:

Personnel shall be trained and experienced in compliance with applicable and most current drug and alcohol federal and state regulations and policies. The relative training and experience must emphasize that all personnel associated with drug and alcohol testing are responsible for maintaining the integrity of the testing process, ensuring the privacy of employees being tested, and avoiding conduct or statements that could be viewed as offensive or inappropriate.

C.10. Acknowledges organizations' ability to meet the following requirements for Medical Review Officer (MRO) Personnel

C.10.1. The successful offeror shall provide, as part of its service, a Medical Review Officer (MRO) that must be a licensed physician knowledgeable in areas of drug abuse and toxicology procedures to receive, evaluate, and review the results of all DOT and non-DOT drug tests.

C.10.2. Both DOT and non-DOT MRO must be licensed to practice medicine or osteopathic medicine or hold an earned doctoral degree from an accredited institution in
clinical chemistry, forensic toxicology, or a similar biomedical science with knowledge of substance abuse disorders, issues relating to adulterated and substituted specimens, possible causes of specimens having an invalid result, DOT MRO guidelines and non-DOT regulations.

C.10.3. DOT MRO only DOT MRO must also receive qualification training outlined in CFR 40.121 paragraph C and complete an examination administered by a nationally-recognized MRO certification board or subspecialty board for medical practitioners in the field of medical review of DOT – mandated drug tests. During each three (3) year period from the date on which MRO satisfactorily completed examination, MRO must complete continuing education consisting of at least twelve (12) professional development hours.

C.10.4. Non-DOT MRO must also complete at least twelve (12) hours of training appropriate for Review Officers provided by the American Association of Medical Review Officers, the Medical Review Officer Certification Council, the American Society of Addiction Medicine, the American College of Occupational and Environmental Medicine, or another organization approved by the HHS or the Oklahoma Commissioner of Health.

C.10.5.. Federal MRO qualified by HHS shall not be an employee or agent of or have any financial interest in the laboratory for which the MRO is reviewing drug testing results.

C.10.6. The successful offeror shall verify individual MROs who verify drug test results for this solicitation have undergone a criminal background check at the Offeror's expense upon request.

C.10.7. The basic responsibilities of the Medical Review Officer would include but are not limited to:

> **C.10.7.1**. Receive, collate, and reconcile all test reports (electronic and written standardized hard copy) and supporting documentation.
>
> **C.10.7.2.** Act as an independent and impartial "gatekeeper" and advocate for the accuracy and integrity of the drug testing process.
>
> **C.10.7.3**. Provide a quality assurance review of the drug testing process for the specimens under his purview.
>
> **C.10.7.4.** Determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug tests results from the laboratory.

C.10.7.5. The successful offeror shall provide location, hours of operation, regular and emergency telephone numbers of the MRO (s) with their proposal response.

C.11. Acknowledges the organizations' responsibility to meet the following applicable qualifications for Laboratory Personnel:

The laboratory shall have a responsible person to assume professional, organizational, educational, and administrative responsibility.

C.11.1 The person shall meet the following minimum qualifications in analytical forensic toxicology:

C.11.2. Certified in forensic or clinical laboratory toxicology; or

C.11.3. A Ph. D. in one of the natural sciences with an undergraduate and graduate education in biology, chemistry and pharmacology or toxicology; or

C.11.4. Training and experience comparable to a Ph. D. in one of the natural sciences, such as a medical or scientific degree with additional training and laboratory/research experience in biology, chemistry and pharmacology or toxicology. The personnel must also meet the following criteria:

C.11.5. Experience in forensic toxicology including the analysis of biological material for illicit drugs; and

C.11.6. Training and experience in analytical forensic applications such as publications, court testimony, research and other factors which qualify personnel as an expert witness in forensic toxicology.

C.12. Acknowledge the organizations responsibility to meet the following applicable qualifications for operation and supervision of analyst personnel:

C.12.1. A bachelor's degree in the chemical sciences or medical technology or equivalent.

C.12.2. Training and experience in the theory and practice of laboratory procedures including quality control, chain of custody, interpretation of test results and remedial action for aberrant test results or quality control reports.

C.13. Acknowledge the organizations responsibility to meet the qualifications for the below non-DOT collection site personnel:

C.13.1. A specimen collection site person shall have successfully completed documented training that clearly emphasize that the person is responsible for maintaining the integrity of the specimen collection and transfer process, carefully ensuring the modesty and privacy of the donor. A person shall be licensed medical professional or technician who acknowledges in writing he or she has been provided instructions for specimen collection handling.

C.13.2. A breath alcohol technician (BAT) shall be successfully trained to proficiency in the operation of EBT equivalent to the United States Department of Transportation model course, as determined by the National Highway Traffic Safety Administration (NHTSA), operation and calibration checks, and the

fundamentals of breath analysis for alcohol content and procedures required by HHS or OSDH.

C.14. Acknowledge the organizations responsibility to meet the qualifications for the below DOT collection site personnel:

C.14.1. Qualified specimen collection site personnel shall have successfully completed and have documented a qualification training program and passed a monitored proficiency demonstration, as required by DOT regulations. The successful offeror shall provide DOT certified collector to conduct DOT specimen collections if requested by the using entity.

C.14.2. The qualified DOT breath alcohol technician (BAT) shall have successfully completed a qualification training program and passed a monitored proficiency demonstration, as required by DOT regulations, or certified as Law enforcement officers by state or local governments to conduct breath alcohol testing. The successful offeror shall provide DOT certified BAT to conduct DOT specimen collections if requested by the using entity.

C.15. **Acknowledge the organizations responsibility to meet the qualifications for all other personnel:**

Other technical or non-technical personnel shall have the necessary training and skills for the tasks assigned and shall perform only those procedures that require a degree of skill commensurate with their training, education, and technical ability.

C.16 Acknowledge the organizations responsibility to meet the following general requirements:

C.16.1. The successful offeror shall provide drug and alcohol testing related services for various state agencies, and other authorized entities of the State of Oklahoma in accordance with (1) safety sensitive transportation position as covered by the FMCSA requirements in 49 CFR Part 40 and Part 382, and (2) all other employees or designee (non-DOT) as covered by Federal Workplace Drug Testing Guidelines by Department of Health and Human Services, or Title 40 O.S. 551-565, Standards for the Oklahoma Workplace Drug and Alcohol Testing Act, and rules promulgated under Title 310, Oklahoma State Department of Health, Chapter 638.

C.16.2. The successful offeror shall comply with all confidential requirements stated herein. All information, interviews, reports, statements, memoranda, and/or test results regarding the drug and alcohol testing of any employee are confidential communications, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug or alcohol use by the tested individual is relevant.

C.16.3. The successful offeror shall provide drug and/or alcohol testing services as needed, Monday through Friday, five (5) days a week, for a minimum of eight (8) consecutive hours per day with hours between 7:00 A.M. through 9:00 P.M. as requested by the using entity. The using entity shall notify the successful

offeror of scheduled collection services at a time of issuing a request to the successful offeror.

C.16.4. The successful offeror shall also provide 24 hours drug collection and/or alcohol testing seven (7) days a week, including weekends and holidays for reasonable suspicion testing and reasonable post-accident testing. The alcohol testing shall be performed within two hours of accident or request for testing, or up to eight hours with a written document by using entity stating the reason(s) that shall be kept on file. The drug testing shall be performed within thirty-two hours of accident or request for testing.

C.16.5. The successful offeror shall provide all materials, supplies, transportation, and equipment necessary to successfully perform the services required herein, including but not limited to, specimen collection and identification supplies, report keeping, report submission, test tubes, labels, reagents, shipping containers, split specimen containers, etc.

C.16.6. All testing equipment, materials, and supplies used by the successful offeror must meet accuracy and reliability standards and requirements by the Federal Department of Transportation (DOT), the Federal Motor Carrier Safety Administration (FMCSA) requirements for DOT testing, and the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), and the Oklahoma Workplace Drug and Alcohol Testing Act, rules promulgated by Oklahoma State Department of Health for non-DOT testing.

C.16.7. At a request of using entity, the successful offeror, as part of its services, shall provide specimen collection services under the direct observation of a same-gender collection site person.

C.16.8 If an employee of the using entity refuses to cooperate with the collection process, the collection site personnel shall document and immediately inform point of contact at the using entity.

C.16.9 Site policies and procedures that will adequately safeguard any PHI it receives or creates.

C.16.10 Successful offeror specifically agrees on behalf of its subcontractors and agents, to safeguard and protect the confidentiality of PHI consistent with applicable law, including currently effective provisions of HIPAA and the Regulations.

C.17. Acknowledge the organizations responsibility to meet the following alcohol testing requirements:

C.17.1. The successful offeror's Evidential Breath Testing (EBT) or Non-Evidential Breath Testing devices must meet guidelines specifications and test procedures of the Federal Motor Carrier Safety Administration (FMCSA) requirements by Federal Department of Transportation (DOT), or the National Highway Traffic Safety Administration and the Federal Department of Health and Humans Services (HHS), and the Oklahoma State Board of Health regulations.

C.17.2. The successful offeror shall provide a trained and certified Breath Alcohol Technician (BAT) to administer the breath test. The BAT qualifications must meet requirements in section C.5.2.1.2.a. ii and C.5.2.1.3.b. ii.

C.17.3. The successful offeror shall conduct all screening and testing in accordance with the Federal DOT or Oklahoma State Department of Health alcohol testing regulations and procedures. In the event the Federal DOT or Oklahoma State Department of Health reviews and revises its alcohol and testing regulations and procedures, the successful offeror shall, at that time, expand its alcohol testing option with new revisions upon written mutual agreement between the successful offeror and the State of Oklahoma.

C.17.4. Successful offeror must provide each using entity with the current Federal Alcohol Testing Custody and Control Form (CCF 3-part form) specimens for Federal alcohol collections and non-Federal Alcohol Testing Custody and Control Form for non-Federal collections. The Federal form shall not be used for non-Federal alcohol collections.

C.17.5. All positive initial alcohol screening tests that have an alcohol concentration of 0.02 or greater shall be confirmed using breath analyzed by an EBT or blood analysis by GC, depending upon the request of using entity.

C.18. Acknowledge the organizations responsibility to meet the following drug testing requirements:

C.18.1. DOT drug tests:
Testing devices must have a five (5) panel urine drug screening test, which includes two additional drugs currently required by DOT to be tested; Methylenedioxymethamphetamine (MDMA – aka Ecstasy) and 6-Acetylmorphine (6-AM) using immunoassay technology, or other current procedures as approved by the Federal DOT for DOT tests. The successful offeror shall test the collected urine specimens for detection of the five (5) drugs or classes of drugs. The current detection cut-off levels must meet requirements by the Federal Department of Transportation. All specimens above cutoff levels identified as positive on the initial test shall be
confirmed for the class (es) of drugs screened positive on the initial test using Gas Chromatograph/Mass Spectrometry (GC/MS) techniques, or an equivalent accepted method of equal or greater accuracy at the cutoff values approved and accepted by DOT.

C.18.2. Non-DOT drug tests:
For hair specimen collections, testing devices must have a five (5) panel drug screening test. For urine or saliva specimen collections, devices must have a five (5), six (6), seven (7), eight (8), nine (9), or ten (10) panel drug screening test using immunoassay technology, or other current procedures as approved the Federal HHS and Standards for the Oklahoma Workplace Drug and Alcohol Testing Act, and rules promulgated under Title 310, Oklahoma State Department of Health, Chapter 638. If a six, seven, eight, nine, or ten panel drug screening tests for urine or saliva drug test is chosen by using entity, the using entity shall inform the successful offeror additional drugs to be tested. All specimens above

cutoff levels identified as positive on the initial test shall be confirmed for the class(es) of drugs screened positive on the initial test using Gas Chromatograph/Mass Spectrometry (GC/MS) techniques for urine or saliva, and GC/MS, liquid
chromatography/mass spectrometry/mass spectrometry (LC/MS/MS), mass spectrometry/mass spectrometry (MS/MS) for hair, or an equivalent accepted method of equal or greater accuracy at the cutoff values approved and accepted by State guidelines.

C.19. Acknowledges the organizations' responsibility to meet the following laboratory requirements

C.19.1. In order to be eligible for licensure as a testing facility, the testing facilities shall be certified by the United States Department of Health and Human Services (HHS) under the National laboratory Certification Program (NLCP) for DOT drug testing, and for forensic urine drug testing by the United States Department of Health and Human Services (HHS), accredited for forensic urine drug testing by the College of American Pathologists for interstate facilities, or licensed by the Oklahoma State Department of Health for intrastate facilities for non-DOT drug testing.

C.19.2. The testing laboratories shall comply with regulations by HHS under Clinical Laboratory Improvement Amendments (CLIA) in 1988 for quality standards.

C.19.3. In accordance with the FMCSA, the HHS, and the Oklahoma State Board of Health regulations, the laboratory shall conduct testing and storage of specimens either primary or split specimens to be analyzed as requested by using entity.

C.19.4. Successful offeror shall maintain stringent security measures to control access and document which personnel are authorized access to those areas, specimens, or records.

C.19.5. Successful offeror shall execute rigorous chain of custody procedures consistent with forensic protocol to maintain control and accountability of all specimens through receipt, testing and storage.

C.19.6. At the request of using entity, the laboratory shall provide a list of all authorized personnel that requires access to
those areas used for receiving, testing, and storage of urine specimen, and of delivery of personnel.

C.19.7. The laboratory shall maintain and make available upon the using entity's request all current records on laboratory personnel performing and overseeing the testing effort. Records are to include, a resume, certifications and licenses, references, job descriptions, performance evaluations, and incident reports.

C.19.8. The laboratory shall use instruments and equipment which are certified for accuracy and reproducibility or checked by gravimetric, calorimetric, or other

verification procedures before being placed into service and periodically thereafter. This includes volumetric and automatic pipettes, measuring devices and dilutors.

C.19.9. The successful offeror shall permit the State to conduct inspections of the laboratory facilities at will, without prior notice.

C.19.10. The testing laboratories shall not subcontract and shall perform all work with their own personnel and equipment unless otherwise authorized by the State of Oklahoma.

C.20 Acknowledge the organizations responsibility to meet the following specimen collection site requirements:

C.20.1. The successful offeror must collect all specimens in accordance with stated Federal and State requirements.

C.20.2. The successful offeror must use federally mandated collection (chain of custody) forms for both drug (5- part form) for DOT (regulated) tests and applicable State or internal collection forms for non-DOT (nonregulated) tests.

C.20.3. The successful offeror shall ensure specimen reaches the testing laboratory within 24 hours of the time of collection using certified courier. The Offeror shall ensure there is a process for picking up specimens on weekends and holidays. The Offeror must be able to document the integrity of the transportation process.

C.20.4. Well-trained collection site personnel will take every precaution necessary to ensure the validity of the specimen and preserve the integrity of the collection process and the chain of custody.

C.20.5. The using entity may request a split specimen method of collection. If the split method is used, the Offeror shall ensure that procedures are compliance with Federal DOT guidelines or Workplace Drug Testing Guidelines by Department of Health and Human Services or State Workplace Drug Testing Guidelines by Oklahoma State Department of Health.

C.20.6. State employees who are subject to testing shall not be required to travel more than 50 miles one-way trip from their place of employment or proposed employment to reach the nearest collection site.

C.20.7. If existing authorized collections sites provided to the State are not located at above noted proximity or a nearer collection site is identified by using entity, successful offeror should create a relationship with such identified collection site. Successful offeror shall notify the Contracting Officer to add such site to the existing authorized collections sites list with a completion of agreement letter in attachment #3 and revision of the attachments# 4-5.

C.20.8. In the event of existing site being removed from the collections site network after award, successful offeror must establish new collection site in the

same proximity to removed site within thirty (30) days after date of notice of existing site being removed.

C.20.9. In the event of expanding the collection site network after award, successful offeror shall notify the Contracting Officer to add their new collection sites to the contract with a completion of agreement letter in attachment #3 and revision of the attachments# 4-5

C.20.10. In the event of changing address and telephone number of collections site, successful offeror shall notify the Contracting Officer within 7 calendar days after address change to update the collections site information in attachments #4-5.

C.20.11. Successful offeror shall designate and provide single points of contact including telephone numbers for both regular work hours 8:00 A.M. – 5:00 P.M. CST and 24 hours services. The 24 hours operator shall assist using entity in locating the nearest collection site when needed. In the event of changing point of contact, successful offeror shall notify the Contracting Officer within 7 calendar days to update the point of contact information.

C.20.12 Location of On-Site Collection Sites Using entity shall notify successful offeror at least seventy-two (72) hours in advance to schedule on site collections services.

C.20.13 Mobile based test: At the request of the using entity with a minimum of 10 employees to be tested, Offeror shall provide on-site specimen collection and breath alcohol testing by means of a mobile unit. The mobile testing units shall be able to accommodate at least 30 people for testing per day. Testing shall be performed on a 24-hour basis collection.

C.20.14. If agreeable to the using entity with a minimum of 10 employees to be tested, Offeror may perform the on-site specimen collection and breath alcohol testing in a secure area at the using entity's location. Coordination (i.e., when, and where) shall be mutually agreed upon by successful offeror and the using entity. Offeror is responsible for setup the using entity's location to ensure that the site meets collection site's requirements by the Federal or State guidelines.

C.20.15. The first, and preferred, type of site for urination that a collection site may include is a single-toilet room, having a full-length privacy door, within which urination can occur. The site must have a source of water for washing hands that, if practicable, should be external to the closed room where urination occurs. If an external source is not available, the site may meet this requirement by securing all sources of water and other substances that could be used for adulteration and substitution and providing moist towelettes outside the closed room.

C.20.16. The second type of site is a multi-stall restroom that must provide substantial visual privacy, secure sources of water and other substances that could be used for adulteration and substitution and place bluing agent in all toilets or secure toilets to prevent access.

C.20.17. Only the employee may be present in the multi-stall restroom during the collection, except for the monitor in the event of a monitored collection or the observer of the same gender in the event of a directly observed collection.

C.20.18. A collection site can be in a medical facility, a mobile facility (e.g., a van), a dedicated collection facility, or any other location meeting the requirements in sections C.9.3.1 thru C.9.3.3.

C.20.19 All facilities performing alcohol tests must provide visual and aural privacy to the employee being tested, sufficient to prevent unauthorized persons from seeing or hearing test results.

C.20.20. An alcohol testing site can be in a medical facility, a mobile facility (e.g., a van), a dedicated collection facility, or any other location meeting the requirements in sections C.9.4.1 and C.9.4.2.

C.21. Acknowledge the organizations' ability to meet the following specifications in regard to deliverables:

C.21.1. Testing Results: The successful offeror shall notify verbally or electronically within 24 hours or less after completion of test to the using entity of both initial negative and positive results.

C.21.2. The positive confirmation test by an EBT shall be reported orally or electronically within 48 hours or less after completion of test to the using entity. The positive confirmation test by GC shall be reported orally or electronically within 72 hours or less after completion of test to the using entity.

C.21.3. Electronic test results can be by means of facsimile, email, or web-based reporting.

C.21.4. The written hard-copy alcohol test results can be reported with the drug tests for non-web-based test results reporting.

C.12.5. Drug Testing Results The laboratory shall report to the Medical Review Officer (MRO) the initial reporting of negative results (or those specimens requiring retesting) electronically within twenty-four (24) hours or less after the receipt of the specimen at the testing laboratory.

C.21.6. The laboratory shall report to the Medical Review Officer (MRO) the initial reporting of confirmation positive test results (or those specimens requiring retesting) electronically within forty-eight (48) hours or less after receipt of the specimen at the testing laboratory.

C.21.7. Electronic reporting of results will be in a manner designed to protect confidentiality and will be subject to any applicable federal or state regulations.

C.21.8. Standardized written (hard copy) reports of test results shall be delivered by certified delivery to the MRO within five (5) business days or less of the completion of tests.

C.21.9. Electronic report shall identify the drugs/metabolites/alcohol tested for, whether positive or negative, the purchase order number, the employee identification number, and the laboratory specimen identification number (if applicable). The report shall also indicate the date and time of specimen collection, the date received by the laboratory, and the date and time reported.

C.21.10. If requested by the using entity, hard-copy monthly and/or quarterly statistical and activity report of all test results by using entity shall be delivered by certified delivery to the using entity and/or the MRO no later than five (5) business days of the following month. Report must be separated by DOT and non-DOT tests performed for each using entity. Report must include the number of specimens received, number tested, number of positives and invalids, the percent positive and the specific drugs found, by test type.

C.21.11. A verbal or electronic negative and positive drug test result shall be provided to the using entity contact person within twenty-four (24) hours or less of confirmation by the MROs.

C.21.12 Electronic method of test result submission can be by means of facsimile, email, or secure web-based reporting. If a secure web-based result reporting is used, the written test results will not require to be delivered to the using entity. The successful offeror utilizing this method is still subject to maintain all positive test records up to three years.

C.21.13. At the request of using entity, if non-web-based test results reporting is used, written negative and positive test results may be provided within three (3) business days, after the verbal or electronically test results are returned. The format and contents of test results shall be determined by mutual agreement between successful offeror and each using entity.

C.22. Acknowledge that offerors are subject to all Applicable Ordinances, Regulations, Publications and Forms below:

C.22.1. Federal Motor Carrier Safety Administration (FMCSA) regulations in 49 CFR Part 40 and Part 382.
C.22.2. Department of Health and Human Services Federal Substance Abuse and Mental Health Services Administration (HHS/SAMHSA).
C.22.3. Title 40 O.S. 551-563, Standards for Workplace Drug and Alcohol Testing Act.

C.22.4. Title 310, Oklahoma State Department of Health, Chapter 638.

C.22.5. Requesting state entities' drug and alcohol internal policies and procedures.
C.22.6. Federal Custody and Control Forms (CCF) for both drug and alcohol testing.
C.22.7. Non- Federal Custody and Control Forms for both drug and alcohol testing. These internal forms must be provided by the successful offeror.
C.22.8 Any rules promulgated by Oklahoma State Department of Health (OSDH)

C.23. Accepts that offerors can meet the additional records and reporting requirements listed below as part of the contract services.

C.23.1. In addition to the quality control requirements imposed by HHS/SAMHSA, the successful offeror shall submit blind performance test specimens to the laboratory in accordance with the Federal DOT. The successful offeror's laboratory and collection sites will be subject to inspection by the State of Oklahoma and/or using entities with no advance notice.

C.23.2. At the request of the using entity, the successful offeror shall provide copies of reports and/or chain of custody forms to the using entity within 30 days of request for the using entity to monitor the quality assurance of the program.

C.23.3. If requested by the Federal DOT for audit purposes, a using entity must submit detailed records of their alcohol and drug abuse prevention program to the Federal DOT. Therefore, if requested by the using entity, the successful offeror shall provide any necessary information and data to the using entity within 15 days of request that will aid the using entity in submitting the required records to the Federal DOT.

C.23.4. If requested by the using entity, the successful offeror shall provide copies of maintenance reports kept on the breath alcohol testing equipment used, including a description of what is checked for and how often maintenance is done within 15 days of request.

C.23.5. Successful offeror shall retain positive specimens for three years after collection/testing, or for the specific duration of time established by federal requirements or pending any litigation. At the written request of the using entity's authorized official to retain any positive test specimens longer than 3 years, the successful offeror shall retain as stated in request. Successful offeror shall retain negative samples for at least three workdays following collection/testing in compliance with federal standards.

C.23.6. The successful offeror shall maintain the recordkeeping system the laboratory will utilize, including failsafe back-up procedures to prevent loss of documentation due to any circumstances.

D. As referenced in subsection 8.2.H, the Bid shall show the ability of the Bidder to meet or exceed the following non-mandatory specifications:

D.1. Discuss the ability of the offeror to provide training workshop services, regarding the following requirements:

D.1.1. The successful offeror shall provide a training workshop, at the request of a using entity, in accordance with the requirements of 49 CFR 382.603 et seq., or Oklahoma State Department of Health guidelines and the using entity' internal rules and procedures on the topics of alcohol and drug abuse. The successful offeror shall provide all materials, supplies, and professional trainers if requested by using entity.

D.1.2. The successful offeror shall agree and understand that such workshops may be held anywhere in the State of Oklahoma.

D.1.2.1 The scheduling and site location of workshops shall be mutually agreed upon by the using entity and the successful offeror. Workshop means a period set aside by the using entity for its employees to receive training as required by Federal or State guidelines.

D.1.2.2 The successful offeror may consolidate training requests received from multiple using entities if agreed upon by all using entities.

D.1.3. An audience may be composed of supervisory employees designated by the using entity and/or all non-supervisory employees who may or may not be tested.

D.1.4. The workshops shall cover the physical, behavioral, speech, and performance indicators on probable/suspected use of alcohol and/or drugs. Each workshop shall contain topics that meet training requirements specified in Federal or State guidelines.

D.1.5. The successful offeror is advised that the number of workshop participants is unknown but may number around 15-30 participants per workshop.

D.1.6. The successful offeror shall consult with the using entity in the development of the content of a scheduled workshop. These consultations may be done in person, or by telephone, or in writing, by mutual agreement of the successful offeror and using entity.

D.1.7. The successful offeror shall supply all handouts and related materials for each participant. Workshop participants shall be allowed to keep all such materials.

D.1.8. Workshop materials must be neatly typed and clearly printed and must identify the time, date, and location of the scheduled workshop.

D.1.9. The successful offeror shall obtain copyright permission as necessary for workshop materials.

D.1.10. The successful offeror assumes all liability, legal and otherwise, resulting from the content and presentation of workshop materials.

D.1.11 The successful offeror may be requested by using entity to produce and provide brochures or pamphlets on the perils of alcohol and drug usage or abuse and on the using entity's alcohol and drug testing program at each using entity's location.

D.1.12. The successful offeror must furnish a certificate of workshop completion to each participant who has completed each workshop, if requested by the using entity.

D.1.13. The using entity shall have the right to cancel a scheduled workshop, without incurring liability, financial or otherwise, by providing the successful offeror with notice of its intent to cancel at least ten (10) working days prior to the date on which the workshop is scheduled to begin.

D.1.14. The successful offeror shall develop, and design written, photo-ready, and reproducible-quality educational materials that meet the requirements of 49 CFR 382, Subpart F, or the Oklahoma State Department of Health and using entity' internal rules and procedures. The educational material is subject to the approval of the using entity.

D.1.15. At the request of the using entity, the successful offeror shall distribute the awareness materials to using entity employees holding a safety sensitive transportation position.

D.1.16 The using entity may provide a site location of training workshops if mutually agreed upon by the using entities and the successful offeror.

D.2. Discuss the ability of the offeror to provide Expert Witness Testimony Services:

If requested by the using entity, successful offeror shall provide expert testimony and witness services by qualified professionals (e.g., pathologists, biochemists, forensic toxicologist, etc.) with technical expertise concerning specimen test results, chain of custody procedures, and any other aspect of the services required as deemed necessary in a court proceeding.

D.3. Discuss the ability of the offeror to provide Legal Consultation Services:

As part of the successful offeror's services, successful offeror shall provide professional legal consultation to the using entity including but not limited to consultation on testing quality control, program administration and records keeping issues, rules updates, and related legal issues.

Exhibit #3

Third Party Collections Site Responsibility Agreement

SW#555 – Occupational Drug and Alcohol Testing Services

Date:	
Vendor:	
Vendor Address:	
Vendor Point of Contact:	

The above organization agrees that it is their responsibility to ensure that all 3rd party lab locations subcontracted/partner drug and/or alcohol collection sites for Oklahoma State entities are screened and held accountable for the below criteria when applicable, and that they keep this information readily accessible upon request.

1. **Federal Motor Carrier Safety Administration (FMCSA) requirements, encompassed in 49 Code of Federal Regulations (CFR) Part 40 and Part 382**

2. **Federal Substance Abuse and Mental Health Services Administration (SAMHSA) Mandatory Guidelines for Federal Workplace Drug Testing Programs by Department of Health and Human Services (HHS)**

3. **Oklahoma Workplace Drug and Alcohol Testing Act, rules promulgated by (Oklahoma State Department of Health (OSDH)**

_____ _____

Authorized (Signature) of offeror in response to SW #555 **Print Name**