



LEGAL NOTICE

**REQUEST FOR BID
SEALED BID 14-124**

For

Drug and Alcohol Testing

For

**ST. CHARLES COUNTY GOVERNMENT
ST. CHARLES, MISSOURI**

St. Charles County is seeking bids for **Drug and Alcohol Testing**. The vendor must guarantee the quoted prices for a period of one year. The County, with the consent of the vendor, shall have the option for two (2) one year extensions under the same terms and conditions. The county reserves the right to terminate the contract for any violation, by the successful bidder, of any term or condition of the contract by giving ninety (90) days written notice stating the reasons therefore and giving the party time to remedy any deficiencies.

BID INSTRUCTIONS

One [1] signed original and one [1] signed copy of the bid must be received in a sealed envelope plainly marked "**Sealed Bid 14-124 Drug and Alcohol Testing**" with the date and time of the bid opening in the lower left corner of the envelope.

An authorized representative of the company/person submitting the bid must sign the bid, in blue ink.

Bids must be submitted to the St. Charles County Finance Department, 201 North Second Street Room 541 St. Charles MO 63301 prior to the bid opening.

Bid opening will be on 6/5/2014 at 10:30 AM , in **Room 523** of the St. Charles County Administration Building, 201 North Second Street, St. Charles, MO 63301.

St. Charles County reserves the right to accept and/or reject any and all bids.

Bid results may be obtained by emailing a request to the St. Charles County Purchasing Manager at purchasing@sccmo.org, **no phone calls please**. Include the name and number of the bid and date of the bid opening when requesting the results. The time it takes for final bid results to be made public depends on the complexity of the project and the cost of the project.

BID INQUIRIES

All questions or clarifications concerning this Request for Bid must be submitted in writing via E-mail (preferred), mail or fax to:

Kurt Mandernach, Purchasing Manager
St. Charles County Government
Finance Department
201 North Second St
St. Charles, Missouri 63301
Fax: (636)949-7589
purchasing@sccmo.org

Inquiries concerning the specifications should be made to:

Ruth Rollins, Asst. Director
St. Charles County Government
Human Resources
201 North Second St
St. Charles, Missouri 63301
Fax: (636)949-7322
rrollins@sccmo.org

- The bid number and title shall be referenced on all correspondence.
- All questions must be received no later than **5:00 PM** on **5/30/2014**. Any question received after this deadline may not be answered.

Responses to questions/clarifications will be placed on the County's website <http://finance.sccmo.org/finance>. Check this website frequently for updates and any addendum that are issued.

Prohibited Communication

Contact with any representative, other than through the procedure outlined in the section titled "Bid Inquiries", concerning this request is prohibited PRIOR TO BID OPENING. Representative shall include, but not be limited to, all elected and appointed officials, and employees of St. Charles County and their Agents within St. Charles County. Any Offeror engaging in such prohibited communications prior to Bid Opening may be disqualified at the sole discretion of St. Charles County.

TERMS AND CONDITIONS

- St. Charles County reserves the right to reject any and all bids or parts of a bid and waive technicalities, and to adjust quantities.
- All bids will be considered final. No additions, deletions, corrections, or adjustments will be accepted after the time of bid opening.
- All delivery costs or charges must be included in the F.O.B. destination bid price.
- City, County and State of Missouri Sales Tax and Federal Taxes are not applicable to sales made to St. Charles County and must be excluded.
- The contract shall be effective for the approximate twelve (12) month period from the date of the notice of award.
- The County, with the consent of the vendor, shall have the option to renew said contract for two (2) additional twelve (12) month periods at the same specifications and terms and conditions of any contract that may be derived from this request for proposal.
- The electronic version of this bid/RFP is available upon request. The document was entered into WORD for Microsoft Windows. The Purchasing Office does not guarantee the completeness and accuracy of any information provided on the electronic version. Therefore, respondents are cautioned that the hard copy of this bid/RFP on file in the Purchasing Office governs in the event of a discrepancy between the information contained in or on the electronic version and that which is on the hard copy.
- Vendors are required to clearly identify any deviations from the specifications in this document.
- An authorized officer of the company submitting the bid must sign all bids, in blue ink.
- Vendors must submit two [2] signed copies of their bid; one is to be an original and so marked.
- All prices and notations must be in blue ink or typewritten on the attached form. Mistakes must be crossed out, corrections typed adjacent and must be initialed in blue ink by the person signing the bid.
- St. Charles County will not award any bid to an individual or business having any outstanding amounts due from a prior Contract or business relationship with the County or who owes any amount(s) for delinquent Federal, State or Local taxes, fees and licenses.
- Sealed proposals received after the designated time of the receipt of the sealed proposals will be considered as "No Bid" and "Void" and will not be opened.
- The successful bidder is specifically denied the right of using in any form or medium the names of St. Charles County or any other public agency of St. Charles County Government for public advertising unless express written permission is granted.
- All bidders must possess the necessary and appropriate business and/or professional licenses in their field.
- Award will be made to the low responsive, responsible bidder, or to the offeror whose proposal is most advantageous to the County, price and other factors considered

including geographic location. When payments are to be made to the County, award will be made to the most advantageous offer.

- County reserves the right to accept any item or group of items offered, unless the bidder qualifies his bid by specific limitations. The bid can be on an "all or none" basis if wording in the bid so states and if all items solicited are included in the bid.
- When applicable, provide unit prices and extension prices. Where there is disagreement in the unit and extension prices, the unit price shall govern.

Employment of Unauthorized Aliens Prohibited (Missouri Revised Statutes Section 285.530)

As a condition for the award of any contract or grant in excess of five thousand dollars by St. Charles County to a business entity, the business entity shall, by sworn affidavit and provision of documentation**, affirm its enrollment and participation in a federal work authorization program (**E-Verify**) with respect to the employees working in connection with the contracted services. Every such business entity shall sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. [RSMO 285.530 (2)]

An employer may enroll and participate in a federal work authorization program (**E-Verify**) and shall verify the employment eligibility of every employee in the employer's hire whose employment commences after the employer enrolls in a federal work authorization program. The employer shall retain a copy of the dated verification report received from the federal government. Any business entity that participates in such program shall have an affirmative defense that such business entity has not violated subsection 1 of this section. [RSMO 285.530 (4)]

Any entity contracting with St. Charles County shall only be required to provide the referenced affidavit on an annual basis. A copy of the affidavit is included in this bid request. Vendors may choose to send the required documentation using one of the following options:

- Send the notarized affidavit and E-Verify MOU signature page to: St. Charles County, Attn: Purchasing Manager, 201 N Second Street, Room 541, St. Charles, MO 63301 prior to responding to any solicitations; **OR**
- Send the notarized affidavit and E-Verify MOU signature page along with a bid solicitation response.

These documents will be kept on file. The notarized affidavit will remain current for **one year** from the date of the notarized affidavit.

**** PLEASE NOTE:**

Acceptable enrollment and participation documentation consists of a valid copy of the signature page of the E-Verify Memorandum of Understanding, completed and signed by the Contractor, and the Department of Homeland Security - Verification Division
The online address to enroll in the E-verify program is:

<https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>

OPEN RECORDS

Any and all information contained in or submitted with the bid becomes a public record subject to the Missouri Sunshine Law when the bids are opened. If the bidder believes that any information contained in or submitted with the bid is protected from disclosure by the Missouri Sunshine Law, the bidder must clearly identify what information the bidder believes is so protected and must also clearly identify the legal basis therefor.

BID SPECIFICATIONS

St. Charles County wishes to consider proposals from drug and alcohol program administrators' and/ or laboratories to provide drug and alcohol testing and related services to St. Charles County. Services to be provided must be in compliance with provisions of the Omnibus Transportation Employee Testing Act of 1991 (the "Act"), including any amendments and rules promulgated under the Act, and ordinances of St. Charles County governing drug and alcohol testing. Information regarding the services to be provided, the information that must be submitted as part of the proposals, and related details are included with this notice.

To facilitate the consideration of proposals, proposers may be required to make an oral presentation regarding their proposals. If this is necessary, the proposer will be contacted to arrange a convenient schedule.

The County reserves the right to accept and/or reject any and all proposals and to negotiate final contract provisions with the successful bidder (s). The County reserves the right to select more than one proposal for the services required if it appears to be in the best interest of the County.

SCOPE OF SERVICES

General Requirements

1. The Contractor/Service Agent shall provide all drug and alcohol testing services and related services in accordance with the provisions and requirements stated.
2. The Contractor/Service Agent shall provide all testing services in compliance with all federal, state and local regulations including the Omnibus Transportation Employee Testing Act of 1991 (the "Act"), and adhere to rules and regulations promulgated under the Act, found in 49 CFR 382 and 49 CFR Part 40 and adhere to standards and requirements as established by the federal Department of Transportation (DOT), the National Highway Traffic Safety Administration, Department Human Health Services (DHSS), the Missouri Department of Health, and ordinance(s) of St. Charles County Government.
3. The Contractor/Service Agent shall maintain knowledge of any amendments or modifications to federal and state regulations, rules and/ or requirements that govern drug and alcohol testing and understands and agrees that such modifications will be incorporated into the contract to enable continued compliance.
4. The Contractor/Service Agent will receive a copy of the County's ordinance relating to the policy and procedures for drug and alcohol testing of County employees to ensure compliance and recommend modifications when amendments or modifications to the Act or other related federal or state rules promulgated should be incorporated into County policy or procedure.

5. St. Charles County ordinance treats DOT and Non-DOT employees in essentially the same manner for collecting, testing, storing, reporting, etc. of drug and alcohol tests.
6. The Contractor/Service Agent will be responsible for the performance and compliance of any sub-Contractor/sub-Service Agents, including required certifications of facilities, devices or technicians, utilized to provide testing or related services.
7. The Contractor/Service Agent will supply all equipment, materials and supplies necessary to successfully perform the services and ensure that they meet accuracy and reliability standards and requirements as established by the Act, DOT, DHSS, Missouri Department of Health, et al.
8. The County does not guarantee a set number of tests annually.
9. The Contractor/Service Agent shall provide the required services on an as needed, and if necessary basis at any time 24 hours per day, 7 days per week, including holidays and weekends for possible reasonable suspicion or post-accident incidents.
10. The Contractor/Service Agent will comply with all confidentiality requirements established in the Act. Results may be released to the Program Administrator for Drug and Alcohol Testing for St. Charles County, the HIPAA Privacy Officer and, as required, to the employee being tested.

Drug Testing Requirements

1. In accordance with the Act, the Contractor/Service Agent shall provide a five panel drug screen using procedures approved by DOT and DHSS, and test all DOT and Non-DOT collected specimens for the detection of the following five drugs:
 - a. Amphetamines/ Methamphetamines,
 - b. Cannabinoids (THC),
 - c. Cocaine,
 - d. Opiates, and
 - e. Phencyclidine (PCP)
2. Initial screening of urine specimens must be a method recommended by DOT, such as EMIT method, or a method of equivalent demonstrated reliability.
3. The Contractor/Service Agent shall conduct confirmatory drug tests as mandated by DOT regulation on all initial positive drug screens; and follow the same procedures for non-DOT mandated tests. Confirmatory testing of a positive screen should be by GC/MS as recommended by DOT and when indicated should run tests such as D&L Isomer Test or 6-AM Test, to ensure accurate reporting.
4. Specimens shall be tested for validity or integrity including for adulterants, creatinine, specific gravity, PH and nitrites.
5. DOT requirements for initial cut-off levels, confirmatory cut-off levels and validity or integrity for human urine shall be followed.

6. The Contractor/Service Agent's laboratory, or the laboratory utilized by the Contractor/Service Agent, must be certified in accordance with DOT regulations by the Dept of Human Health and Services (DHSS).
7. The Contractor/Service Agent must report all Medical Review Officer verified positive and negative results to the Designated Employer Representative (DER) within two days of final determination.
8. If an employee challenges a positive result, the employee is responsible for all costs associated with the test being redone (i.e. shipping to another lab, testing, and MRO review and report). Contractor/Service Agent will be responsible for coordinating challenge tests.

Alcohol Testing Requirements

1. In accordance with the Act, the Contractor/Service Agent shall conduct alcohol testing in accordance with DOT regulations and procedures.
2. Initial alcohol screening must be a method approved by DOT, such as a breath test or saliva test, using either Non- Evidential Alcohol Screening Devices (ASD) or Evidential Breath Testing Devices (EBT). If a confirmatory test is indicated, an Evidential Breath Test must be administered within 30 minutes.
3. The Contractor/Service Agent's evidential breath testing (EBT) and Saliva Alcohol Screening devices must be approved by National Highway Traffic Safety Administration and the MO Department of Health.
4. A trained and certified breath alcohol technician (BAT) must administer the breath test and confirmatory breath test if indicated by results of the first breath test. A trained and qualified screening test technician (SST) or BAT can conduct screening tests on an ASD.
5. The Contractor/Service Agent shall immediately notify the County of a finding of .02 alcohol concentration or greater, an inability to provide sufficient breath, or a refusal to test.

Random Testing Requirements

1. The Contractor/Service Agent shall develop and administer procedures and protocols for random drug and alcohol testing as mandated by DOT regulations. The Contractor/Service Agent shall be responsible for operating the random testing system, maintaining the random pool, selecting individuals to be tested, conducting tests and notification of results, etc. in a manner that complies with the Act.
2. The County will have one random pool of all covered employees that will not be combined with another agency of the Contractor/Service Agent. Contractor/Service Agent will update random pool monthly or as changes are provided.

Medical Review Officer Requirements

1. The Contractor/Service Agent shall be, or shall provide, a Medical Review Officer (MRO) who must be a licensed physician (M.D. or D.O.) knowledgeable in all areas of drug and alcohol abuse and toxicology procedures to review the results of tests. The qualifications and performance of the MRO must be in compliance with 49 CFR Part 40.
2. The MRO must be available to provide consultation to the County during court proceedings as well as more routine explanations of procedures, regulations, or testing administration.
3. The MRO shall provide blind specimens, submit test results and comply with required reporting and may administer the random pool testing process.

Specimen Collection Requirements

1. Have all the necessary personnel, equipment, materials, facilities, and supervision to allow for the proper collection, temporary storage and shipping of specimens to the laboratory according to DOT requirements and deadlines.
2. Ensure that adequately trained, qualified and/ or certified personnel according to DOT requirements are available to conduct urine drug tests including direct observation and monitored tests and/or alcohol screening and confirmatory tests.
3. Require positive identification utilizing a picture ID from employees and applicants.
4. Have facilities that meet DOT security requirements for collections and staff and facility procedures specified under DOT are practiced to ensure that specimens are not tampered, adulterated, or diluted during the collection process.
5. Must have conveniently located collection sites including a minimum of three in St. Charles County representing a western, eastern and mid-county location and at least one St. Charles County location with extended hours, evenings and week-ends. Must be able to provide out of area collection sites when requested.

Current Arrangement for Drug and Alcohol Testing

St. Charles County currently orders pre-employment drug testing for all candidates who have been given a conditional offer of employment. Employees may also be subject to reasonable cause testing for either drugs or alcohol. In addition to the general employees, employees in covered positions that fall under Department of Transportation (DOT) regulations are subject to random drug and alcohol testing. Some additional testing for post-accident, return-to-duty and follow-up testing may occur from time to time. County policy for non-DOT employees follows the same rules as DOT employees with the exception of not being included in the random pool.

The County regularly utilizes local collection sites within county boundaries, a must for random testing, but convenient for pre-employment including two collection sites within the County that have extended hours. Additional pre-employment collection sites are available in St. Louis County or can be arranged for on a one time basis throughout Missouri or out-of-

state. The County submits an Order to Test to the collection site to notify of and authorize testing. Specimens are mailed or shipped to the laboratory for processing. After conducting the lab work, results are transmitted to a program administrator's office for review by the Medical Review Officer (MRO) and dissemination of results. Results may be faxed, emailed or obtained online. Typically the amount of time between the specimen collection and notification of results from the program administrator takes 3-5 calendar days but can vary from 1-14 days. In cases requiring a positive confirmation test, results take at least a week. The program administrator is responsible for administration of the random testing system. Typically, the County will conduct approximately 90 – 100 random tests per year. Additional pre-employment testing may be more variable from 150 to over 250 drug tests per year.

PROPOSALS SHOULD INCLUDE

1. A concise statement setting forth the types of services available and compliance with bid requirements and federal regulations.
2. A summary report of the credentials of the facility or staff performing services provided.
3. The location(s), days of the week, and hours of the day when services will be provided and available.
4. A description of the services that will be available to the County regarding consultation on drug testing issues and incidents as well as consultation and support on legal matters relating to the drug testing program.
5. A description of the manner in which test results will be provided and statistics relating to actual turnaround time experienced for negative and positive results for drug and alcohol tests.
6. If your organization has conducted a client satisfaction survey in the last year or two the results would be beneficial if included.
7. A description of the type and extent of consultation available related to the formulation or revision of policies.
8. A complete breakdown of the cost of services offered. Prices quoted must be the cost per test or per service. If more than one level of service is offered or an alternative pricing based on a grouping of included services, the quotes must clearly indicate the cost and makeup of the standard program and the cost and makeup of any optional features. Proposals should be for a minimum of one year with a provision for two additional one year extensions with the mutual consent of both parties.
9. A list of clients, preferably local area or public service clients, with a contact person and phone number for each.

10. A description of any other services which are offered as part of the proposal.
11. A disclosure of any contractual or proprietary relationships which may exist between the provider and any agency to which clients are routinely referred.

DESIRED SERVICES/ OUTCOME

1. A minimum of three collection sites in St. Charles County that are spread out across the County, one in the western half, one on the eastern side and one mid-county location.
2. A minimum of one collection site that has extended hours, such as 8am – 8pm and weekend hours.
3. A minimum of one collection site in St. Louis County that might be used on occasion for pre-employment drug screens.
4. Availability to set up pre-employment drug screens outside of the metropolitan area.
5. Negative results are available within 48 – 72 hours, in most instances allows for 1 day for transporting specimen and 1-2 days to process and notify of results.
6. Results are provided preferably by email, or emails indicating results have been posted through a website.
7. Turnkey random administration.
8. If website is used for random program administration, test results, etc.; site should be fully functional and user friendly.
9. Knowledgeable of federal regulations regarding drug screening and DOT requirements.
10. Available for consultation regarding testing results, procedures, or DOT regulations.
11. Good working relationship between contractor parties, MRO, lab, collection sites, program administrator.
12. Results of a Client Satisfaction Survey regarding customer service, turnaround, ease of website, problem solving, relationships with sub-contractors, etc.
13. Reasonable cost of services provided.

EVALUATION CRITERIA

The proposals will be evaluated on the following criteria, listed in order of importance:

- A. Customer Service including Location & Hours of Collection Sites, Statistics Regarding Provision of Timely Results; and Client Satisfaction Survey Results if available.
- B. Experience and expertise relating to: substance abuse screening, federal regulations including DOT requirements, random testing administration, courtroom testimony and consultation for testing results and procedures
- C. Other factors related to inclusions in the Proposal: Client references, qualifications of staff, ease of transition should a different provider be chosen.
- D. Cost of services provided

Following evaluation of proposals and tentative selection of the provider, the County may

enter into negotiations with the provider to resolve any issues of concern to either party.

Exception Sheet

If the item(s) and/or services proposed in the response to this bid is in any way different from that contained in this proposal or bid, the bidder is responsible to clearly identify all such differences in the space provided below. Otherwise, it will be assumed that the bidder's offer is in total compliance with all aspects of the proposal or bid.

Below are the exceptions or differences to the stated specifications (attach additional sheets as needed):

Date: _____

Signature: _____

Title: _____

Company: _____

THIS FORM MUST BE COMPLETED AND ENCLOSED WITH THE BID

Audit Clause for Contracts

Examination of Records

The Contractor's records must include, but not be limited to, accounting records (hard copy, as well as computer readable data), written policies and procedures, subcontractor files, indirect cost records, overhead allocation records, correspondence, instructions, drawings, receipts, vouchers, memoranda, and any other data relating to this contract shall be open to inspection and subject to audit and/or reproduction by the County Auditor, or a duly authorized representative from the County, at the County's expense. The contractor must preserve all such records for a period of three years, unless permission to destroy them is granted by the County, or for such longer period as may be required by law, after the final payment. Since the Contractor is not subject to the Missouri Sunshine Law (Chapter 610, RSMo), information regarding the Contractor's operations, obtained during audits, will be kept confidential.

The Contractor will require all subcontractors under this contract to comply with the provisions of this article by including the requirements listed above in written contracts with the subcontractors.

Vendor Information

Company Name: _____

Business Address: _____

Business Hours: _____

Phone: _____ Fax: _____

Email address: _____

Contact Person: _____

Authorized Signature: _____
(Indicates acceptance of all bid terms and conditions)

Date: _____

AFFIDAVIT OF WORK AUTHORIZATION

Comes now _____ as _____ first being duly
(Name) (Office held)

sworn, on my oath, affirm _____ is enrolled and will
(Company name)

continue to participate in a federal work authorization program in respect to employees that will work

in connection with the contracted services related to _____

(Describe project or insert bid number)

for the duration of the contract, in accordance with RSMo Chapter 285.530 (2). I also affirm that
_____ does not and will not
(Company name)

knowingly employ a person who is an unauthorized alien in connection with the contracted services
related to the _____

(Describe project or insert bid number)

for the duration of the contract.

In affirmation thereof, the facts stated above are true and correct (the undersigned understands that false statements made in this filing are subject to the penalties provided under section 575.040, RSMo).

Signature (person with authority)

Printed name

Title

Date

Subscribed and sworn to before me this _____ of _____. I am commissioned as a notary
(Day) (Month & Year)

Public within the County of _____, State of _____, and my
commission expires on _____.

Signature of Notary

Date