FLORIDA DEPARTMENT OF TRANSPORTATION

Procurement Office
605 Suwannee Street, MS 20
Tallahassee, Florida 32399-0450

ADDENDUM NO. 1 **DATE: 9/18/2019**

RE: Exhibit A, Scope of Services
DOT-RFP-20-9030-GH

- Please Note:

  Exhibit "A", Scope of Services has been added to this RFP solicitation in VBS and is included in this Addendum below.

Proposers should acknowledge receipt of this Addendum by completing and submitting with their proposal (or Addendum may be sent via email to greg.hill@dot.state.fl.us) no later than the time and date of the proposal opening.

_____Bidder/Proposer

_____Submitted by (Signature)

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Third Party Administration of Federally-Mandated Drug and Alcohol Testing Services

Administered by the
Florida Department of Transportation
In cooperation with the
Florida Department of Education

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Glossary of Terms and Acronyms

ATF means Alcohol Testing Form

CCDAPP means Certification Commission for Drug and Alcohol Program Professionals

CFR means Code of Federal Regulation

Collection site means a facility where a qualified individual collects a urine specimen from a donor for the purpose of a federally-mandated or employer-authorized drug test

CSAPA means Certified Substance Abuse Program Administrator

CDAPA-MC means Certified Drug and Alcohol Program Administrator-Motor Carrier

CDAPA-T means Certified Drug and Alcohol Program Administrator-Transit

DER means Designated Employer Representative

Donor means an applicant or employee donating a urine specimen that will be for the purpose of federally-mandated drug testing

DOT-qualified means a service agent who meets the qualification requirements in accordance with USDOT rule, 49 CFR Part 40, as amended.

FDOT means Florida Department of Transportation

FDOE means Florida Department of Education

FLDFWP means Florida Drug Free Workplace testing, per FL Statute 112.055

FTA means Federal Transit Administration

FMCSA means Federal Motor Carrier Safety Administration

HHS means US Department of Health and Human Services

MFR means Memorandum for Record

MRO means Medical Review Officer

NON-DOT means employer authorized, non-federal drug and alcohol tests

ODAPC means the federal Office of Drug and Alcohol Policy and Compliance

POC means Point of Contact

SAP means a DOT-qualified Substance Abuse Professional

TPA means Third Party Administrator

USDOT means United States Department of Transportation

User Agency means the individual employer entering into a purchase agreement with the TPA to purchase services in accordance with the contract terms herein

Part 1: Background and General Requirements

1.0: Contract Purpose and Description

The purpose of the following Scope of Services is to contract with a third-party administrator (TPA) to provide turn-key, comprehensive drug and alcohol testing services that will benefit USDOT-regulated transportation employers throughout the state of Florida. The USDOT-regulated employers eligible to purchase services under this contract will include two groups:

> **Employer Group One:** Florida employers who are required to comply with Federal Transit Administration (FTA) regulations. This group of employers will include direct grantees and sub-recipients of FTA Section 5309, 5307 and 5311 funding as well as contractors providing public transportation on behalf of a direct grantee or sub-recipient, within the state of Florida.
>
> **Employer Group Two:** Florida employers who are required to comply with Federal Motor Carrier Safety Administration (FMCSA) regulations. This group of employers will include student transportation providers such as county school boards and charter schools, as well as city and county governments and non-profit organizations whose employees are required to possess a commercial driver's license.

The successful proposer will provide drug and alcohol testing administrative services in accordance with this Scope of Service to the employer groups, herein referred to as "user agencies". The combined number of drug and alcohol tests conducted by user agencies on an annual basis is estimated at 12,500.

2.0: Experience, Qualifications and Technology Requirements of a Responsive Proposer

A responsive proposer will provide documentation of the following:

- A minimum of seven years of experience as a TPA of federally-compliant drug and alcohol testing programs
- A minimum of five current FTA-covered clients. FTA clients are direct grantees or sub-recipients of FTA funding and public transportation contractors operating on behalf of a direct grantee or sub-recipient agency.
- A minimum of five current FMCSA-covered clients.
- A minimum of two company officials who currently hold a valid certification from the Certification Commission for Drug and Alcohol Program Professionals as a CSAPA, CDAPA-MC or CDAPA-T
- A designated point of contact with a minimum of three years of experience in the administration of federal testing programs and comprehensive knowledge of FTA and FMCSA regulations
- Ability to establish an individual laboratory testing account for each user agency.

- Ability to prepare individual purchase agreements with each user agency
- Ability to provide DOT-qualified service agents throughout the state of Florida that meet the terms of this Scope of Services.
- Ability to provide employer authorized drug and alcohol testing as a user agency option

- Technology requirements:
    a. After-hour contact procedures that include a response time of no greater than 30-minutes for a user agency's post-accident and reasonable suspicion testing needs
    b. Secure electronic mail communication
    c. Company website that meets the following standards:
        i. Provides user agencies with secure, password-protected access to drug test results and statistical reports as described within the Scope of Services.
        ii. Provides contract administrator or designated representative with access to user agency account data (applicable to the FTA group only)
        iii. Servers that are able to process large volumes of data without interruption in service and are:
            1. Equipped with data encryption software
            2. Equipped with a back-up system that will retain data in accordance with record retention periods per 49 CFR Parts 40, 655 and 382

Proposers not meeting the minimum requirements for experience and qualifications and/or technology needs will be deemed no-responsive. Proposals submitted by those deemed non-responsive will not be considered.

3.0: Acceptable Examples of Experience, Qualifications and Technology Requirements

The following are examples of documents that a responsive proposer may include to demonstrate experience, qualifications and technology specifications in accordance with 2.0:

- Name, address and phone number of current FTA-covered & FMCSA-covered clients
- Letters of recommendation from current, active clients that demonstrate the proposer's tenure of service
- CSAPA, CDAPA-MC and/or CDAPA-T certification documents from company officials
- Statement from HHS certified laboratories demonstrating active accounts
- Bio and resume of the point of contact to be assigned to user agencies demonstrating a minimum of three years of experience
- MRO credentials, qualifications and certifications
- Description of procedures for responding to after-hours calls within 30 minutes
- Access to company website in "trial mode"

Part II: Scope of Services

1.0: Urine Specimen Collection Services

1.1. The TPA must maintain a network of DOT-qualified urine specimen collectors throughout the state of Florida that are regularly and actively engaged in the business of conducting urine specimen collections for DOT-covered employers.

1.2. The TPA must ensure that all urine specimen collectors are trained in accordance with 49 CFR Part 40.33 and are able to conduct specimen collections in accordance with 49 CFR Part 40, as amended, and the USDOT Specimen Collection Guidelines.

1.3. The TPA must maintain training qualification documentation for all specimen collectors that are approved and assigned for use. The collector training qualification documentation must be provided to the user agency, a federal or state auditor, the contract administrator or a designated representative acting on behalf of the contract administrator, upon request and within two business days.

1.4. The TPA must approve and assign to each user agency, a minimum of two urine specimen collection facilities or mobile on-site collectors that meet the following criteria:

- Collection sites must be located within 20 miles of the user agency's primary location.
- Collection sites must operate a minimum of five days per week and at least eight consecutive hours per day.
- Collection sites and mobile collectors must meet the standards for privacy and security per 49 CFR Part 40.41 and 40.43.
- Collection sites and mobile collectors must maintain the supplies and materials necessary to complete a DOT urine specimen collection per 49 CFR Part 40.45-40.51. Urine specimen collectors must use the most current Federal Custody and Control Form for all DOT collections
- Collectors must be willing and able to conduct direct observation collections in accordance with 49 CFR Part 40.67 throughout all hours the collection site operates and must employ a minimum of one male and one female urine specimen collector (or observer) for the purpose of conducing direct observation collections when required.

1.5 In the rare event that the TPA cannot provide a urine specimen collection site within the required parameters of Section 1.4, the TPA must provide an on-site mobile specimen collector at no additional charge, beyond the unit cost per test.

1.6 The TPA must also approve and assign to each user agency a minimum of one mobile urine specimen collection resource for emergency, after-hours testing. The mobile urine specimen collection resource must be available 24 hours per

day, seven days per week, including federal holidays. Costs associated with the use of mobile collection services must not exceed 250.00, per event. A urine collection and alcohol test performed at the same time constitutes one testing event. The TPA is not authorized to invoice the user agency for an amount greater than the mobile collector's after-hours charge, plus the unit price per test.

1.7 The TPA must ensure that a non-fatal flaw occurring at the point of collection is promptly corrected and a memorandum for the record (MFR) is supplied in a timely manner so as not to create a fatal flaw.

1.8 The TPA must address and respond in writing, to all concerns of collection site non-compliance that are raised by user agencies, the contract administrator or a designated representative. The TPA must respond to the concerned party within two business days of the initial notification and must follow these procedures:

I. To determine the validity of the concern raised, the TPA must review all associated testing documents to assess the collection site's compliance with 49 CFR Part 40 as amended, and the USDOT Specimen Collection Guidelines.

II. As applicable, the TPA must deliver corrective action requirements to violating collectors and/or collection sites within five business days of the determination of non-compliance. The TPA must provide copy of the corrective action notice to the user agency and contract administrator or designated representative.

III. The TPA must provide user agencies with an alternative USDOT-qualified specimen collector when a collector or collection site fails to comply with the corrective action requirements imposed by the TPA.

1.9 The TPA must ensure that collectors receive error correction training following all fatal flaws that result in canceled tests and must maintain documentation of error correction training.

1.10 The TPA must supply the contract administrator or designated representative(s) a quarterly report of all fatal flaws that includes:

- Collector name
- Collector address
- Collection date
- Specimen ID number
- Description of fatal flaw
- Date of error correction training
- Name of individual conducting error correction training

2.0: Collection Site Compliance Monitoring

2.1 On a quarterly basis, the TPA must perform on-site compliance monitoring inspections of at least three urine collection facilities assigned to user agencies.

2.2 The contract administrator or designated representative will select three collection sites within a reasonable distance of one another and provide the list to the TPA within the first 10 days of each new testing quarter.

2.3 The contract administrator or designated representative will provide the TPA with an inspection checklist to be used to determine collector compliance with the requirements of 49 CFR Part 40, as amended, and the USDOT Specimen Collection Guidelines.

2.4 The TPA must submit the completed checklist report to the contract administrator or designated representative, no later than ten days after the completion of the inspection.

2.5 The TPA must provide any necessary error correction training to bring a collection site into compliance when a collection site is determined to be non-compliant as a result of an on-site inspection or when a state or federal audit of the collection site results in one or more areas of concern or deficiencies.

2.6 The TPA must provide the contract administrator or designated representative, documentation of the notice of corrective action requirement and the error correction training delivered to the collection site by the TPA.

2.7 The TPA must ensure that alternative DOT-qualified collectors meeting the criteria in section 1.4 of this Scope of Services are provided to user agencies when a collection site is deemed non-compliant and does not implement corrective action requirements.

2.8 The TPA will notify the contract administrator when the Office of Drug and Alcohol Policy and Compliance (ODAPC) has issued a Public Interest Exclusion involving any collection site or collector being utilized by a user agency and must assign an alternative qualified collection site or collector.

3.0: Urine Specimen Analysis

3.0 The TPA must ensure that all specimens are analyzed at a laboratory that is certified by the Department of Health and Human services under the National Laboratory Certification Program (NLCP) for testing of urine specimens collected under the authority of the Department of Transportation.

3.1 The TPA must ensure that documentation of laboratory certifications is provided to the user agency, a federal or state auditor, the contract administrator or a designated representative acting on behalf of the contract administrator, upon request and within two business days.

3.2 The TPA must ensure that the processing of incoming specimens, the analysis of specimens and the reporting of laboratory results is conducted in accordance with 49 CFR Part 40- Subpart F, as amended.

3.3 The TPA must ensure that at least one qualified forensic toxicologist is available upon request, to provide litigation assistance to include expert witness testimony and depositions.

3.4 The TPA must ensure that all Medical Review Officers assigned to review laboratory reports and verify lab confirmed results do not have, or will not enter into a relationship, partnership or affiliation with any laboratory that could create a conflict of interest or the appearance of a conflict of interest between the MRO and the laboratories.

3.5 The TPA must ensure that in the event of an issuance of a Public Interest Exclusion (PIE) involving a laboratory that analyzes specimens for a user agency, the contract administrator will be notified, and an alternative laboratory will be immediately assigned.

4.0: Medical Review Officer Services

4.1 The TPA must ensure that user agencies are provided with the services of a Medical Review Officer (MRO) who has met the qualification requirements per 49 CFR Part 40.121.

4.2 The TPA must ensure that all laboratory results undergo a medical review verification process that is conducted in accordance with 49 CFR Part 40 - Subpart G, as amended.

4.3 The TPA must ensure that MRO staff are working directly under the supervision of a qualified and certified MRO.

4.4 The TPA must ensure that the MRO is accessible to the donor, by means of a toll-free telephone number, a minimum of twelve hours per day; seven days per week, excluding national holidays.

4.5 The TPA must ensure that a MRO or MRO staff member reports verified positive, adulterated or substituted drug test results <u>verbally</u> to the user agency's DER on the same day, or next business day, following the MRO verification of the result and in accordance with 49 CFR Part 40.163, 165, 167.

4.6 The TPA must ensure that the MRO and MRO staff members implement a means of secure identification prior to communicating verified positive, adulterated or substituted drug test results to a user agency's DER, 49 CFR Part 167(b)(2).

4.7 The TPA must ensure that the MRO and MRO staff members are accessible to the user agency's DER to consult on topics such as a donor's shy bladder or shy lung medical evaluation, medication use, medical conditions, etc. Consultations of this type must be inclusive of the unit cost per test.

4.8 The TPA must ensure that Medical Review Officers address significant safety concerns regarding a donor's medication use or medical condition in accordance with 49 CFR Part 135 (e) and are available to speak with a prescribing physician up to five days following the interview with the donor.

4.9 The TPA must ensure that the Medical Review Officer is available to assist user agencies with expert testimony or depositions should an MRO verified result become the focus of litigation brought against a user agency. The user agency will only be responsible for reimbursing the Medical Review Officer for actual expenses incurred while performing these services.

4.10 The TPA must ensure that in the event of an issuance of a Public Interest Exclusion (PIE) involving an MRO whose services are assigned for use under this contract, the contract administrator will be notified, and an alternative MRO will be immediately assigned.

5.0: Result Reporting and Record Maintenance

5.1 The TPA must ensure that the specific urine drug test result reporting procedures are performed in accordance with the requirements of 49 CFR Part 40.163.

5.2 The TPA must ensure that MRO verified negative results are reported to user agencies as soon as possible following verification. Non-flawed, lab-confirmed negative urine specimens should be MRO verified and reported to the user agencies within approximately 24-48 hours of the specimen's arrival at laboratory.

5.3 The TPA must ensure that the MRO provides a written report following MRO verification of all results, that includes the following:

- Full name of donor (as indicated on CCF)
- Specimen identification number
- Donor identification number
- Reason for testing (test type)
- Date of the collection
- Date MRO received copy two of the CCF
- Result of the test
- Date result was verified by the MRO
- If canceled, the reason for cancelation
- If deemed a Refusal to Test, the reason for the refusal determination

5.4 The TPA must ensure that user agencies are provided the option to have results reported to the user agency's primary or secondary contact in all of the following ways:

- Via a secure, password protected website
- Via a secure and confidential electronic mail system

5.5 The TPA must ensure that all result reports and associated records are not released to, or cannot be accessed by, any party other than the user agency's primary or secondary contact or contract administrator, where applicable.

5.6 The TPA must ensure that all reasonable procedures to protect personal data from unauthorized access, misuse, alteration or disclosure by unauthorized parties are executed at all times and must include the use of data encryption software and secure servers.

5.7 The TPA must ensure that all hard copy testing records are maintained in a secure location that is safeguarded against theft, damage and unauthorized access.

5.8 The TPA must ensure that all non-negative testing records, both electronic and hard copy are maintained and are accessible to user agencies, for a minimum of five years from date of collection.

5.9 The TPA must ensure that all negative testing records, both electronic and hard copy are maintained and are accessible to user agencies, for a minimum of three years from date of collection.

6.0: Alcohol Testing Services

6.1 The TPA must establish and maintain a network of USDOT-qualified Screening Test Technicians (STT) and Breath Alcohol Technicians (BAT) throughout the state of Florida that are regularly and actively engaged in the business of conducting alcohol tests for DOT-covered employers. Alcohol testing must be conducted in accordance with 49 CFR Part 40, as amended.

6.2 The TPA must approve and assign each user agency, a minimum of two alcohol-testing sites that meet, at a minimum, the following criteria:

- Alcohol testing sites must be located within 20 miles of the user agency's primary location or account address.
- Alcohol testing sites must operate a minimum of five days per week and at least eight consecutive hours per day.
- Alcohol testing sites must be equipped to conduct DOT alcohol screening tests and confirmatory testing on site.
- Alcohol test technicians must utilize approved devices that are listed on the National Highway Traffic Safety Administration's conforming products list found on the ODAPC website.
- Breath Alcohol Technicians must ensure that routine calibration and maintenance of the Evidentiary Breath Testing devices is performed per manufacturer's instructions and demonstrate upon request that such calibration and maintenance was performed through documentation.
- Technicians must utilize the US Department of Transportation Alcohol Testing Form, as amended.

6.3 In the rare event that the TPA cannot provide a local STT or BAT within the required parameters of Section 6.2, the TPA must provide on-site mobile collection services to the user agency at no additional charge, beyond the unit cost per test.

6.4 The TPA must also approve and assign each user agency a minimum of one mobile alcohol test technician that is equipped with an evidential breath testing device for the purpose of conducting both screening and confirmatory DOT alcohol tests. A mobile alcohol test technician must be available 24 hours per day, seven days per week, including federal holidays. Costs associated with use of mobile alcohol testing services must not exceed 250.00, per event. Alcohol tests performed at the same time as a urine collection constitute one testing event. The TPA is not authorized to invoice the user agency for an amount greater than the mobile technician's after-hours charge, plus the unit price per test.

6.5 The TPA must maintain training qualification documentation for all alcohol test technicians that are approved and assigned for use. The training qualification documentation must be provided to the user agency, a federal or state auditor, the contract administrator or a designated representative acting on behalf of the contract administrator upon request.

6.6 The TPA must ensure that alcohol test technicians maintain documentation of testing and all pertinent maintenance records, in accordance with 49 CFR Part 40, as amended.

6.7 The TPA must obtain, from the alcohol test technician, documentation of all completed alcohol tests for the purpose of maintaining accurate testing records and statistical reports for each user agency.

7.0. Random Testing Program Management

7.1 The TPA must generate random selections in accordance with the user agency's applicable DOT agency rule (FTA or FMCSA) and at the appropriate rate to ensure that minimum annual random testing percentages are met.

7.2 The TPA must use a scientifically valid method of determining the randomly selected employees. All covered employees must have an equal chance of being selected each time a draw is made, in accordance with 49 CFR Part 655.45 and 382.305. The TPA must not generate "alternate" or "replacement" selections within the testing period. All alternate selections must be included on the user agency's selection list, per testing period.

7.3 The TPA must provide instruction to user agencies to facilitate the submission of each user agency's list of safety-sensitive employees to be included in the random testing program.

7.4 The TPA must allow for the submission of updated employee lists up to ten days prior to the first day of a new testing period. If the user agency has not submitted an updated list of current safety-sensitive employees ten days prior to a new testing period, the TPA must generate selections using the employee database on record from the previous testing period.

7.5 The TPA must prepare and deliver random selections to each user agency's primary or secondary contact within the first three business days of the new testing period by means of a secure and password protected website, secure electronic mail, or secure fax; whichever is the user agency's preferred method.

7.6 The TPA must ensure that the transmission of the random selection lists to the user agency's primary or secondary contact must be conducted in a manner which will provide documentation of user agency's receipt of the selection list to include the date and time the list was transmitted and received by the user agency.

7.7 In the event that the user agency's primary or secondary contact is a safety-sensitive employee whose name appears on the random selection list, the TPA must ensure that the transmission of the list is conducted at an appropriate time of day to allow for the recipient to proceed immediately for testing, in accordance with applicable regulations.

7.8 The TPA must provide, upon request by the contract administrator, or a designated representative, the random testing selection lists for previous testing periods, for the purpose of compliance monitoring.

8.0: Electronic Records Access

8.1 The TPA must provide and maintain a secure and password-protected, searchable web-based database from which user agencies may access their testing data and results by the following parameters:

- Reason for test
- Testing authority (FTA/FMCSA)
- Specimen Type (Breath/Urine)
- Specimen collection Date
- MRO-verified Test Result
- Specimen ID
- Donor ID
- List of all testing conducted during a 12-month period

8.2 The TPA must provide access to the electronic database as described in 8.1 to the contract administrator and designated representatives for the purpose of compliance oversight. Note: this requirement is applicable to FTA-covered user agency accounts only.

9.0: **Audit Response and Support**

9.1 In the event that a user agency's testing program is subject to a drug and alcohol testing program compliance audit by a state or federal authority, the TPA must lend support to the user agency to include, at a minimum, the following functions:

- Gathering and/or producing copies of testing records, custody and control forms, alcohol testing forms, memorandums, result certificates, service provider qualifications, statistical reports, and all other documents requested by auditors for the purpose of evaluating compliance to drug and alcohol testing regulations
- Cooperation and coordination in responding to state and federal audit questionnaires directed at TPA approved and assigned collection sites and/or mobile collectors
- Cooperation and coordination in responding to state and federal audit questionnaires directed at the TPA
- Cooperation and coordination in responding to state and federal audit questionnaires directed at the Medical Review Officer
- Cooperation and coordination in responding to state and federal audit questionnaires directed at the laboratories used to analyze urine specimens
- Assistance in developing corrective action plans and responses to negative audit findings that are related to any of the services provided as part of this Scope of Services.

10.0: **Substance Abuse Professional Referrals**

10.1 The TPA must maintain a database of DOT-qualified Substance Abuse Professionals (SAP) to include their name, address and service locations within the state of Florida.

10.2 The TPA must provide a list of <u>at least two</u> qualified professionals located within 50 miles of the user agency's primary location, upon user agency request.

11.0: Florida Drug Free Workplace Testing Services

11.1 The TPA must be able to provide, as a user agency option, drug and alcohol testing in accordance with Florida Statutes, Chapter 59A-24 and 112.0455- known as Florida Drug Free Workplace Testing. *NOTE: A unit cost will not be required for this optional service. Pricing must be negotiated with user agencies as part of the individual purchase agreement.*

12.0: Employer Authorized (NON-DOT) Testing Services

12.1 The TPA must be able to provide, as a user agency option, employer authorized NON-DOT urine drug testing that mirrors the testing procedures of 49 CFR Part 40, as amended. *NOTE: A unit cost will not be required for the optional service. Pricing must be negotiated with user agencies as part of the individual purchase agreement.*

13.0: Designated Point of Contact

13.1 In order to facilitate familiarity with each user agency's DER and specific testing needs, the TPA must assign a point of contact (POC) to the user agency accounts. The TPA may assign a single POC per employer group. For example, one POC for FMCSA-covered employers and one POC for FTA-covered employers.

13.2 The POC must be able to demonstrate comprehensive knowledge of federally-mandated drug and alcohol testing regulations and be able to provide accurate technical assistance and regulatory guidance to user agencies.

13.3 The POC must be available to provide user agency DERs with training related to the use of the TPA's result reporting system, submittal of random pool updates and other tools used in the administration of the testing program.

13.4 The point of contact assigned to FTA-covered employers must attend the free FTA Drug and Alcohol Program National Conference or a free FTA One-Day Regional Seminar, at least once, during the contract period.

14.0: Invoicing Requirements

14.1 The TPA must establish independent billing accounts for each user agency.

14.2 The TPA must invoice user agencies directly for the testing the user agency has conducted on a monthly basis, in arrears.

14.3 The unit cost per test for a urine drug test will include the urine specimen collection, specimen analysis, medical review and result reporting as well as all administrative functions as described within the Scope of Services.

14.4 The unit cost per test for an alcohol test will include the alcohol test technician's fee and all associated administrative functions as described within the Scope of Services

14.5 The invoices must include the date of collection, specimen ID number, donor ID number and test type for each test being invoiced.

14.6 The TPA must notify the contract administrator or a designated representative of the intention to suspend a user agency's testing account on the basis of non-payment.

15.0 Timely Payment to Service Agents

15.1 TPA must ensure timely payment to service agents who have provided services to user agencies under the terms of this contract. Payment for urine specimen collections must be made within sixty days of the specimen collection. Payment for alcohol testing must be made no later than sixty days after TPA receives the ATF from the technician.