



HENRY McMASTER, GOVERNOR

MICHAEL LEACH, STATE DIRECTOR

February 12, 2020

**Sent Via Email Delivery**

The Honorable Jay West  
Chairman, Healthcare and Regulatory Subcommittee  
Legislative Oversight Committee  
South Carolina House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211

Dear Chairman West,

This letter seeks to respond to questions from the S.C. House of Representatives Legislative Oversight Committee to the South Carolina Department of Social Services (DSS) regarding contracts for substance testing from the S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS).

DSS underwent a leadership overhaul beginning with my nomination to lead the agency as State Director by Governor McMaster followed by Senate confirmation in April 2019. Many individuals from the previous executive leadership team are no longer with DSS, including decision-makers with respect to the state-wide Applya drug testing fixed price bid, the resulting contract for all state agencies, and the previous DAODAS contract. Notably, DAODAS did not submit a response to the statewide bid for drug testing services.

Regarding the specific questions from the committee:

**The current drug testing contract with Applya is included with this response letter.**

**How do you evaluate end user feedback?**

With the exception of calling the company regarding unsatisfied clients or complaints, and following on resolution of the problem, we do not keep metrics on client's level of satisfaction. In many cases, clients being tested for substances will be unsatisfied with DSS and the services that we as an agency provide, since we are dealing with sensitive subjects including child and vulnerable adult abuse and neglect.

**What criteria do you use to evaluate the Applya contract?**

Program Evaluation and Contract Monitoring within DSS has begun gathering information from the DSS county offices to assess the risk and evaluate concerns with performance. The agency is in the initial phase of gathering information and will report back in writing to the Contractor and the state's Materials Management Office (MMO).

The solicitation and contract was issued by MMO, offerors were evaluated by MMO, and DSS is not solely responsible for evaluating the Applya contract. The only responsibility DSS has for evaluating the contract is self-imposed and based on sound business practices to make sure the agency is paying for services and receiving the quality of services we are paying for.

As an agency, DSS cannot change the contract. If the agency experiences any problems with the contract, records must be collected of the issues as well attempts to resolve the issues directly with the contractor. If DSS cannot resolve the issues with the contractor, the agency must notify MMO who will become involved on the agency's behalf. DSS-initiated appeals to MMO are more successful if the agency has a good written record of the contractor's performance and its attempts to resolve issues with Applya. As an agency, DSS does not have the authority to remove the contractor from the contract; only MMO can do so.

**PAIRS contract**

**How does DSS decide whether to renew this contract with DAODAS each year?**

We monitor the DAODAS contract to ensure that services are indeed being provided to DSS clients. This is still a new process and DAODAS is adjusting and cooperating. An assigned DSS Contractor Monitor conducts visits to all sites to ensure that practices align with contract specifications. DSS has created a referral form and process to verify that all clients served have an association with DSS as outlined in the contract.

The billing process consists of review by the program area, DSS's Office of Well-being, and then reviewed again by Contract Monitoring to ensure services are within the scope. If any discrepancies are noted, amounts are deducted from the invoice and communication is sent back to DAODAS with the reason. DSS attends quarterly meetings with DAODAS and subcontracted agencies. DSS Contractor Monitoring sends reports to DAODAS and Program Area regarding the services provided. DAODAS has received only one Corrective Action Plan since DSS been directly monitoring the contract. DSS Contract Monitoring also receives quarterly data information from DAODAS.

**Regarding the use of Applya as a statewide contracted vendor**, use by state governmental bodies (as defined in Section 11-35-310(18)), which includes most state agencies, is mandatory except under limited circumstances, as provided in Section 11-35-310(37). Political subdivisions and municipalities are encouraged to use these contracts but are not required.

Please contact Connelly-Anne Ragley, Legislative Liaison, at (803)-521-1513 or [connelly.ragley@dss.sc.gov](mailto:connelly.ragley@dss.sc.gov) if our agency can answer any additional questions.

Sincerely,



Michael Leach  
State Director

Enclosures



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**Statewide Drug, Alcohol and Background Screenings**  
**Solicitation # 5400012124**  
**Contract Period: February 27, 2017 – February 26, 2022**

**THIS IS A MANDATORY STATEWIDE CONTRACT**

Use by state governmental bodies (as defined in Section 11-35-310(18)), which includes most state agencies, is mandatory except under limited circumstances, as provided in Section 11-35-310(35). Political subdivisions and municipalities are encouraged to use these contracts but are not required.

**There is currently a bridge contract in place with FirstLab to provide continuation of services while the new contract with ArcPoint is implemented. Please use the information to set-up an account with the new provider.**

**This is temporary and FirstLab will not have a contract with for this service once the bridge expires.**

**Contract Number: 4400015404**

**Awarded to: ArcPoint Occupational Solutions LLC (7000243633)**

**Point of Contact: Felix Mirando IV**

**Email Address: [AOSTeam@ARCpointOS.com](mailto:AOSTeam@ARCpointOS.com)**

**Telephone: 864-561-3139**

**Instructions for Using This Contract**

[Complete the AOS-Account Setup form.](#) Email the completed form to the above email address and AOS will contact you to create an account. They will then initiate a response directly with the contact provided on the form. From there AOS can begin to build and structure the account within their system per the contacts specifications and needs. Accounts can take anywhere from 3-5 business days to set up, based on specifications for testing, and then an additional 5-7 business days *if* supplies are to be ordered and sent.

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## Contact List

### AOS Team (Customer service/management, account set-up)

#### **Felix Mirando IV**

*National Client Services Manager: South Carolina*

P: 864.561.3139

[famirando@ARCpointLabs.com](mailto:famirando@ARCpointLabs.com)

#### **Cassandra Mascarenas**

*National Client Service Manager: Western Mountain Standard Region*

P: 864.380.0471 | F: 919.328.3177

[cmicklich@ARCpointOS.com](mailto:cmicklich@ARCpointOS.com)

#### **Courtney Parrett**

*National Client Services: Operations Manager*

P: 864.884.5591 | F: 919.328.3177

[cparrett@ARCpointLabs.com](mailto:cparrett@ARCpointLabs.com)

#### **Direct Team Email For Drug & Alcohol Testing:**

**[AOSTeam@ARCpointOS.com](mailto:AOSTeam@ARCpointOS.com)**

**(This email goes to all of the AOS Customer Service Team)**

### Billing (Any billing questions)

#### **Chanda McAbee**

*Accounting Manager*

P: 864.990.3692 | [cmcabee@ARCpointLabs.com](mailto:cmcabee@ARCpointLabs.com)

### Background Screening Support

Team email: **[Backgroundscreeningsupport@ARCpointOS.com](mailto:Backgroundscreeningsupport@ARCpointOS.com)**



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**Initial Contract Period:** February 27, 2017-February 26, 2018  
**Maximum Contract Period:** February 27, 2017 through February 26, 2022

### Lot 1-Urine Drug Testing Panels

ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	<b>*5 Panel DOT &amp; Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$23.52
2	<b>*5 Panel DOT &amp; Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>on-site facility</i>	Each	\$23.52
3	<b>*7 Panel - Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$24.12
4	<b>*7 Panel - Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>on-site facility</i>	Each	\$24.12
5	<b>*9 Panel Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$26.35
6	<b>*9 Panel Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>on-site facility</i>	Each	\$26.35
7	<b>*10 Panel Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$27.00
8	<b>*10 Panel Non-DOT Drug Testing-Urine</b> Testing cost per specimen including collection at <i>on-site facility</i>	Each	\$27.00
9	<b>**MRO Review for negative tests (RFP includes MRO for positive review)</b>	Each	\$1.98
10	<b>Litigation Package</b>	Each	\$199.00

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## Lot 2-Breath Alcohol Testing

ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	DOT & Non-DOT Alcohol Testing: Testing price per breath test at designated collection facility	Each	\$27.50
2	DOT & Non-DOT Alcohol Testing: Testing price per breath test at on-site facility.	Each	\$38.50
3	DOT & Non-DOT Alcohol Testing: Emergency on-site without advanced notice	Each	\$137.50
4	Litigation Package	Each	\$199.00

## Lot 3-Hair/Nail and Oral Drug Testing Panels

ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	*5 Panel Drug Screening-Hair/Nail- Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$30.80
2	*7 Panel Drug Screening-Hair/Nail-Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$41.80
3	*9 Panel Drug Screening-Hair/Nail-Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$49.50
4	*10 Panel Drug screening-Hair/Nail-Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$55.00
5	*5 Panel Drug Screening-Oral- Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$30.80
6	*7 Panel Drug Screening-Oral-Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$33.00
7	*9 Panel Drug Screening-Oral-Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$35.20
8	*10 Panel Drug screening-Oral-Testing cost per specimen including collection at <i>designated collection facility</i>	Each	\$37.40



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9	**MRO Review for negative & positive results (RFP includes MRO for positive only)	Each	\$1.98
10	Litigation Package	Each	\$199.00

### Lot 4-Field Testing & Supplies

ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	Rapid 5 Panel Drug Screening-Urine	Each	\$1.65
2	Rapid 7 Panel Drug Screening-Urine	Each	\$1.76
3	Rapid 9 Panel Drug Screening-Urine	Each	\$2.15
4	Rapid 10 Panel Drug screening-Urine	Each	\$2.42
5	5 Panel Drug Screening-Oral	Each	\$5.50
6	7 Panel Drug Screening-Oral	Each	\$6.33
7	9 Panel Drug Screening-Oral	Each	\$6.88
8	10 Panel Drug screening-Oral	Each	\$7.43
9	*5 Panel Drug Screening-Hair or Nail	Each	\$58.30
10	*7 Panel Drug Screening-Hair or Nail	Each	\$69.30
11	*9 Panel Drug Screening-Hair or Nail	Each	\$77.00
12	*10 Panel Drug screening-Hair or Nail	Each	\$82.50
13	**Confirmation of positive for Rapid Screenings	Each	\$20.00

### Lot 5- Criminal Background Screening

\*Pass-through fees apply to some tests-depending on federal/state/county records being accessed. These fees are actual fees (if applicable) charged per State in addition to fees stated below.

ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	*Basic State Criminal Background Check for state employees or students-7 year	Each	\$15.59
2	*Basic State Criminal Background Checks for state employees or students-10 year	Each	\$15.59
3	E-Verify	Each	\$2.10
4	Education Verification*	Each	\$10.70
5	Employment Verification (10 years)*	Each	\$10.70
6	State Civil Suits & Judgements	Each	\$11.77
7	Federal Civil Suits & Judgements*	Each	\$10.70
8	Federal District Criminal Records Check*	Each	\$6.40
9	National Criminal Records Check*	Each	\$4.25
10	State Criminal Records Check*	Each	\$7.47
11	County Criminal Records Check*	Each	\$6.40
12	National Sex Offender*	Each	\$3.17
13	State Sex Offender	Each	\$3.17



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14	Government Watch/Patriot Act Search	Each	\$3.17
15	Office of Foreign Assets Control (OFAC) Terrorist Search	Each	\$3.17
16	Social Security Number Validation	Each	\$2.10
17	Office of Inspector General	Each	\$3.17
18	Motor Vehicle/Driving Record*	Each	\$2.69
19	Professional/Personal References	Each	\$11.77
20	Professional License and Certification Ver.*	Each	\$11.77
21	SC Commission on Lawyer Conduct	Each	\$11.77
22	Credit Report- 7 Year	Each	\$5.38
23	Fraud & Abuse Control Info Systems Search	Each	\$3.17

### Lot 6-Training

ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	Educational/Material Training Printed Packets	Each	\$4.99
2	Educational/Material Training Online Packets (Agency download and print)	Each	\$4.99
3	Supervisor Training on Signs and Symptoms and Federal Regulations Printed Packets	Each	\$4.99
4	Supervisor Training on Signs and Symptoms and Federal Regulations Online Packets (Agency download and print)	Each	\$4.99
5	Train the Trainer on Teaching Effects on Drugs and Alcohol to employees	Each	\$4.99
6	Educational material/printed packets for Train the Trainer	Each	\$4.99
7	Educational material/online packets for Train the Trainer	Each	\$4.99

The following information was the requirements stated as in the solicitation.

#### A. MANAGEMENT, ADMINISTRATION, REPORTING, AND RECORDKEEPING.

##### The Contractor must:

1. Design, implement, and manage all aspects of substance abuse testing, record keeping, reporting in accordance with federal regulations and/or agency policies.



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2. Provide policy review and guidance to ensure that all UGUs are in compliance with the applicable Regulations.
3. Advise UGUs of any proposed change to the regulations when published so that UGUs may respond during the comment period. Advise UGUs of any final changes to the regulations upon publication.
4. Provide secure, remote access of reports and records.
5. Report results or ensure that the MRO reports the results to the Designated Employer Representative (DER) within the UGUs. Some UGUs may have multiple DERs depending on the structure of the UGU. For example, a Higher Education UGU may have multiple DERs assigned by program/area of study. In these instances, the DER will only have access to reports for their specific program/area of study. Reporting procedures must include electronic download of results to the agency's central program location and verbal contact with the agency's DER along with a secure copy (either legible faxed or electronic mail) for any positive drug and/or breath alcohol, refusal to test and/or adulterated test. Authorized personnel must be able to print copies of reports as needed.
6. Drug screens shall be reported as positive or negative. If positive, the drug(s) detected shall be listed. Reports shall have a summary cover sheet indicating positive and/or negative results for each category. Reports that contain two (2) or more pages should include identifying information (name, social security number, and date of birth) on all pages.
7. Provide monthly statistical reports of all tests (drug & alcohol) by location and type of test with monthly and annual totals of positive and negative tests in each category. These reports must be provided/transmitted on no less than a quarterly basis and annually in compliance with deadlines to meet Regulations.
8. For employee testing, provide MIS report to each UGU for all testing completed by the Contractor or its sub-contractors. The MIS must be compiled and provided to the UGU annually within the time frame established by the Regulations. This applies to DOT drug & alcohol testing only.
9. Provide random selection of employees in accordance with the applicable Regulations and the specific needs of the UGU whose personnel are to be tested. Each participating UGU may request that their employees/clients constitute a separate pool or that their employees be incorporated into a larger consortium pool. All selection and testing for any pool must be performed under federal and/or state agency regulations/policies. Contractor shall provide status reports showing total consortium compliance with minimum testing requirements to the consortium participants.
10. Establish procedures to be followed in notifying the UGUs of the employees selected in the random process and the tests to be performed. These procedures will be adapted to meet the specific needs of the individual UGUs.
11. Provide a billing method acceptable to individual UGUs that will meet their specific needs. The process may include billing separate cost centers or agency locations within the State. Submit monthly invoices reflecting fees for drug and alcohol tests, MRO services, and any other services provided that are specified in the contract. The invoice must specify the agency location, testing date, social security number/employee number, Custody and Control specimen identification number, type of test given, and/or service provided. The donor's name must appear on the invoice. The test result shall not appear on the invoice. The invoices must reflect services provided for the month being billed.
12. Provide a variety of payment methods including credit card, ~~check~~, or debit card for instances where the employee or student is directly responsible for the fees.
13. Assign a specific and knowledgeable customer service representative to manage each UGU's account and provide rapid response to questions/concerns. This representative must manage the account including scheduling of testing and training, billing questions, resolving service questions or problems from any source,



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and must act as liaison between the UGU and any provider or sub-contractor or among consortium members should any dispute occur.

14. The Contractor must provide a toll-free number for both the UGUs and any staff/students undergoing testing.
15. Ensure that they or their sub-contractors meet all certification requirements under the regulations. The Contractor will provide evidence of this certification and/or training upon request.
16. Assist the UGU in identifying DOT-qualified SAP's within 30 miles of their location.

## **B. SPECIMEN COLLECTION SERVICES**

The method for collection and analyzing urine samples for all covered employees must meet the requirements specified in 49 CFR Part 40. All personnel performing collection services, for **any** collection, must be appropriately trained, certified, and meet all criteria set forth in the Regulations.

1. The Contractor shall provide collection sites for the following types of testing: pre-employment, random, reasonable suspicion, post-accident, return to duty and follow-up testing. Off-site collection sites must be mutually agreed upon by the UGU and the Contractor before the collection site can become a permanent collection site for the contract period. Off-site collectors for DOT testing must be USDOT certified. On-site collections for Random Testing are required at a minimum for SCDOT and must be conducted in each of the SCDOT's county maintenance facilities. Other UGUs may request on-site collections. The requesting UGU's facilities shall be available to the Contractor for on-site collections.
2. The Contractor must provide legally correct custody and control forms and alcohol breath testing forms, both DOT and NON-DOT, and all other necessary forms.
3. The Contractor should provide a minimum of one collection site within each county or a thirty (30) mile radius of each of the forty-six (46) County Seats, as well as one (1) additional location, Holly Hill. (See attached list.). UGUs that border Georgia or North Carolina should have access to closest collection site regardless the State the collection site resides. Each collection site must perform collections during normal business hours, 9 AM until 5 PM, Monday through Friday. Contractor should also offer flexible screening times to include evening hours. If no collection site meeting these criteria exists within this radius, this deficiency must be disclosed in your proposal, along with an acceptable solution for the provision of services to the areas affected.
4. The facility engaged in the collection must provide an adequate waiting room for UGU employees. Prior scheduling of an appointment by the UGU must not be required in situations where Post-Accident or Reasonable Suspicion testing is required. The UGU employees must wait no more than 30 minutes for scheduled testing to begin, unless an emergency condition exists. If an employee is brought to the collection site for confirmation alcohol testing after a positive screening test, the employee must be tested immediately without waiting, beyond any period of time required to prepare the EBT to perform the test or for compliance with the Regulations. Adequate parking near the facility is required.
5. The Contractor must provide all collection supplies, equipment and technical assistance as needed and specified.
6. The Contractor shall ensure that all collection services are performed by qualified personnel in accordance with 49 CFR Part 40 and shall provide documentation verifying the qualifications of collection personnel to the UGU upon the UGU's request. This documentation will include proof of training and applicable certifications such as BAT collector, and STT certifications as well as instrument calibration documentation or any other qualification criteria specified by the Regulations.
7. The Contractor must provide collection sites, procedures, and any necessary testing or collection services and DOT-qualified personnel for drug testing for random, in post-accident or reasonable suspicion



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situations outside of normal working hours and on weekends. The collection sites are expected to help the contracting UGUs comply with the FMCSA/FTA requirement to spread testing through all hours that safety-sensitive functions are performed. The Contractor must supply and maintain current emergency numbers and procedures to provide sample collections after regular office hours in areas where collection sites are not available.

### **C. CONTROLLED SUBSTANCES TESTING**

1. The Contractor shall require the collection site to provide overnight transportation of specimens to a SAMHSA certified laboratory for all DOT and SAMHSA or CAP for any NON-DOT while maintaining complete custody and control records.
2. The Contractor shall monitor collection procedures to ensure compliance with federal regulations.
3. The Contractor shall maintain pertinent records on behalf of the UGU for the appropriate period of time to comply with the federal regulations.

### **D. LABORATORY SERVICES**

Any laboratories used must be currently certified by SAMHSA for all DOT and SAMHSA or CAP for non-DOT in accordance with federal requirements and all work performed must be in accordance with the Regulations.

1. The Contractor will ensure that any laboratory selected to perform analysis of specimens maintains, at no expense to the UGUs, at least one qualified forensic toxicologist who will be available to provide total litigation assistance (including a standard litigation package and expert witness testimony (Video) should the testing procedures be legally challenged). A Contractor outside of the State of South Carolina must be willing to accept service of a subpoena issued by a South Carolina UGU in connection with testing performed under this solicitation, by regular US mail, and without requiring domestication of the subpoena in the Contractor's home state.
2. Persons who appear in video deposition must be able to testify as to the chain of custody as well as test results.
3. Upon telephone request, laboratory shall provide requesting attorney or paralegal with a litigation package which indicates individuals in the chain of custody, summarizing outlined testing procedure, test results, ect. If witnesses are unavailable due to emergency, Contractor will ensure the UGU will be able to make alternate arrangements with the witness.

The Litigation package will consist of;

- Cover Sheet summarizing documents contained in the package, as well as clearly showing the test results.
- general overview of lab procedures used for the test
- custody and control forms to include external chain of custody form if test site was different than the lab, and, once received in the lab, the specimen chain of custody test information including test description, screening aliquot and screening test results.
- confirmation test information with the confirmation test description, chain of custody pull list, confirmation aliquot chain of custody log, specimen ID verification report, GC/MS autotune, GC/MS/MS Data (any calibration of test devices)
- certification information, lab reporter
- specimen storage information with specimen storage internal chain of custody, photocopy of envelope seal, other specimen info

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- personnel qualifications – certifying scientist resume, responsible person resume (Most likely Lab Director and test personnel)
4. Testimony – (telephone/video at no additional cost) the vast majority of drug tests won't require any further work by the lab. In the event a hearing will be necessary, the lab director should make themselves available for a telephone/video deposition by the UGU. The toxicological expert witness testimony may be requested, regarding scientific reliability of the testing methods, including credentials of an expert witness to satisfy the court.
  5. All urine tests must be observed when specifically requested by the UGU and conducted in accordance with Federal Regulations.
  6. Hair testing may be "hair other than head" upon request by the UGU.
  7. The laboratory must ensure negative results confirmation to the MRO within 24 hours; confirmed positive results reported to MRO within 48 hours, with confirmation done in compliance with the applicable regulations. Reporting of test results will be accomplished using confidential protocol and immediately conveyed to the MRO by electronic means which must be followed by confirming paperwork as required.
  8. During the term of the contract, the laboratory(ies) must provide any information related to suspension or revocation of certification or any change in accreditation status to the South Carolina Materials Management Office or other designee within one business day.
  9. The laboratory(ies) will provide results reporting and semi-annual statistical summaries to each UGU in accordance with federal regulations.

#### **E. MEDICAL REVIEW OFFICER(S) SERVICES**

The Medical Review Officer(s) must meet all qualifications set forth in the Regulations. The MRO(s) must be independent of the laboratory(ies) to ensure that there is no conflict of interest.

1. The MRO(s) must receive and review all test results from the laboratory(ies) for positive results showing any drug, positive results with a Safety Concern, positive/false positive determination, and utilize medical information provided by the employee or applicant in issuing a final determination on the status of substance use.
2. The MRO(s) must communicate verified positive test results in a confidential manner **no later than twenty-four (24) hours after receipt of confirmed test results from the laboratory(ies)**. In the event of a potential positive result, the MRO must contact the UGU DER if contact with the employee cannot be made within 24 hours of the receipt of confirmation from the laboratory(ies). A result of "Medically Unqualified" is acceptable only for pre-employment tests of individuals who are not current employees of the UGU. Test results will be transmitted to the UGU DER by electronic means in a legally accepted format(i.e. electronic mail).
3. The MRO(s) must document all test results in accordance with applicable UGU requirements and federal regulations.
4. The MRO must provide a signed, written confirmation report of each test result to the UGU within one (1) working day of reviewing the test results.
5. The MRO(s) must provide business location, hours of operation, and an emergency telephone number for use by any UGU in appropriate circumstances.



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6. If an employee requests that his split sample be tested, the MRO will offer the employee a choice of approved laboratories and will direct that the split sample be sent to the selected laboratory.
7. Positive and negative results of the split sample test will be identified by the second DHHS certified laboratory and sent to the Medical Review Officer within five (5) working days from the time the MRO is instructed to send the split sample testing.
8. The Contractor will ensure that any MRO, or MRO facility selected to perform analysis of specimens maintains, at no expense to other contracting UGUs, at least one qualified licensed physician who will be available to provide total litigation assistance including expert witness testimony and deposition should the testing procedures be legally challenged.

#### **F. BLIND SAMPLES**

The Contractor must provide blind samples to contracting UGUs at no charge. The samples must be submitted in a manner to ensure that the UGU is in compliance with the Regulations.

#### **G. ALCOHOL TESTING**

Breath alcohol testing which conforms to the federal regulations should be available at all collection sites.

1. The Contractor must ensure that Breath Alcohol Technicians (BAT) meeting DOT Part 40 regulations are available at all times to perform breath alcohol testing at collection sites.
2. The Contractor must ensure that equipment for screening and confirmation testing included on the NHTSA Conforming Products List is available to perform breath alcohol testing at collection sites.

#### **H. ACCESS TO RECORDS**

The contractor shall keep full and accurate records and accounts in connection with the contract. All such records shall be retained by the contractor with lifetime access and may be audited by the State or UGU's designated representative at any time during regular working hours.

### **LOT 4 - FIELD TESTING & SUPPLIES**

1. Some UGUs use field testing using rapid testing collection. Laboratory drug testing will be used in conjunction with field drug testing to provide a more comprehensive range of drug testing services, especially when a positive result occurs. Gas chromatography/mass spectrometry (GC/MS) laboratory testing will be used for the confirmation of field drug testing when sufficient cause exists or for positive results. A line item in the Bidders Schedule requires pricing for confirmation only in positive results from the rapid in field urine tests.
2. UGUs who use this method will have departmental staff to perform observed, on-site collection of urine. Departmental staff receives training in the standards and protocols for the collection of urine for drug testing purposes. UGUs will maintain strict protocols with regards to the chain of custody for all test samples collected.
3. The contractor will provide UGU with training/education regarding the use, operation of equipment/supplies provided with their product or service. Personnel must receive/participate in training regarding the protocols of the vendor providing services or products for drug testing purposes. The training shall include all aspects of the procedure necessary for the reliable and accurate testing of urine samples.

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4. The contractor must supply, at no additional charge, all training materials, pamphlets and manuals necessary for the statewide training of the collections and transportation methods. An internet based training of trainers must occur within 30 days of the proposal award. The contractor must conduct additional training upon request at no additional cost.
5. Contractor must provide an easy, rapid method for transportation from the collection site to the laboratory.
6. The contractor must guarantee delivery of the respective specimen collection supplies within 30 days of the notification of award. Furthermore, the contractor must guarantee the delivery of subsequent orders within 7 working days of the receipt of order.

## **LOT 5 - CRIMINAL BACKGROUND CHECK AND SCREENING**

**The Contractor shall provide the following criminal background checks:**

1. **Basic 7 year criminal background checks to include:**
  - Criminal background checks for States of residence for prior seven (7) years with up to 3 alias
  - Check of National Sex Offender Registry
  - Check of Office of Inspector General
  - Check of General Services Administration (GSA) list of excluded individuals/entities
2. **Basic 10 year criminal background checks to include:**
  - Criminal background checks for States of residence for prior ten (10) years with up to 3 alias
  - Check of National Sex Offender Registry
  - Check of Office of Inspector General
  - Check of General Services Administration (GSA) list of excluded individuals/entities
3. **E-Verify Search**
4. **Education Verification**
5. **Employment Verification (10 year)**
6. **State Civil Suits & Judgements**
7. **Federal Civil Suits & Judgements**
8. **Federal District Criminal Records Check**
9. **National Criminal Database Check**
10. **State Criminal Records Check**
11. **County Criminal Records Check**
12. **National Sex Offender**
13. **State Sex Offender**
14. **Government Watch/Patriot Act Search**
15. **Office of Foreign Assets Control (OFAC) Terrorist Search**



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**16. Social Security Number Validation**

**17. Office of Inspector General**

**18. Motor Vehicles/Driving Records**

**19. Professional/Personal References**

**20. Professional License and Certification Verification**

**21. SC Commission on Lawyer conduct**

**22. Credit Report-7 year**

**23. Fraud & Abuse Control Info Systems Search**

The state reserves the right to add any checks that may be required at a later date under the US Patriot Act or other federal/state/local laws/regulations. These will be added to the contract via change order.

Contractor shall specify in its proposal the turnaround time for each check and specify if additional state fees apply. Some screening costs may vary by State and or County. Vendors will provide current pricing to DER's upon request and without further markups for profit.

**MANAGEMENT ADMINISTRATION, REPORTING, AND RECORDKEEPING**

The Contractor shall:

1. Design, implement, and manage all aspects of background checks/screenings, record keeping, reporting in accordance with federal regulations and/or agency policies.
2. Provide a mechanism to flag, highlight or otherwise easily separate positive CRCs from negative CRCs
3. Require company that will provide direction and guidance to employee/student who has an adverse action report. (E.g. Verify accuracy of report, provide information on how to expunge record, etc.)
4. Provide policy review and guidance to ensure that all UGUs are in compliance with the applicable Regulations.
5. Advise UGUs of any proposed change to the regulations when published so that UGUs may respond during the comment period. Advise UGUs of any final changes to the regulations upon publication.
6. Provide reports to the Designated Employer Representative (DER) within the UGUs. Some UGUs may have multiple DERs depending on the structure of the UGU. For example, a Higher Education UGU may have multiple DERs assigned by program/area of study. In these instances, the DER will only have access to reports for their specific program/area of study, as indicated by the area of study that the Student/Employer/UGU has provided.
7. Provide secure, remote access of reports and records to the DER. The contractor shall provide access to electronic copy of reports to the DER who must be able to print copies of reports as needed.
8. Provide criminal background reports within 48-72 hours unless prior approval from UGU is given for unforeseen circumstances.

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9. The CRC shall contain a statement listing the checks that were performed, and the results (either positive or negative.)
10. For positive results, the summary shall contain the charges, dates, and disposition of charges.
11. Reports shall have a summary cover sheet indicating positive and/or negative results for each category
12. Reports that contain two (2) or more pages should include identifying information (name, social security number, and date of birth) on all pages.
13. Provide monthly statistical reports of all checks by location and type of check with monthly and annual totals of positive and negative tests in each category, if requested by the UGU. These reports must be provided/transmitted on no less than a quarterly basis and annually in compliance with UGU requirements.
14. Provide a billing method acceptable to individual UGUs that will meet their specific needs. The process may include billing separate cost centers or agency locations within the State. Submit monthly invoices reflecting fees for background screenings any other services provided that are specified in the contract. The invoice must specify the agency location, screening date, social security number/employee number. The results shall not appear on the invoice. The invoices must reflect services provided for the month being billed.
15. Provide a variety of payment methods including credit card, check, or debit card for instances where the employee or student is directly responsible for the fees.
16. Assign a specific and knowledgeable customer service representative to manage each UGU's account and provide rapid response to questions/concerns. This representative must manage the account including billing questions, resolving service questions or problems from any source, and must act as liaison between the UGU and the contractor.
17. The Contractor must provide a toll-free number for both the UGUs and any staff/students undergoing screening.
18. Provide a user-friendly system for employees/students. Employees/Students will be responsible for submitting their information to contractor. System must be easy to navigate.
19. Employees/Students shall be provided access to electronic copies of their results that they can print out as needed.

## **LOT 6 - EMPLOYEE AND SUPERVISOR EDUCATION/TRAINING/ASSISTANCE**

1. The Contractor must offer development and implementation of a supervisor drug and alcohol educational training program that complies with applicable Federal regulations. This program will include two separate modules: 1) Signs and Symptoms Training; and, 2) Regulatory Compliance Training. **This training will be presented only upon the request of the UGU, but no more than six times per year, at a regionally centralized location to be agreed upon by the UGU and the Contractor. When a class is requested, other entities shall be invited in order to not exceed this annual maximum training. Procurement Manager shall be notified by UGU when this training is requested.**
2. All training provided must meet 49 CFR. 382.601, 382.603 and Part 655.14. Training must include employee and supervisory training and materials for use by any UGU for initial program implementation and start-up and for recurrent supervisory training.



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3. The Contractor must offer development and implementation of a continuing Train the Trainer certification program for Designated Employer Representatives, DER Associates, and supervisors. This program will prepare Designated Employer Representatives, DER Associates, and location supervisors to provide training to their employees that meets the requirements of 49 CFR 382.601 (b) (11) or 49 CFR Part 655.14(b)(2). This training will be presented only upon the request of the UGU in conjunction with Signs and Symptoms and Regulatory Compliance training.
4. The Contractor must provide packets of simple educational materials which meet the requirements of 49 CFR 382.601 (b) (11) for on-going distribution to employees. These may also be available in electronic form.

### Panels include the following:

#### **DOT 5 panel**

- ☐ Marijuana (THC)
- ☐ Cocaine.
- ☐ Amphetamines.
- ☐ Opiates.
- ☐ Phencyclidine (PCP)

#### **7 Panel**

##### Amphetamines (including Methamphetamine)

- ☐ Barbiturates.
- ☐ Benzodiazepines.
- ☐ Cannabinoids.
- ☐ Cocaine.
- ☐ Opiates (Codeine, Morphine)
- ☐ Phencyclidine (PCP)
- ☐ Adulterants (specimen validity testing)

#### **9 panel**

- ☐ Cocaine Metabolite
- ☐ Marijuana (THC, cannabinoids)
- ☐ Phencyclidine (PCP – angel dust)
- ☐ Amphetamines (including methamphetamines, also known as crystal meth)
- ☐ Basic Opiates (including heroin, codeine and morphine)
- ☐ Propoxyphene.
- ☐ Methadone.
- ☐ Barbiturates.
- ☐ Benzodiazepines

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**10 panel**

- ☐ Cocaine
- ☐ Marijuana (THC, cannabinoids)
- ☐ Phencyclidine (PCP – angel dust)
- ☐ Amphetamines (including methamphetamines, also known as crystal meth)
- ☐ Opiates (including heroin, codeine and morphine)
- ☐ Benzodiazepines (such as Xanax)
- ☐ Barbiturates
- ☐ Methadone
- ☐ Propoxyphene
- ☐ Methaqualone (Quaaludes)

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