

For Further information contact Penny Farias, Purchaser P
at (512) 463-9924 or e-mail at Purchaser.P@tbpc.state.tx.us

NOTE: The products listed are for the use by eligible State of Texas
entities ONLY and are not for personal purchase or purchase by commercial entities.

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- Next BI proof date is [03-MAR-2005](#)
 - [go to start of Automated Term Contract details](#)

GENERAL CONTRACT INFORMATION

Section 1:

- 1.1 DESCRIPTION OF CONTRACT: 952-A1 Alcohol and Drug Screening Services.
- 1.2 TYPE: Automated Firm Price, Multiple Award, with escalation allowed annually at the time of renewal.
- 1.3 TERM OF CONTRACT: January 1, 2002 thru December 31, 2004.
- 1.4 DELIVERY: See Section 2.3.
- 1.5 MINIMUM ORDER: None.
- 1.6 SPOT PURCHASE OPTION: None.
- 1.7 ZONE: All items awarded by zone.
- 1.8 SHIPPING INFORMATION: F.O.B. Destination.
- 1.9 WARRANTY: Not applicable.
- 1.10 CASH DISCOUNT: None.
- 1.11 EDUCATIONAL DISCOUNT: None.
- 1.12 QUANTITY OR LARGE ORDER DISCOUNT: None.
- 1.13 PRICE CHANGES: Price increases based on the CPI are permitted only at time of contract extension. Price decreases may be accepted at any time.
- 1.14 FUNDING OUT: Any blanket purchase order (an order calling for multiple deliveries over a specified period of time) is contingent upon the continued availability of appropriations.
- 1.15 POINT OF CONTACT: Vendor contacts are listed at the end of the contract.
- 1.16 HUB VENDORS: HUB vendors are identified in the Contract Vendor List as "HUB."
- 1.17 INTERPRETATION: Questions concerning terms and conditions and technical specifications should be directed to:

Penny Farias, CTPM
Purchaser P
Texas Building & Procurement Commission
(512) 463-9924
FAX (512) 463-3503

E-mail: purchaser.p@tbpc.state.tx.us

- 1.18 PURCHASE ORDERS: Only contract purchase orders issued by the Texas Building and Procurement Commission (TBPC) or orders issued through a TBPC contract are eligible for contract pricing.
- 1.19 COMMODITY CODE CONVERSION: In order to facilitate the TBPC's conversion to the NIGP commodity codes, the commodity code numbers for items on this contract may change at some point during the term of the contract. The specification, price, and other terms of the contract will remain the same.

Section 2: - Specific Contract Instructions

2.1 PURPOSE OF CONTRACT:

A. This contract may be used by any qualified ordering entity within the state. The contract will satisfy the federal requirement that all holders of Commercial Driver's Licenses (CDLs) who drive commercial vehicles be tested for alcohol and drugs. This is in accordance with 49 Code of Federal Regulations Part 40 et.al. and any amendments.

B. This contract may also be used for employee testing, testing in athletics programs, or other use as determined by a qualified ordering entity. Please note that there may be legal issues within an entity that should be addressed by your general counsel prior to using this contract.

- 2.2 SERVICE REQUIREMENTS: This contract is a complete program of testing for both alcohol and drugs which includes the services of a Medical Review Officer (MRO). Included is urine specimen collection, laboratory specimen analysis, MRO interpretation, breath alcohol concentration testing, record keeping and supervision of record access, federal reporting of testing results and other required matters (if applicable), and management information reports.

- 2.3 COLLECTION AND/OR TESTING REQUIREMENTS: The following are requirements for collection and/or testing sites.

A. 24-Hour Sites: The contractor shall provide test sites that are open or on call for 24 hours a day, seven days a week. "Reasonable Suspicion" tests must be administered as soon as possible but no longer than one hour after arriving at facility. At least one collection and/or testing site shall be located no more than a 50-mile radius from any unit or office requiring this service.

B. On-Site Collections: This service shall be made available as some agencies require large groups of new hires to have pre-employment drug testing.

2.4 TESTING PROCEDURES:

A. Specimen Collection Procedure:

1. A chain of custody for each specimen to be chemically tested will be established and maintained through the testing of the specimen. Split specimen procedures will be adhered to with specimen labeled as "primary" and "split." If a specimen is not immediately prepared for shipment, it will be safeguarded during temporary storage. Every effort will be made to minimize the number of persons handling specimens. If employee is to have alcohol and drug test performed, the alcohol test should be administered first.

2. Specimen Collection and Shipping will be conducted as follows:

- a. Procedures for collecting urine specimens will allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.

b. To deter the dilution of specimens at the collection site, toilet bluing agents will be placed in toilet tanks whenever possible so the reservoir or water in the toilet bowl also remains blue. There will be no other source of water where practical, e.g., no shower or sink, in the enclosure where urination occurs. If other water sources are inevitable, the sources will be turned off to prevent access by the donor.

c. When an individual arrives at the collection site, the collection site person (CSP) will request the individual to present photo identification. If the individual's identity cannot be established, the CSP will not proceed with the collection until a supervisor (not co-worked) can be reached for proper identification. If the employee requests, the CSP will show his/her identification to the employee.

d. The CSP will ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The CSP will ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet. If the employee requests it, the CSP will provide the employee a receipt for any personal belongings. The employee will be asked to empty his or her pockets to ensure there are not materials that could alter the specimen. A directly observed collection will be conducted if materials are found that clearly indicate an attempt to tamper with the specimen.

e. The individual will be instructed to wash and dry his or her hands in the presence of the CSP prior to urination.

f. After washing hands, the individual will remain in the presence of the CSP and will not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.

g. The individual may provide his or her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy.

h. The individual shall urinate into a collection container or a specimen bottle capable of holding at least 60 ml.

- 1) If a collection container is used, the CSP, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle to be used as the primary specimen). At least 15 ml shall be poured into the other bottle (to be used as the split specimen).
- 2) If a single specimen bottle is used as a collection container, the CSP shall pour 30 ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least 15 ml) in the collection bottle (to be used as the split specimen).
- 3) If the test result of the primary specimen bottle is positive, the employee may request that the MRO direct that the split specimen be testing in a different DDHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.

- 4) If the analysis of the split specimen is reconfirmed by the second laboratory for the presence of the drug(s) or drug metabolite(s), the MRO shall notify the employer and employee of the results of the test.
- i. If the individual is unable to provide an adequate quantity of urine, the CSP will instruct the individual to drink not more than 40 ounces of fluids and after a period of up to three hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen will be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen will be discarded, testing discontinued and the qualified ordering entity so notified. If medical proof is made why the specimen could not be performed, the test will be cancelled.

If no medical proof is made, the test will be deemed a refusal to test. In the case of a post-accident test or test for reasonable quantities of fluids until the specimen has been provided or until the expiration of a period up to eight hours from the beginning of collection procedure.

- j. Both the individual being tested and the CSP shall keep the specimen in view at all times after the specimen is given prior to the specimen being sealed and labeled. The specimen shall be sealed with a tamperproof seal over the bottle cap and down the sides of the bottle and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the CSP shall request the individual to observe the transfer of the specimen and the placement of a tamperproof seal over the bottle cap and down the sides of the bottle.
- k. The CSP shall place an identification label securely on the bottle which contains the date, the individual's specimen number, and any other identifying information provided or required by the qualified ordering entity. If separate from the label, the tamperproof seal shall also be applied. The individual being tested shall be present during these procedures.
- l. The individual shall initiate the identification label on the specimen bottle to certify that it is the specimen collected from that individual.
- m. The individual shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from that individual is in fact the specimen that individual provided.
- n. The CSP will note any unusual behavior or appearance in the permanent record book.
- o. Whenever there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, a second specimen will be obtained as soon as possible under the direct observation of a same gender CSP.
- p. A designated collection site may be any suitable location where a specimen can be collected under conditions set forth in this part, including a properly equipped mobile facility. A designated collection site will be a location having an enclosure within which private urination can occur, a toilet for completion of urination (unless a single-use collector is issued with sufficient capacity to contain the void), and a suitable clean surface for writing. The site must also have a source of water for washing hands, which, if practicable, should be external to the enclosure where urination occurs.

- q. Procedures will be provided for the designated collection site to be secure. If a collection site facility is dedicated solely to urine collection, it will be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing will be secured during drug testing.
- r. Specimens will be shipped in accordance with applicable regulatory procedures.

B. Laboratory Analysis Procedure:

- 1. Each specimen will be analyzed in accordance with DHHS guidelines which requires testing for the following substances: Marijuana; Cocaine; Opiates, Phencyclidine (PCP); and Amphetamines.
- 2. Screening and confirmation levels are to be in accordance with the levels mandated by the Department of Transportation.
- 3. The initial test will use an immunoassay screen which meets the requirements of the Food and Drug Administration for commercial distribution.
- 4. All specimens identified as positive on the initial test will be confirmed by a test using gas chromatography/mass spectrometry (GC/MS) techniques.
- 5. A specimen which indicates the presence of a dangerous drug at a level equal to or exceeding the levels established in DHHS guidelines is reported to the MRO as positive.

C. Reporting and reviewing of drug test results:

- 1. The laboratory will utilize bar-coding when supplying requisition/chain-of-custody forms to the state. These bar codes should incorporate the chain-of-custody numbering system and be utilized at the laboratory as the sample identifier when the sample is processed for testing.
- 2. The laboratory will report negative test results as required within 24 hours after receipt of a specimen by the laboratory. Positive test results will be reported within 48 hours after receipt by the laboratory.
- 3. The laboratory will report to the MRO as negative all specimens which are negative on the initial test and negative or negative dilute on the confirmatory test for a confirmed positive test of a specified drug or drug metabolite deemed not consistent with normal urine, positive dilute or substituted. Only specimens confirmed positive are reported positive to the MRO for a specific drug or drug metabolite.
- 4. The laboratory should perform 6-monoacetylmorphine (6-mam) routinely on all opiate positives. This test should be performed routinely and on-site at the laboratory facility. This test should not be subcontracted or tested at another laboratory facility other than where the routine DOT testing is being performed. These results should be routinely available to the State within 72 hours of the initial confirmation test.
- 5. The laboratory should provide d & l methamphetamine testing at the same facility. This test should be recommended, when needed, by the MRO. The test results should be available within 72 hours of the initial confirmation test. This test determines usage of the legal forms of methamphetamines versus the illegal use of methamphetamine.
- 6. The MRO will review and interpret all positive test results prior to transmission to the qualified ordering entity. In carrying out this

responsibility, the MRO will examine alternate medical explanations for any positive test result. This action should include conducting a medical interview with the individual, review of the individual, review of the individual's medical history, or review of any other relevant biomedical factors. The MRO will review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

7. Prior to making a final decision to verify a positive test result, the MRO will contact the individual directly on a confidential basis (give the individual an opportunity) to discuss the test result with him.
 - a. If, after making all reasonable efforts of three attempts within 24 hours and documenting them, the MRO is unable to reach the individual directly, the MRO will contact the Designated Employee Representative (DER) who will direct the individual to contact the MRO as soon as possible or within 24 hours. If this becomes necessary, the requirement that the employee contact the MRO is held in confidence. If after making all reasonable efforts the substance control officer is unable to contact the employee, the qualified ordering entity may place the employee on leave without pay until the employee has contacted the MRO.
 - b. The MRO may verify a test as positive without having communicated directly with the employee about the test in three circumstances:
 - 1) The employee expressly declines the opportunity to discuss the test; or
 - 2) The substance control officer has successfully made and documented a contact with the employee and instructed the employee to contact the MRO, and more than five days have passed since the date the employee was successfully contacted by the substance control officer.
 - 3) The substance control officer has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than five days have passed since the date the employee was successfully contacted by the substance control officer.
 - c. If a test is verified and more than five days have passed, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the MRO. Unless 60 days have passed, the MRO, on the basis of such information, may reopen the verification allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the test will be declared negative.
8. If the MRO determines there is a legitimate medical explanation for the positive test result, the test will be reported to the qualified ordering entity as negative.
9. The laboratory shall provide the qualified ordering entity an aggregate semi-annual statistical summary of urinalysis testing of the employer's employees. Laboratories may provide the report to a consortium provided that the laboratory provides employer-specific data and the consortium forwards the employer-specific data to the respective employers within 14 days of receipt of the laboratory report. The laboratory shall provide the report to the qualified ordering entity or consortium not more than 14 calendar days after the end of the quarter covered by the summary.

Laboratory confirmation data only shall be included from test results reported within that quarter. The summary shall contain only the number of specimens:

- a. receiving the testing.
- b. confirmed positive for Marijuana Metabolite, Cocaine Metabolite, Opiates, Phencyclidine, and Amphetamines;
- c. for which a test was not performed.

Semi-annual reports shall not contain personal identifying information or other data from which it is reasonably likely that information about individual's tests can be readily inferred. If necessary, in order to prevent disclosure of such data, the laboratory shall not send such a report until data is sufficiently aggregated to make such an inference unlikely. In any quarter in which a report is withheld for this reason or because no testing was conducted, the laboratory shall so inform the qualified ordering entity or consortium in writing.

10. Laboratories should have a dedicated customer service representative plus a trained back-up individual to serve the state of Texas. These customer service representatives should be available from 8:00 a.m. to 5:00 p.m. Central Standard Time. The laboratory should have the customer service representative's phone system separate from voice mail.
- D. Breath Alcohol Testing Procedure: The breath alcohol technician (BAT) will administer breath alcohol tests according to Federal Motor Carrier Safety Administration (FMCSA) guidelines. FMCSA guidelines are summarized as follows:
1. Breath testing form will be completed for the initial breath test and for the confirmatory breath tests.
 2. Breath alcohol test will be conducted as follows:
 - a. A BAT will administer the tests. A BAT qualified supervisor of an employee may not conduct the Breath Alcohol Test.
 - b. Alcohol testing will be conducted in a location that affords visual and aural privacy sufficient to prevent unauthorized persons from seeing or hearing test results.
 - c. The BAT will require the employee to provide positive identification, e.g., through use of a photo I.D. card or identification by an agency.
 - d. The BAT will explain the testing procedure to the employee.
 - e. The BAT will complete Part I of the Breath Alcohol Testing Form (as prescribed by the U.S. Department of Transportation) prior to the breath test. The employee will be instructed to complete Step 2 which includes the employee signing the recertification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test.
 - f. The Employee is allowed to pick an individually sealed mouthpiece. The BAT will open in view of the employee and the BAT will attach the mouthpiece to the Evidentiary Breath Testing Device (EBT) for both the initial and the confirmation tests.
 - g. A log book will be used in conjunction with any EBT used for screening tests that does not meet the requirements of the National Highway Traffic Safety Administration (NETS) Conforming Products List (CPL).

- h. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.
- i. If an adequate amount of breath is not obtained, the BAT shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the qualified ordering entity.
- j. If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the Breath Alcohol Testing Form and immediately inform the qualified ordering entity.
- k. If the result of the initial test is a breath alcohol concentration of less than 0.02, the BAT and employee will complete the form. No further testing is authorized.
- l. If the result of the initial test is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted within 15 minutes, if confirmation test is to be done at the same facility, following the completion of the screening test. If the confirmation test is performed at another facility, the confirmation test will be conducted within 30 minutes of the completion of the screening test. The BAT will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and to the extent possible, not belch. The BAT will explain to the employee the reason for this requirement, i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading, and the fact that it is for the employee's benefit. The BAT will also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. The result of the confirmatory test is final.
- m. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT will initiate a new Breath Alcohol Testing form.
- n. If the employee attempts and fails to provide an adequate amount of breath, the qualified ordering entity will direct the employee to obtain, as soon as practical, an evaluation from a licensed physician to determine, in his or her reasonable medical judgment, that a medical condition could have precluded the employee from providing an adequate amount of breath shall not be deemed a refusal to take a test.
- o. If the licensed physician, in his or her reasonable medical judgment, is unable to make a determination, the employee's failure to provide an adequate amount of breath will be regarded as a refusal to take a test.
- p. A mobile collection facility may be used if it meets the requirements of the section 2.3.A.2. In unusual circumstances, e.g., when it is essential to conduct a test outdoors at the scene of an accident, a test may be conducted at a location that does not fully meet the requirements but the BAT will provide visual and aural privacy to the greatest extent practicable.
- q. No unauthorized persons will be permitted access to the testing location.
- r. All EBT devices use a quality assurance plan approved by the NETS to ensure the accurate calibration of an evidential breath testing device in accordance with FMCSA guidelines.

3. A breath alcohol test shall be invalid under the following circumstances:
 - a. The BAT does not observe the minimum 15-minute waiting period prior to the confirmation test.
 - b. The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to or after the administration of the test.
 - c. An EBT fails to print a confirmation test result.
 - d. The next external calibration check of an EBT produces a result that differs by more than the tolerance stated in the Quality Assurance Plan (QAP) from the known value of the test standard.
4. The following are correctable flaws of a breath alcohol test by having the BAT write an affidavit.
 - a. The BAT does not sign the Alcohol Testing Form (ATF).
 - b. The Bat has failed to note on the remarks section of the ATF that the employee has failed or refused to sign the form following the recording or printing on or attachments to the form of the test results.
5. Report/review of alcohol test results. The BAT will transmit all results of the initial and confirmation tests to the DER in a confidential manner not to exceed 24 hours. All results of 0.02 or greater must be given to the DER immediately by verbal transmission or secure fax transmission.

2.5 RECORDS MANAGEMENT: The vendor will maintain all logs, records and calibration demonstration in accordance with Federal Regulations and shall supply such documentation to the State within 48 hours of request. The vendor shall further maintain all goods, documents, papers, accounting records and other evidence pertaining to costs incurred and services performed and shall make such materials available for inspection by the State for the purpose of making audits, examinations, excerpts and transcriptions.

Section 3

3.1 SPECIAL ORDERING INSTRUCTIONS:

- A. The ordering entity should give the vendor 30 days written notice of their intent to begin a testing program.
- B. Orders should be placed verbally with the point of contact listed below. This is important because the vendor will need to know the exact locations where testing is to be done so they can arrange for collection sites within the 50 mile radius specified in the contract.
- C. An automated contract requisition must then be processed through the BPC.
- D. If your entity will be implementing a long-term testing program, a blanket order should be used.
- E. You will need to give an estimate of the number of employees needing testing during the term of the order. If you need help in determining how many employees should be included in the testing program and at what frequency, the vendor can provide assistance.
- F. You must provide the vendor with the name and number of the person designated to receive test results.

G. If a one-time situation occurs, the vendor should still be contacted to see if immediate testing arrangements can be made. This must be followed up with the automated contract requisition as above.

H. Provide a complete list of all employees needing testing, their social security numbers and their home office address.

Start of Automated Term Contract details

DRUG SCREEN TESTS - URINE ***THIS IS AN AUTOMATED CONTRACT FOR SERVICES USED FROM DATE OF PO THRU DECEMBER 31,2004***

NIGP 95207250000

Vendor Number: 79087 COMPLIANCE CONSORTIUM CORP

EA	ZONE 1 - QUEST *** AGENCY MUST SPECIFY	48.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 2 - QUEST *** AGENCY MUST SPECIFY	48.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 3 - QUEST *** AGENCY MUST SPECIFY	48.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 4 - QUEST *** AGENCY MUST SPECIFY	38.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 5 - QUEST *** AGENCY MUST SPECIFY	43.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	

952-07-10040-5 BREATH ALCOHOL SCREEN TESTS NIGP 95207190042

Vendor Number: 79087 COMPLIANCE CONSORTIUM CORP

EA	ZONE 1 - INTOXIMETER *** AGENCY MUST SPECIFY	37.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 2 - INTOXIMETER *** AGENCY MUST SPECIFY	37.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 3 - INTOXIMETER *** AGENCY MUST SPECIFY	37.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 4 - INTOXIMETER *** AGENCY MUST SPECIFY	27.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	
EA	ZONE 5 - INTOXIMETER *** AGENCY MUST SPECIFY	32.00
	START DATE: ,*** AGENCY MUST SPECIFY END DATE:***	

Contract Vendor List 952-A1 11/2001 THRU 12/2004

79087 1-74-272-2343-7
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