

SERVICES CONTRACT

ITEM: 3-S **Agency Contact:** Margaret Embardino
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DEPARTMENT/PROGRAM: Budget and Management (DBM)
Office of Personnel Services and Benefits
(OPSB) Employee Medical Services Unit

CONTRACT ID: F10B9200023;
Forensic Toxicology Drug Testing
Laboratory (FTDTL)
ADPICS NO. F10B9200023

CONTRACT DESCRIPTION: Provide forensic toxicology lab testing of specimens to determine the illegal use of drugs by applicants and employees for the State of Maryland.

CONTRACTOR: Phamatech, Inc.
San Diego, CA

TERM: 8/1/2009 - 7/31/2014

AMOUNT: \$279,625 (5 Years)
(See Requesting Agency Remarks below)

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS OR PROPOSALS: See Attachment

MBE PARTICIPATION: None (See Requesting Agency Remarks below)

PERFORMANCE SECURITY: None

INCUMBENT: Kroll Laboratory Specialists, Inc.
New Orleans, LA

REQUESTING AGENCY REMARKS: A notice of the availability of the Invitation for Bids (IFB) was advertised on *eMarylandMarketplace.com* and on DBM's Procurement website. Copies of the solicitation notice were mailed directly to 24 prospective vendors, none of which

are Maryland firms, and none are MBEs. A copy was also sent to the Governor's Office of Minority Affairs.

A total of nine bids were received in response to the IFB to perform the forensic toxicology drug testing on collected specimens. Phamatech, Inc. had the lowest bid and was determined to be a responsible bidder. Therefore, award is recommended to Phamatech, Inc.

The State of Maryland has been testing applicants and employees for the illegal use of drugs since 1990 to assure its citizens that State employees are not impaired by the illegal use of drugs in the workplace. This practice ensures compliance with the Federal Omnibus Drug Abuse Act of 1988 ("Federal Act") which requires any State receiving Federal funds to establish a drug-free workplace.

The Federal Act also requires the State to have a policy on the use of substances, an employee awareness program and a procedure for employees to report their own convictions. The State conducts testing in seven different situations and for a panel of seven illegal drugs. The contractor will provide all labor, materials and equipment necessary for the transportation and testing of urine specimens.

In accordance with Executive Order 01.01.1991.16 and Code of Maryland Regulations (COMAR) 17.04.09, all applicants for employment in designated sensitive State job categories, as well as State employees in the same sensitive categories, must be tested to detect the presence of illegal drugs in their urine. In addition, any employee for which there is reasonable suspicion of using illegal drugs must be tested. The bulk of the sensitive positions that require testing are Correctional Officers and other personnel of the Department of Public Safety and Correctional Services (DPSCS).

All specimen collections take place at designated collection sites at State and local government facilities throughout the State.

An estimated 6,317 specimen collections and subsequent drug tests will be performed each year. The price bids were evaluated based upon a model used in the IFB for evaluation purposes. The *Award Amount* above is estimated based on the projected amount of collections and subsequent lab tests which were used in the financial evaluation model. Since this is an indefinite quantity, fixed unit price contract, the contractor will be paid for lab testing services based on the actual amount and type of services provided and at the unit prices that are fixed in the contract.

There was no MBE goal established for this contract for the following two reasons: (1) there is a need to strengthen the legal defensibility of the chain of custody of the samples being collected and tested by having as few vendors as possible involved in these contracts; and (2) there are no sub-contracting opportunities in conducting the lab tests. This contract is for the provision of sample kits and the testing of the contents. The actual collection of urine samples is under a different contract.

Maryland's reciprocal preference law does not apply because California, the state in which the recommended awardee resides, does not have an in-state preference for these services.

FUND SOURCE: 100% Non-Budgeted

APPROP. CODE: F10A0201

RESIDENT BUSINESS: No

MD TAX CLEARANCE: 09-1811-0000

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

ITEM: 3-S (Cont.)

ATTACHMENT

BIDS OR PROPOSALS (Cont.):

<u>Bidders</u>	<u>Bid Amount</u>
Phamatech, Inc San Diego, CA	\$111,850
SED Medical Laboratories Albuquerque, NM	\$114,450
Drugscan, Inc Warminster, PA	\$117,525
CSS Test, Inc. Vpprjees, NJ	\$119,625
LabCorp Morrisville, NC	\$123,500
Kroll, Inc. Gretna, LA	\$125,545
ACM Medical Laboratory Rochester, NY	\$128,130
Quest Diagnostics, Inc. Collegeville, PA	\$139,800
Carlaw Corporation Bowie, MD	\$170,450