



DEPARTMENT OF
BUDGET & MANAGEMENT

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QUESTIONS AND ANSWERS # 1
PROJECT NO. 050B7400009
Department of Budget & Management
Specimen Collections IFB
November 3, 2017

Ladies/Gentlemen:

This List of Questions and Responses #1, questions #1 through #27, is being issued to clarify certain information contained in the above named IFB.

In most instances the Department's response to the submitted questions merely serves to clarify the existing requirements of the IFB. Sometimes, however, in submitting questions potential Offerors may make statements or express interpretations of contract requirements that may be inconsistent with the Department's intent. To the extent that the Department recognizes such an incorrect interpretation, the provided answer will note that the interpretation is erroneous and either state that the question is moot once the correct interpretation is explained or provide the answer based upon the correct interpretation.

No provided answer to a question may in and of itself change any requirement of the IFB. If it is determined that any portion of the IFB should be changed based upon a submitted question, the actual change may only be implemented via a formal amendment to the IFB. In this situation the answer provided will reference the amendment containing the RFP change.

1. **Question:** *Our Company has been in business for several years, and the owner has, over her 28+ year career in the drug testing industry, done business with nearly every lab and/or drug testing entity in the United States.*

What is the State's definition of "affiliation"?

Response: With regard to IFB §2.3.1.3, affiliation means that neither the Collector nor the entity that will collect and process a drug and alcohol test on behalf of the Collector is owned or controlled by the Contractor and the Contractor is not owned or controlled by the Collector or the entity that will collect and process a drug and alcohol test on behalf of the Collector.

~Effective Resource Management~

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2. **Question:** In Section 2.3.1.3 --*The negative drug and alcohol test shall accompany the written affidavit. Is the State going to provide a release form that indemnifies the company/vendor from releasing such results?*

Response: No, it is the State's expectation that the Contractor's staff will provide a signed statement (authorization form) to Contractor for release of records and information to the State.

3. **Question:** *Most drug and alcohol testing providers will not perform Non-DOT alcohol testing. Is the State going to provide a facility to accommodate the request for Non-DOT alcohol testing?*

Response: The State will not provide a facility to accommodate Non-DOT alcohol testing for Contractor staff.

4. **Question:** *In section 2.3.4.1 -- The ATR shall provide a written request (email preferred) to the Contractor with an approximate number of donors scheduled for Collection Occurrences, indicating a specific Collection Occurrence site and scheduled times, at least three Business Days prior to each Collection Occurrence. We have had more than 40 instances of significant under/over reporting of the number of donors to be collected, by as many as 35 donors.*

What does the State consider an "approximate number"?

Response: For 4 hour block times, agencies may schedule a maximum of 25 applicants/employees for collections. For 8 hour block times, agencies may schedule a maximum of 50 applicants/employees for collections. See Amendment #2, item 2.

5. **Question:** In section 2.3.4.1 -- *The Contractor shall perform all requested Collection Occurrences within twenty calendar days of the request, unless the ATR authorizes otherwise.*

In instances where we have offered several (up to five) options within the twenty one day period, the agency ATR has not found the dates/times offered acceptable. Is the vendor still required to perform the collection occurrence within twenty one days?

Response: The vendor is required to perform all requested Collection Occurrences within twenty calendar days of the request and not twenty one days as posed in the original question.

6. **Question:** In section 2.3.4.2 -- *During any regular Collection Occurrence, the DPSCS ATR reserves the right to request that the (A) Collector remain at the Collection Occurrence site to perform additional unscheduled Collection Occurrences. The Collector will not be required to remain at the Collection Occurrence site for more than 30 minutes beyond the pre-scheduled time frame for the Collection Occurrence to conduct the additional unscheduled Collection Occurrences, unless the ATR provides at least 24 hours advance notice of the additional Collection Occurrences and the extended time frame or the Contractor agrees to do so.*

(a) Is the collector required to stay if they do not agree or have another obligation?

Response: The Contractor will be required to adhere to the additional unscheduled Collection Occurrences if the ATR provides the Contractor with a minimum of 24 hours advance notice and the requested extended time frame.

(b) How long would the ATR be permitted to request the collector to stay, since this is a “regular collection event” and the vendor is only compensated for tests collected, not actual waiting time?

Response: If requested during a regular Collection Occurrence, the (A) Collector is required to remain at the Collection Occurrence site up to 30 minutes beyond the pre-scheduled time frame.

If requested within 24 hours advance notice with the extended time frame, the Collector may be required to remain at the Collection Occurrence site up to 60 minutes to adhere to additional unscheduled Collection Occurrences. See Amendment #1, item 4.

(c) Does this apply if ATR requests the collector stay, but the collector has previously committed to another agency to perform scheduled collections after the DPSCS event?

Response: Yes, it is the State’s expectation that the Contractor shall have adequate staff to support such requests and the ability to schedule accordingly. The original assigned collector is not required to remain past the initial 30 minutes if previously committed to another agency, provided the Contractor supplies another Collector to stay.

(d) If so would the collector be penalized as outlined 2.3.4.5 regarding collector arrival time?

Response: Yes, it is the State’s expectation that the Contractor shall have adequate staff to support such requests and the ability to schedule accordingly.

- 7. Question:** In section 2.3.4.4 -- *The Collector shall document in writing each scheduled donor(s), date scheduled, and all donor no shows. The Collector shall sign and date the document for review by the ATR. The ATR shall provide signature approval of such documentation prior to the Collector’s departure from the site. A copy of the documentation shall accompany the invoice.*

In instances where the ATR has forgotten about the collection event, and does not show, what must the vendor provide to secure payment if the ATR is not at the collection site to provide a signature, and donor names are not available?

Response: The State requires either an ATR or Agency authorized designee to be onsite for the entire duration of scheduled Collection Occurrences. See Section

2.3.3.3. The Contractor should notify the Contract Manager via phone and in writing (via email) immediately upon discovery of the absence of such State personnel. The Contract Manager shall reply to the Contractor's email with an electronic approval acknowledging the ATR or Agency authorized designee's absence.

8. **Question:** *As the current vendor, we have had instances where the ATR has scheduled a 4 hour and 8 hour block, and forgotten about the block collection event and does not show. What must the vendor provide to secure payment if the ATR is not at the collection site to provide a signature, and donor names are not available?*

Response: The State requires either an ATR or Agency authorized designee to be onsite for the entire duration of scheduled Collection Occurrences. See Section 2.3.3.3. The Contractor should notify the Contract Manager via phone and in writing (via email) immediately upon discovery of the absence of such State personnel. The Contract Manager shall reply to the Contractor's email with an electronic approval acknowledging the ATR or Agency authorized designee's absence.

(a) *What would the vendor be compensated for a no-show 4 hour or 8 hour block collection event?*

Response: The Contractor is permitted to charge an amount equivalent to 50% of the firm fixed unit (block) price for a block time collection. See Amendment #1, item 6.

9. **Question:** *In section 2.3.4.5 -- The Collector no-show fee does not apply if the Contractor provides at least 24 hours advance notice of cancellation via email to each ATR who had Collection Occurrences scheduled during the cancelled Collection Occurrence. Does this apply if the event is cancelled with less than 24 hours due to inclement weather, and the scheduled agency is also closed due to such?*

Response: There shall be no charge applied by the Contractor or the State if the event is cancelled with less than 24 hours due to inclement weather, and the scheduled agency is also closed. There shall also be no charge applied by the Contractor or the State if the event is cancelled with less than 24 hours due to inclement weather within a specific region, and the scheduled agency within that specific region is also closed. However, if the State is granted Liberal Leave, the Contractor remains expected to provide the Collection Occurrence. See Amendment #1, item 8.

10. **Question:** *In section 2.3.4.6 -- The Contractor shall respond within one hour after notification from the ATR. The Collection Occurrence shall be completed within 6 hours of notification, unless circumstances dictate a Collection Occurrence be completed within 4 hours of notification. What is the State's definition of "respond"; are you referring to acknowledging the request or arriving at the site?*

Response: The Contractor shall acknowledge within one hour after notification from the ATR to confirm receipt of the Agency request.

(a) *What if the ATR requests a 4 hour emergency collection and the collector arrives at the site 2 hours after notification, but the donor has a shy bladder and takes the full 3 hours to provide the sample?*

Response: It is the State's expectation that the Contractor shall have adequate staff geographically to support such emergency collection requests with a scheduling methodology that allocates all possible scheduling variances.

11. **Question:** *In section 2.3.4.9 -- The ATR shall ensure that the collections scheduling form clearly identifies a regular individual collection or a block collection to include specifically the number of applicants/employees. The scheduling form shall be in the form and format as approved by the State Contract Manager. We have received numerous inaccurate scheduling requests concerning the number of donors to be tested. One request received specified 25 donors, when the collector arrived there were 3 donors. One request received specified 60 donors, when the collector arrived there were 92 donors. Does the vendor have any recourse for repeated instances of significant under/over reporting concerning the number of donors to be tested?*

Response: See response to Question #4 above and Amendment #2, item 2 regarding section 2.3.4.1.

12. **Question:** *In Section 2.3.5.2 -- Each Collection Occurrence site shall have restroom facilities that are private, clean, well-lighted and sufficiently secure to prevent compromise during the collection of specimens in accordance with the Drug Testing Guidelines (Attachment Q). The water supply inside the restroom must be turned off or taped off; sensors shall be secured in automated restrooms during the Collection Occurrence. The Collection Occurrence site must also have a source of water external to the restroom where the collection occurs for hand-washing and a suitable, clean surface for the Collector's work area. If an external water source is not available, waterless cleanser or moist towelettes are acceptable alternatives. If the site does not meet these specifications should the collector perform the collections in a site that does not meet the contract requirements?*

Response: The Contractor should notify the Contract Manager of any alleged Collection Occurrence Site that does not meet contractual requirements to determine disposition prior to the Collection Occurrence being performed. See Amendment #1, item 10.

(a) *If the collections are not to be performed; how will the vendor be compensated for arriving at a location that does not meet the contract requirements?*

Response: Based on the State's historical knowledge, this situation has not occurred. Should it occur in the future, immediately contact the Contract Manager for disposition. It is not the State's intent to deny compensation to our Contractor for any issue(s) which fall under the State's purview. It shall be addressed on a case-by-case scenario. See Amendment #1, item 10.

(b) *Will the waterless cleanser or moist towelettes be provided by the state?*

Response: No, the State will not supply waterless cleanser or moist towelettes.
See Amendment #1, item 9.

13. **Question:** *Section 2.3.6.6; “In no instance shall the Collection Occurrence specimen be stored for longer than 24 hours after collection prior to shipment.” Page 10 of IFB.*

“2.3 The on-site collection and submission of specimens shall be conducted in accordance with SAMHSA’s Urine Specimen Collection Handbook/Drug Testing Guidelines.” Page 108 of SAMHSA’s Urine Specimen Collection Handbook/Drug Testing Guidelines.

“Chapter 3: The Collection Site

4. A secure temporary storage area for maintaining specimens until they are transferred to an HHS-certified laboratory. Note: Specimens should NOT be exposed to high temperatures for an extended time. These conditions may affect the test results of a urine specimen.” Page 112 of SAMHSA’s Urine Specimen Collection Handbook/Drug Testing Guidelines.

Chapter 6 B: Collection Supplies

*10. **Secure temporary location.** It is the collector’s responsibility to prevent unauthorized access to the specimen bottles and CCF. Prior to placement in a shipping container, the sealed leak-resistant plastic bag containing the specimen bottle and completed Copy 1 of the CCF must be kept:*

- Within the collector’s line of sight, or*
- In a secure temporary location (e.g., locked in a refrigerator or cabinet).*

Note: Specimens should NOT be exposed to high temperatures for an extended time. These conditions may affect the test results of a urine specimen. Page 119 of SAMHSA’s Urine Specimen Collection Handbook/Drug Testing Guidelines.

Chapter 6 C: Collection Procedures

*Submit the specimen to the laboratory **within 24 hours after the collection or during the next business day.** If the specimen is not shipped immediately, the collector is responsible for ensuring its security.*

For specimens in a sealed plastic bag that has not been placed in a shipping container, take necessary steps to prevent any possible tampering or access by unauthorized personnel.

For specimen packages in a sealed shipping container, take necessary steps to protect the container from any possible damage or theft prior to pick-up by the designated delivery service.

In instances where exposure to high temperature is very likely; does the State want the vendor to always ship the specimens, despite the Specimen Collection Handbook recommendations to avoid such exposure?

Response: See Amendment #2, item 3.

14. Question: *In section 2.3 -- The on-site collection and submission of specimens shall be conducted in accordance with SAMHSA's Urine Specimen Collection Handbook/Drug Testing Guidelines for single specimen collections (Attachment Q), as well as COMAR 17.04.09 (Attachment R) and any other applicable Maryland laws, regulations and policies, all of the foregoing as from time to time amended. The State Medical Director functions as the MRO for the State's drug testing program. The Scope of Work does not mention program analytics. Would the State consider a vendor who is not equipped to provide the extensive program analysis report submissions required under 2.3.8.4?*

Response: It is the Bidder's responsibility to provide sufficient evidence in its bid of its capability, reliability and integrity to perform the services as specified in the IFB. A bid submission which denotes an inability of a Bidder to adhere to the report submission requirements in IFB Section 2.3.8.4 will be deemed not responsive. However, if selected for award, it is the State's expectation that each section of the IFB, as specified, is adhered to by the Contractor.

15. Question: *In section 3.2.2 -- The Contractor shall obtain from all Contractor and subcontractor personnel assigned to work on the Contract a signed statement permitting a criminal background check. The Contractor shall secure at its own expense a Maryland State Police and/or FBI background check and provide the Contract Manager with completed checks on the above-listed personnel assigned to work under the Contract prior to assignment. At a minimum, these background checks must include all convictions and probation before judgment (PBJ) dispositions. The Contractor may not assign an individual whose background check reflects any criminal activity to work under this Contract unless prior written approval is obtained from the Contract Manager. What is Maryland State Police background check and is this same as a CJIS background check?*

Response: Maryland State Police background checks can be obtained through the Department of Public Safety and Correction Services via website <https://www.dpscs.state.md.us/publicservs/bgchecks.shtml>. Yes, for purposes of this IFB, a Criminal Justice Information System (CJIS) background check is synonymous with a Maryland State Police background check.

(a) *The current vendor was required to complete a private party petition and subsequently obtained a CJIS employer authorization number. This authorization number allows the vendor to obtain CJIS background reports on current employees. The private party petition agreement forbids the employer's contact person who is authorized to receive the results to release these results to ANY other parties. Is the State going to provide a release form that indemnifies the company/vendor from releasing such reports?*

Response: No the State will not provide a release form. It is the State's expectation that a Bidder will obtain a signed a release form from personnel subject to the requirement to accommodate this request (See IFB §3.2.2). Then any potential Bidder may submit its employees' background checks to the State as part of its required Bid submission package.

(b) *What is the State's definition of "any criminal activity"?*

Response: At a minimum, these background checks must include all convictions and probation before judgment (PBJ) dispositions.

16. Question: *In section 3.4.1.1 -- The authorized representative of the Contractor will submit for pre-approval to the Contract Manager each invoice prior to the submission of any invoice to the Agency (an "Invoice Proof"). Invoices submitted without the required information will not be approved until the Contractor provides the required information. The Contractor will certify that each invoice is just and proper. A just and proper invoice includes those items listed in IFB Section 3.4.1.3, items 1 – 17 below. Is the State requiring the vendor, after proofs have been approved by the Contract Manager, to subsequently generate and submit an individual invoice to each agency and receive individual payment from each agency?*

Response: Pre-approval of invoice proof shall be sent to the Contract Manager, per section 3.4.1.2. Once approved, the Contract Manager will authorize for submission to the individual using agency for payment request.

17. Question: *In section 3.4.1.3 -- All invoices for services shall be signed by the Contractor and submitted to the Contract Manager. All invoices shall include the following information:"*

- 1) Contractor name and address;*
- (2) Remittance address;*
- (3) Federal taxpayer identification number (or if sole proprietorship, the Contractor's social security number);*
- (4) Invoice period (i.e. time period during which services covered by invoice were performed);*
- (5) Invoice date;*
- (6) Invoice number;*
- (7) State assigned Contract number;*
- (8) State assigned (Blanket) Purchase Order number(s);*
- (9) Goods or services provided;*
- (10) Amount due;*
- (11) Date, collection site, specimen ID number and unit price of each collection;*
- (12) Agency name and appropriation code;*
- (13) Name and unique identifier of each donor;*
- (14) Clear identification of all emergency collections;*
- (15) Total number of and total amount charged for all collections performed;*
- (16) Unit price, quantity and total price for other services (e.g. testimony, travel, etc.); and*
- (17) Authorized representative signature.*

What is the State's definition of the "authorized representative signature"; is that an authorized representative of the vendor or the State?

Response: Item #17 (in the list above from section 3.4.1.3) is intended for the Contractor's authorized representative signature.

18. Question: *In section 3.4.2 -- The Contractor shall submit invoices as follows and in accordance with the following schedule: Contractor shall bill the Agency requesting the Collection Occurrences for all services associated with such Collection Occurrences for the preceding calendar month. Except for billing for the last month of the Contract as described in § 3.4.4, Contractor shall send monthly invoice proofs for all Agencies, including any "no show" donor documentation, to the Contract Manager by the 8th of each month. Upon approval of the Invoice Proof, the Contractor shall invoice each using Agency by the 15th of the month for the previous month during which collections were performed. If the invoices are not approved by the Contract Manager prior to, or by the 15th of the month, is there any consequence incurred by the vendor for not invoicing the agencies by the 15th of the month?*

Response: See Amendment #2, item 4.

19. Question: *Would it be possible to obtain the amount the State has paid towards this contract in a one year time period?*

Response: The State will not disclose actual payments made to the incumbent to protect the confidentiality of its bid price. However, the total awarded price may be found within the December 19, 2012 Board of Public Works agenda, item 1-S, located on the DBM website at <http://dbm.maryland.gov/proc-contracts/Pages/contract-library/Services/Specimen-Collections-2012.aspx>. Additional information may also be obtained at <http://spending.dbm.maryland.gov/>

20. Question: *Although we are clear that the collection sites would maintain the supplies onsite, will the contractor, once awarded, be responsible for notifying the lab of the usage for reordering supply purposes? (Who will maintain inventory control over the sites?)*

Response: (a) The Contractor is responsible for requesting an adequate quantity of all necessary supplies from the Forensic Toxicology Drug Testing Laboratory contractor. (See Section 2.3.5.1.2).

Response: (b) The Contractor will ensure all necessary supplies are available at the collection site. (See Section 2.3.5.1.2).

21. Question: *Would it be possible for the contractor, once awarded, to have an order of supplies sent to our facility merely for the collectors to have on-hand supplies to carry in the event they arrive to a site in which something is missing?*

Response: Yes, the Contractor may have an order of supplies sent to its facility to ensure an adequate quantity of supplies are available at each collection site.

22. Question: *In section 2.3.4.6 -- The last line of the section states that "...emergency*

collections were required an average of 40 times per year. Could DBM provide the number of emergency collections performed during the last 1 previous contract year as well as the collection sites where the collections occurred?

Response: There were 66 emergency collections performed from January 1, 2016 through December 31, 2016. The collections sites were as follows:

- Centralized Hiring Unit, Department of Public Safety & Correctional Services
- Division of Corrections
- Internal Investigative Unit
- J. DeWeese Carter Youth Facility, Department of Juvenile Services
- Maryland State Police Barrack “O” Hagerstown
- Salisbury District Court
- Springfield Hospital Center
- Western Maryland Center

(a) *Is there a requirement for Emergency Collections to be conducted as Direct Observation collections?*

Response: For any collection, the Contractor shall conduct a Direct Observation for insufficient specimens or inappropriate donor conduct. (See Attachment Q – SAMHSA’S Urine Specimen Collection Handbook/Drug Testing Guidelines).

23. Question: *In section 2.3.4.9 -- Could DBM provide a breakdown during the last 1 previous contract year of collections as it relates to how many were regular collections and how many were block scheduled?*

Response: There were 2,248 (Regular Collections), 63 (4 Hour Block Collections), and 22 (8 Hour Block Collections) performed from January 1, 2016 through December 31, 2016.

24. Question: *In section 2.3.8.4 -- Pursuant to the requirements of this section could DBM use these reports in combination with Attachments P and S to provide a breakdown of the number of collections performed at each of the collection sites listed in attachment S for the years outlined in attachment P?*

Response: DBM is unable to provide this information as requested. Section 2.3.8.4 is a new requirement to the IFB and resulting contract.

25. Question: *In section 4.8 -- Could DBM provide the actual total contract cost individually for the years provided in attachment P?*

Response: See the response to Question #19 above.

26. Question: *In section 5.4.9 -- Is the list of subcontractors required to be submitted with the bid response or only upon award of a contract?*

Response: This list is required to be submitted with a Bidder's original Bid submission. The entire list of Required Bid Submission items is contained in Section 5.4 (inclusive of Section 5.4.9).

27. Question: *On Attachment Q -- Are monitored collections DBM's collection method of preference?*

Response: The Department does not have a preferred collections method. The Department follows the guidelines for regular collections; a monitored collection shall occur when applicable as outlined in Attachment Q.

(a) *Over the last full testing year, how many direct observation collections were performed?*

Response: This data is not available at this time.

Should you require clarification of the information provided, please contact Mike Yeager at (410) 260-6014 as soon as possible.

Date Issued: November 3, 2017

By: <Signed>
Mike Yeager
Procurement Officer