REQUEST FOR PROPOSALS FOR

Drug and Alcohol Testing Services

ISSUING OFFICE

Pennsylvania Turnpike Commission

Human Resources

RFP 04-113-2904

DATE OF ISSUANCE

September 29, 2004
REQUEST FOR PROPOSALS FOR
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TABLE OF CONTENTS

Part I - GENERAL INFORMATION FOR CONTRACTORS page 3
Part II - INFORMATION REQUIRED FROM CONTRACTORS page 7
Part III - CRITERIA FOR SELECTION page 9
Part IV - WORK STATEMENT page 10
PART I

GENERAL INFORMATION FOR CONTRACTORS

I-1. Purpose. This request for proposals (RFP) provides interested contractors with sufficient information to enable them to prepare and submit proposals for consideration by the Pennsylvania Turnpike Commission (Commission) to satisfy a need for DOT mandated controlled substances and alcohol testing services.

I-2. Issuing Office. This RFP is issued for the Commission by the Human Resources Department P.O. box 67676, Harrisburg, PA 17106-7676, Telephone Number (717) 939-9551, extension 4142, Fax Number (717) 986-8760. The Issuing Office is the sole point of contact in the Commission for this RFP.

I-3. Scope. This RFP contains instructions governing the proposals to be submitted and the material to be included therein; a description of the service to be provided; requirements which must be met to be eligible for consideration; general evaluation criteria; and other requirements to be met by each proposal.

I-4. Problem Statement. The Pennsylvania Turnpike Commission (PTC) requests a proposal to provide contract services that insure compliance with the Department of Transportation, Federal Motor Carrier Safety Administration's controlled substances and alcohol use and testing rule as detailed in 49 CFR Parts 382 et al. along with the procedures described in 49 CFR Part 40.

I-5. Type of Contract. It is proposed that if a contract is entered into as a result of this RFP, it will be a cost for services and will contain the Standard Contract Terms and Conditions shown in Appendix A. The Commission may in its sole discretion undertake negotiations with contractors whose proposals as to price and other factors show them to be qualified, responsible, and capable of performing the work.

I-6. Rejection of Proposals. The Commission reserves the right to reject any and all proposals received as a result of this request, or to negotiate separately with competing contractors.

I-7. Incurring Costs. The Commission is not liable for any costs incurred by contractors prior to issuance of a contract.

I-8. Preproposal Conference. There will not be a pre-proposal meeting for this RFP. Written questions should be forwarded to the Issuing Office at the address indicated above to be received no later than October 22, 2004 by 2 p.m. to ensure sufficient analysis can be made before an answer is supplied. All questions and written answers will be issued as an addendum to all contractors who receive the original RFP and become part of this RFP.

I-9. Addenda to the RFP. If it becomes necessary to revise any part of this RFP before the proposal response date, addenda will be issued to all contractors who received the original RFP.

The Commission may revise a published advertisement. If the Commission revises a published advertisement less than ten days before the RFP due date, the due date will be extended to maintain the minimum ten-day advertisement duration if the revision alters the project scope or selection criteria. Firms are responsible to monitor advertisements/addenda to assure the RFP complies with any changes in the published advertisement.
I-10. Response Date. To be considered, proposals should arrive at the Contracts Administration Department, Attention: George Hatalowich on November 19, 2004 by 2 p.m. Contractors mailing proposals should allow sufficient mail delivery time to ensure timely receipt of their proposals. If, due to inclement weather, natural disaster, or any other cause, the Commission office location to which proposals are to be returned is closed on the proposal response date, the deadline for submission shall be automatically extended until the next Commission business day on which the office is open, unless the contractors are otherwise notified by the Commission. The time for submission of proposals shall remain the same.

I-11. Proposals. To be considered, contractors should submit a complete response to this RFP, using the format provided in PART II. Each proposal should be submitted in six copies to the Contracts Administration Department. No other distribution of proposals will be made by the contractor. Each proposal page should be numbered for ease of reference. Proposals must be signed by an official authorized to bind the contractor to its provisions and include the contractor’s Federal Identification Number. For this RFP, the proposal must remain valid for at least 60 days. Moreover, the contents of the proposal of the selected contractor will become contractual obligations if a contract is entered into.

Each and every contractor submitting a proposal specifically waives any right to withdraw or modify it, except as hereinafter provided. Proposals may be withdrawn by written or telefax notice received at the Commission’s address for proposal delivery prior to the exact hour and date specified for proposal receipt. However, if the contractor chooses to attempt to provide such written notice by telefax transmission, the Commission shall not be responsible or liable for errors in telefax transmission. A proposal may also be withdrawn in person by a contractor or its authorized representative, provided its identity is made known and it signs a receipt for the proposal, but only if the withdrawal is made prior to the exact hour and date set for proposal receipt. A proposal may only be modified by the submission of a new sealed proposal or submission of a sealed modification which complies with the requirements of this RFP.

I-12. Economy of Preparation. Proposals should be prepared simply and economically, providing a straightforward, concise description of the contractor’s ability to meet the requirements of the RFP.

I-13. Discussions for Clarification. Contractors who submit proposals may be required to make an oral or written clarification of their proposals to the Commission to ensure thorough mutual understanding and contractor responsiveness to the solicitation requirements. The Issuing Office will initiate requests for clarification.

I-14. Best and Final Offers. To obtain best and final offers from contractors whose proposals are determined by the Commission, in its sole discretion, to be reasonably susceptible of being selected for award, the Commission may (a) enter into discussions; (b) schedule oral presentations; and (c) request revised proposals.

I-16. Prime Contractor Responsibilities. The selected contractor will be required to assume responsibility for all services offered in its proposal whether or not it produces them. Further, the Commission will consider the selected contractor to be the sole point of contact with regard to contractual matters.

I-17. Proposal Contents. Proposals will be held in confidence and will not be revealed or discussed with competitors, unless disclosure is required to be made (i) under the provisions of any
Commonwealth or United States statute or regulation; or (ii) by rule or order of any court of competent jurisdiction. If a contract is executed, however, the successful proposal submitted in response to this RFP shall be subject to disclosure. All material submitted with the proposal becomes the property of the Pennsylvania Turnpike Commission and may be returned only at the Commission’s option. Proposals submitted to the Commission may be reviewed and evaluated by any person other than competing contractors at the discretion of the Commission. The Commission has the right to use any or all ideas presented in any proposal. Selection or rejection of the proposal does not affect this right.

I-18. **Debriefing Conferences.** Contractors whose proposals are not selected will be notified of the name of the selected contractor and will be given the opportunity to be debriefed, at the Contractor’s request. The Issuing Office will schedule the time and location of the debriefing. The contractor will not be compared with other contractors, other than the position of its proposal in relation to all other proposals for each criterion for selection.

I-19. **News Releases.** News releases pertaining to this project will not be made without prior Commission approval, and then only in coordination with the Issuing Office.

I-20. **Commission Participation.** Unless specifically noted in this section, contractors must provide all services to complete the identified work.

I-21. **Cost Submittal.** The cost submittal shall be placed in a separately sealed envelope within the sealed proposal and kept separate from the technical submittal. **Failure to meet this requirement may result in disqualification of the proposal.**

I-22. **Term of Contract.** The term of the contract will commence on the Effective Date (as defined below) and will end three (3) years from the effective date. The Effective Date shall be fixed by the Issuing Office after the contract has been fully executed by the contractor and by the Commission and all approvals required by Commission contracting procedures have been obtained.

I-23. **Contractor’s Representations and Authorizations.** Each contractor by submitting its proposal understands, represents, and acknowledges that:

a. All information provided by, and representations made by, the contractor in the proposal are material and important and will be relied upon by the Issuing Office in awarding the contract(s). Any misstatement shall be treated as fraudulent concealment from the Issuing Office of the true facts relating to the submission of this proposal. A misrepresentation shall be punishable under 18 Pa. C.S. 4904.

b. The price(s) and amount of this proposal have been arrived at independently and without consultation, communication or agreement with any other contractor or potential contractor.

c. Neither the price(s) nor the amount of the proposal, and neither the approximate price(s) nor the approximate amount of this proposal, have been disclosed to any other firm or person who is a contractor or potential contractor, and they will not be disclosed on or before the proposal submission deadline specified in the cover letter to this RFP.
d. No attempt has been made or will be made to induce any firm or person to refrain from submitting a proposal on this contract, or to submit a proposal higher than this proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal.

e. The proposal is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.

f. To the best knowledge of the person signing the proposal for the contractor, the contractor, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four (4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed by the contractor in its proposal.

g. To the best of the knowledge of the person signing the proposal for the contractor and except as otherwise disclosed by the contractor in its proposal, the contractor has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the contractor that is owed to the Commonwealth.

h. The contractor is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government, and if the contractor cannot certify, then it shall submit along with the proposal a written explanation of why such certification cannot be made.

i. The contractor has not, under separate contract with the Issuing Office, made any recommendations to the Issuing Office concerning the need for the services described in the proposal or the specifications for the services described in the proposal.

j. Each contractor, by submitting its proposal, authorizes all Commonwealth agencies to release to the Commission information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers’ compensation liabilities.
PART II

INFORMATION REQUIRED FROM CONTRACTORS

Contractor proposals must be submitted in the format, including heading descriptions, outlined below. To be considered, the proposal must respond to all requirements in this part of the RFP. Any other information thought to be relevant, but not applicable to the enumerated categories, should be provided as an appendix to the proposal. Each proposal shall consist of two (2) separately sealed submittals. The submittals are as follows: (i) Technical Submittal, in response to Sections II-1 through II-7 hereof; (ii) Cost Submittal, in response to Section II-8 hereof.

The Commission reserves the right to request additional information which, in the Commission’s opinion, is necessary to assure that the contractor’s competence, number of qualified employees, business organization, and financial resources are adequate to perform according to the contract.

The Commission may make such investigations as deemed necessary to determine the ability of the contractor to perform the work, and the contractor shall furnish to the Commission all such information and data for this purpose as requested by the Commission. The Commission reserves the right to reject any proposal if the evidence submitted by, or investigation of, such contractor fails to satisfy the Commission that such contractor is properly qualified to carry out the obligations of the agreement and to complete the work specified.

II-1. Statement of the Problem. State in succinct terms your understanding of the problem presented or the service required by this RFP.

II-2. Management Summary. Include a narrative description of the proposed effort and a list of the items to be delivered or services to be provided.

II-3. Work Plan. Describe in narrative form your technical plan for accomplishing the work. Use the task descriptions in Part IV of this RFP as your reference point. Modifications of the task descriptions are permitted; however, reasons for changes should be fully explained. Indicate the number of personhours allocated to each task. Include a Program Evaluation and Review Technique (PERT) or similar type display, time related, showing each event. If more than one approach is apparent, comment on why you chose this approach.

II-4. Prior Experience. Include experience in controlled substances and alcohol testing for employees in safety sensitive functions. Experience shown should be work done by individuals who will be assigned to this project as well as that of your company. Studies or projects referred to should be identified and the name of the customer shown, including the name, address, and telephone number of the responsible official of the customer, company, or agency who may be contacted.

II-5. Personnel. Include the number, and names where practicable, of executive and professional personnel, analysts, auditors, researchers, programmers, consultants, etc., who will be engaged in the work. Show where these personnel will be physically located during the time they are engaged in the work. Include through a resume or similar document education and experience in controlled substances and alcohol testing for employees in safety sensitive functions. Indicate the responsibilities each will have in this project and how long each has been with your company. Identify subcontractors you intend to use and the services they will perform.
II-6. **Training.** If appropriate, indicate recommended training of Commission personnel. Include the personnel to be trained, the number to be trained, duration of the program, place of training, curricula, training materials to be used, number and frequency of sessions, and number and level of instructors.

II-7. **Objections and Additions to Standard Contract Terms and Conditions.** Contractor will identify which, if any, of the terms and conditions contained in Appendix A it objects to and what additional terms and conditions contractor requires. Contractor’s failure to object or to request additions will result in its waiving its right to do so later, but the Commission may consider late objections and additional requests if it is in the best interest of the Commission to do so.

II-8. **Cost Submittal.** The information requested in this section shall constitute your cost submittal. This portion of the proposal should be bound and sealed separately from the remainder of the proposal. The total cost you are proposing must be broken down into the following components: [Use the appropriate items in the following format. If the project will involve costs over more than one year, show fiscal year breakdowns. Provide contractors with a cost worksheet to be completed where appropriate.]

a. **Direct Labor Costs.** Itemize so as to show the following for each category of personnel with a different rate per hour:

   (1) Rate per test.

   (2) Total cost for each category and for all direct labor costs.

b. **Labor Overhead.** Specify what is included and rate used.

c. **Consultant Costs.** Itemize as in (a) above.

d. **Subcontract Costs.** Itemize as in (a) above.

e. **Cost of Supplies and Materials.** Itemize.

g. **Other Direct Costs.** Itemize.

h. **General Overhead Costs.** Specify what is included and rate used.

i. **Total Cost.**

Only work satisfactorily performed after execution of a written contract, after the contractor’s receipt of a notice to proceed from the Commission and after the contract term has begun will be reimbursed.
PART III

CRITERIA FOR SELECTION

III-1. Mandatory Responsiveness Requirements. To be eligible for selection, a proposal should be (a) timely received from a contractor; (b) properly signed by the contractor; and (c) formatted such that all cost data is kept separate from and not included in the Technical Submittal.

III-2. Proposals will be reviewed and evaluated by a committee of qualified personnel selected by the Commission. This committee will recommend for selection the proposal which most closely meets the requirements of the RFP and satisfies Commission needs. Award will only be made to a contractor determined to be responsible in accordance with Commonwealth Management Directive 215.9, Contractor Responsibility Program.

III-3. The following areas of consideration will be used in making the selection:

a. Understanding the Problem. This refers to the contractor’s understanding of the Commission needs that generated the RFP, of the Commission’s objectives in asking for the services or undertaking the study, and of the nature and scope of the work involved.

b. Contractor Qualifications. This refers to the ability of the contractor to meet the terms of the RFP, especially the time constraint and the quality, relevancy, and recency of studies and projects completed by the contractor. This also includes the contractor’s financial ability to undertake a project of this size.

c. Personnel Qualifications. This refers to the competence of professional personnel who would be assigned to the job by the contractor. Qualifications of professional personnel will be measured by experience and education, with particular reference to experience on studies/services similar to that described in the RFP. Particular emphasis is placed on the qualifications of the project manager.

d. Soundness of Approach. Emphasis here is on the techniques for collecting and analyzing data, sequence and relationships of major steps, and methods for managing the study/service. Of equal importance is whether the technical approach is completely responsive to all written specifications and requirements contained in the RFP and if it appears to meet Commission objectives.

e. Available Facilities. The contractor will provide the number and location of collection sites along the length on the Pennsylvania Turnpike.

f. Cost. While this area will be weighted heavily, it will not normally be the deciding factor in the selection process.
IV-1. Objectives. The Pennsylvania Turnpike Commission requires controlled substance and alcohol testing services that comply with the Department of Transportation, Federal Motor Carrier Safety Administration's regulations, as detailed in 49 CFR Parts 382 et al. along with the procedures described in 49 CFR Part 40 for employees in safety sensitive functions.

The work locations of covered employees are grouped in sections located approximately every 25 miles along the Turnpike right-of-way. There are a total of 21 section maintenance buildings. Each of these section maintenance buildings would be designated as a collection point. In addition, all tunnels, the Eastern Regional Office, Western Regional Office and the Central Office would also be so designated. The total pool of covered employees is 600 (approx.)

IV-2. Nature and Scope of the Project. The contractor will provide all testing consistent with the Department of Transportation, Federal Motor Carrier Safety Administration guidelines regarding controlled substance and alcohol testing for all Commission employees in safety sensitive functions.

IV-3. Requirements. The contractor must insure compliance with the Department of Transportation, Federal Motor Carrier Safety Administration's Controlled substances and alcohol use and testing rule as detailed in 49 CFR Parts 382 et al. along with the procedures described in 49 CFR Part 40.

IV-4. Tasks. The contractor will provide:
1. Trained personnel necessary to collect drug test samples according to 49 CFR 40 Subpart C.
2. Certified Breath Alcohol Testing (BAT) and certified Saliva Screening Technician (SST) personnel to perform alcohol screen and required breath alcohol confirmation testing according to 49 CFR 40 Subpart J.
3. HHS certified Laboratory to evaluate samples according to 49 CFR 40 Subpart F.
4. For Negative test results: Average test turnaround time from time of receipt of the sample at the laboratory until time or reporting to the MRO.
5. For Positive or Non-negative test results: Average test turnaround time from time of receipt of the sample at the laboratory until time or reporting to the MRO.
6. A certified Medical Review Officer (MRO) meeting the standards in performing the duties outlined in 49 CFR part 382 and 49 CFR Part 40 Subpart G.
7. The number of MRO’s on staff or contracted by the service agent and the hours of service coverage.
8. For Verified Positive, Adulterated or Cancelled drug tests: Average turnaround time from time of receipt of laboratory test report until time of reporting verified drug test result to the PTC Designated Employer Representative (DER)
9. Transportation of split sample urine samples from the collection site to the laboratory.
10. All necessary paperwork to include logs, test results and all other necessary paperwork to comply with relevant 49 CFR 40 and 382 sections and modifications or clarifications thereof. Paperwork reduction in results reporting by use of electronic means is permitted provided such reporting methods are approved by the PTC and are compliant with electronic reporting provisions found in 49 CFR 40.163 (a-g).
11. Random pool management and random selection of safety-sensitive employees to be randomly tested for drugs (50%) and alcohol (10%) at Federally mandated minimum or PTC approved random selection rates.

12. Required supplies including, but not limited to: Pre-printed Federal chain of custody forms, Split sample collection kits, DOT compliant shipping containers and pre-printed air bills according to 49 CFR 40 Subpart K.

**Post Accident and Reasonable Suspicion Testing:**

The contractor will provide:

1. All services necessary to comply with the relevant CFR sections in the event of a covered employee's accident or determination of reasonable suspicion as defined in the relevant CFR sections.
2. Names, location and hours of operation of qualified drug and alcohol test collection sites situated within 1 hour travel time (approx. 45 miles) from any location on the Turnpike.
3. Twenty-four hour/seven day 800 number phone access for post accident and reasonable suspicion drug and alcohol test site location.

**Follow up Testing:**

The contractor will provide:

1. Notice of follow up testing according to the respective Substance Abuse Professional (SAP) provided testing schedule in compliance with 49 CFR 40 Subpart O.
2. All necessary reports
3. Chain of custody
4. All supplies and materials

**Record Keeping:**

The contractor will provide in accordance with 49 CFR 40 Subpart Q and Appendix F:

1. The contractor will provide and maintain reports to the PTC as required by the Department of Transportation Federal Motor Carrier Safety Administration’s Controlled Substances and Alcohol use and Testing Rule as detailed in 49 CFR Parts 382 et al, along with the procedures described in 49 CFR Part 40, Subpart Q and Appendix B.
2. The contractor will describe the procedure that will be used to comply with the 2-day requirement for availability of records.
3. The contractor will describe the procedures necessary to comply with new employer requests for drug and alcohol screening information on a former employee.
4. The contractor will comply with the all annual Federal US DOT reporting confidentiality requirements in 49 CFR 40.341,349 and 351.

**IV-5. Reports and Project Control.** The contractor will provide regular written reports and other documentation to ensure the needs of the Commission are being met. These reports will include:

**a. Task Plan.** A work plan for each task that identifies the work elements of each task, the resources assigned to the task, and the time allotted to each element and the deliverable items to be produced. Where appropriate, a PERT or GANTT chart display should be used to show project, task, and time relationship.
b. **Status Report.** A periodic quarterly progress report covering activities, problems, and recommendations; the report should be keyed to the work plan developed by the contractor in its proposal, as amended or approved by the Commission.

c. **Problem Identification Report.** An “as required” report, identifying problem areas. The report should describe the problem and its impact on the overall project and on each affected task. It should list possible courses of action with advantages and disadvantages of each, and include contractor recommendations with supporting rationale.

d. **Final Report.** [In all cases, a requirement should be included for the submission of draft copies of the final report to permit the Commission to satisfy itself as to the report’s completeness and factual accuracy. A format should be provided for the final report. The format should specify the content of the final report in detail comparable to the following:]

1. Abstract or summarize the result of the study or service in terminology that will be meaningful to management and others generally familiar with the subject areas.

2. Describe data collection and analytical and other techniques used during the study.

3. Summarize findings, conclusions, and recommendations developed in each task.

4. Include all supporting documentation; e.g., flow-charts, forms, questionnaires, etc.

5. Recommend a time-phased work plan for implementing the recommendations.]