STATE OF INDIANA

DEPARTMENT OF ADMINISTRATION
Procurement Division
402 W Washington Street, Room W468
Indianapolis, Indiana 46204
317 / 232-3053

To: Rob Wynkoop, Deputy Commissioner

From: Shelley Harris, Manager Shelley Harris

Date: September 23, 2008

Subject: Recommendation of Selection for RFP-9-8
Provider of Drug & Alcohol Testing Services for the Indiana State Personnel Department (SPD)

Estimated Contract Cost: $315,500

Based on the evaluation of the SPD's evaluation team, I agree with the recommendation to select **Midwest Toxicology Services, Inc.** to provide drug and alcohol testing services.

All services and supplies provided by the Contractor/TPA will be related to testing of employees required to hold Commercial Driver's Licenses (CDL) and shall be in conformance with the dictates of Omnibus Transportation Employee Testing Act of 1991 and 49 CFR Parts 40 and 382. All services and supplies provided by the Contractor/TPA related to testing of applicants for and employees in Testing Designated Positions (TDP) and testing of other non-CDL/non-TDP employees shall be in conformance with industry standards for recordkeeping, collection, chain of custody and laboratory work for urine specimens for drug testing and collection and instrumentation for breath alcohol testing. In most instances, compliance with DOT regulations will be considered as compliance with the technical requirements of this contract for services and supplies related to TDP and other testing. The Contractor/TPA shall provide the following products and services relative to this contract:

1. Testing. The following types of testing will be provided:
   a) Pre-employment (CDL & TDP)
   b) Post accident (CDL, TDP, & Other)
   c) Random (CDL & TDP)
   d) Reasonable suspicion (CDL, TDP, & Other)
   e) Return to duty (CDL, TDP, & Other)
   f) Follow up (CDL, TDP, & Other)
   g) Other on request of SPD

2. Identification of persons to be tested based on statistically valid random selection methodology.
   a) TPA must set up the State's initial random pools for CDL and TDP and provide for on-going maintenance of the random pools to meet the following requirements and ensuring that the CDL random pools meet all DOT requirements:
      1. A computerized random selection process with proof of it being tamper-proof (seed values created for each selection).
      2. Providing a process for the random pools to be updated on a daily basis to add new employees and delete terminated employees.
      3. Provide quarterly random selections with individual reports for each INDOT district/sub-district and other agency locations to show the following:
         i. Complete list of employees in the pool
         ii. List showing all numbers selected for each quarter
         iii. Individual reports identifying each employee selected for testing by INDOT or other agency location.
   b) Quarterly random selection reports must be hand-delivered to State Personnel and INDOT contacts.
   c) TPA must have a system in place to verify all employees selected for random tests were tested within the testing period and be able to document the reason any employee was not tested.

3. Notice of persons to be tested.
   a) Quarterly random selection reports must be hand-delivered to State Personnel and INDOT contacts.
   b) TPA must have a system in place to verify all employees selected for random tests were tested within the testing period and be able to document the reason any employee was not tested.

4. Specimen collection.
   a) 80 to 85% of specimen collection will occur at state work sites utilizing a mobile collection unit. Collection may be required outside weekday business hours.
      1. TPA must be capable of providing on-site service for the urine collections and breath alcohol tests with mobile units meeting DOT collection standards.
      2. TPA must be capable of scheduling all on-site visits with individual contacts at each INDOT or other agency location.

3. The State's current TPA utilizes seven (7) mobile units to provide on-site service for approximately 3000 employees at 125 state locations requiring CDL testing. Random testing for TDPs is anticipated to double the number of locations where collection will be required and add perhaps 7800 employees to random pools.
4. The mobile units must provide fresh water for washing hands, private toilets with flushing ability, and adequate counter space to complete paperwork.
5. Mobile units must also provide temperature control (heating and air conditioning).

b) TPA must set up a network of local area collection sites (occupational health facilities) for all state locations (INDOT and other agency) for emergency testing. This would include:
1. Verify and obtain written documentation from all collection sites of collector certification meeting DOT requirements for certified urine collectors and BATs.
2. Provide all collection supplies for all local area collection sites that are sub-contracted to provide emergency services.
3. Monitor collection sites and follow-up on any problems associated with urine collections or breath alcohol tests.
4. Provide emergency contact numbers 24 hours / 7 days a week for collection site personnel to reach TPA with collection issues or questions.
5. When the collection does not occur at the state work site, the TPA will arrange for the alternate collection site, which must be agreeable to the State and may include state restroom facilities.

c) Specimen collection is the responsibility of the TPA and the TPA will utilize the services of its employees or subcontractors to perform the collection function.
1. TPA must provide documentation of DOT urine collection training and BAT certification for all collectors performing service for the state.
   i. TPA should have qualified trainers to provide initial and on-going training for all personnel providing collection/testing services.
   ii. The state's current TPA provides approximately twenty (20) certified urine collectors and BATs to provide adequate service for approximately 3000 employees at 125 state locations requiring CDL testing. Random testing for

TDPs is anticipated to double the number of locations where collection will be required and add perhaps 7800 employees to random pools.

iii. Supplies to be utilized in the collection and testing process will be provided by the TPA.

5. TPA must provide breath alcohol tests conducted by certified Breath Alcohol Technicians (BAT) operating evidential breath testing devices.

6. TPA must provide services regarding the splitting of urine specimens.

7. TPA must provide a proper identification of samples and chain of custody.

8. TPA must provide for submitting the proper number of blind specimens on behalf of the State to meet DOT requirements for CDL testing.

9. Use of SAMHSA certified laboratories to conduct tests on fluid specimens. This would also include:
   a) Providing for transportation of all specimens to the laboratory(s).
   b) Obtaining and continuing to update verification of laboratory(s) certification meeting DOT testing requirements.
   c) Utilizing a laboratory(s) capable of reporting results in an electronic format to the Medical Review Officer (MRO) to expedite quicker reporting of results by the MRO to the State.
   d) Utilizing a laboratory(s) that is proactive in providing the more current specimen validity testing.
   e) The State expects extra laboratory testing ordered by the MRO for such things as d&l isomer testing and 6AM testing to be performed at no extra charge.

10. Use of GC/MS for confirmation testing of urine specimens which were positive for controlled substance on the screening test. Should technology or industry practice change, TPA must so notify the State and discussions will ensue to determine what, if any, changes are necessary in the plan.

11. Retention of fluid samples in accordance with practices and time frames specified by the DOT requirements.

12. Services of medical review officer (MRO) to interpret laboratory results, validate those results, and report findings.
    a) TPA must provide the services of a certified MRO with experience in reviewing DOT test results.
    b) TPA/MRO must provide an individual test report for each test to include the following:
        1. Identification of the employee
        2. Date of collection
        3. Date of report
        4. State location of the employee
        5. Verified test result
        6. List of drugs with cut-off level employee is tested for
        7. Name and address of SAMHSA laboratory
        8. Printed name and signature of MRO
    c) TPA/MRO must provide sufficient clerical staff to process test results to the appropriate State contacts within designated DOT time requirements.
    d) TPA/MRO must provide all test results in an acceptable confidential manner.

13. TPA must provide timely notice of test results.

14. TPA must provide itemized invoices with specific details identifying the following for each test performed:
    a) Location of the test
    b) Type of test
    c) Identification of person tested

15. TPA must be capable of locating and providing Substance Abuse Professional (SAP) assistance for all locations within the State. This includes management of follow-up testing when needed.

16. Record generation, maintenance, and reporting.
    a) For CDL testing, TPA must provide an annual MIS report that meets all DOT requirements each year.
    b) TPA must be capable of providing assistance in connection with any DOT FMCSA audit. This would include providing duplicate records if needed and being present at the audit to answer questions.
    c) For CDL testing, TPA/MRO must store duplicate records for the designated period of time required by DOT for the following records:

1. Negative tests
2. Positive tests
3. Cancelled tests
4. Random selection report

d) TPA/MRO must store duplicate records for three(3) years for the following records related to non-CDL testing:
   1. Negative tests
   2. Positive tests
   3. Cancelled tests
   4. Random selection report

e) TPA must be able to provide customized forms needed for program management or record keeping.

17. TPA must be able to provide qualified personnel to testify as expert witnesses for administrative adjudication, grievance hearings (including arbitration), and/or court proceedings.

18. TPA shall provide qualified personnel who are knowledgeable of DOT rules, regulations and who keep abreast of all evolving new rules and regulations. TPA shall provide the State with timely educational updates (DOT seminars) explaining new or changing rules and regulations for DOT compliance. Such will include recommendations for action(s) needed to maintain compliance. With regard to non-CDL testing, TPA shall be able to serve as a knowledgeable resource on industry standards and best practices and make recommendations for action(s) needed to improve or enhance the efficacy of the State's drug/alcohol testing programs.

19. TPA must provide assistance with all program needs on a 24 hours / 7 days per week basis.

The RFP was posted on the State of Indiana website and notification of the posting was sent to 445 potential respondents, 20 which were known to be registered as minority businesses and 28 which were known to be registered as women-owned businesses. The evaluation team received one (1) proposal: Midwest Toxicology Services, Inc.

The proposals were evaluated by a three-member team according to the following criteria established in the RFP:

Step 1

- Adherence to Requirements (pass/fail)

Step 2 (55 points possible)

- Management Assessment/Quality (50 points)
- Price (5 points)

Step 3 (45 points possible)

- Indiana Economic Impact Form (15 points)
- Buy Indiana Initiative (10 points)
- Minority (10 points) and Women Business (10 points) Subcontractor Commitment (20 total possible points)

Step 1 – Adherence to Requirements – Pass/Fail

The respondent passed Step 1 of the evaluation process.

Step 2 – Management Assessment/Quality and Price

In this step, the Management Assessment/Quality and Price categories were scored.

Below is the respondent's scores out of 55 possible points for this category.

Respondent	State	Management Assessment/ Quality Score	Price/Contingency Fee	Price Score	Total Step 2 Score
Midwest Toxicology	IN	49.22	$74 per drug test $30 per alcohol test	5 points	54.22 points

Based on the Step 2 scores indicated in the table above, the respondent moved to Step 3 of the evaluation process.

Step 3

In this step, the proposal was scored based on the Buy Indiana, Indiana Economic Impact, and Minority and Women Business Subcontractor Commitment categories in the RFP. Below is the respondent's score out of 45 possible points for the three categories:

Respondent	IEI	Buy Indiana	MBE	WBE	Step 3 Score
Midwest Toxicology	15 points	10 points	10 points	10 points	45 points

Total Step 3 scores were added to the total Step 2 scores to arrive at the following overall total score:

Respondent	State	Step 2 Score	Step 3 Score	Overall Total Score
Midwest Toxicology	IN	54.22 points	45 points	99.22 points

Midwest Toxicology Services, Inc. has been selected to provide the services required within RFP-9-8 based on their experience and their demonstrated ability to meet all requirements of this RFP.

This agreement will be for a period of four (4) years with no renewal option.

APPROVED:

Carrie Henderson, Commissioner