

Robert P. Astorino  
County Executive

Department of Human Resources

Edward W. Brancati  
Acting Commissioner of Human Resources

To: Honorable Members  
Board of Acquisition and Contract

From: Edward W. Brancati  
Acting Commissioner of Human Resources

Date: January 22, 2010

Re: **AUTHORIZATION FOR THE COUNTY OF WESTCHESTER TO ENTER INTO AN AGREEMENT WITH PARTNERS IN SAFETY, INC. TO PROVIDE A COMPREHENSIVE DRUG, ALCOHOL AND MEDICAL TESTING PROGRAM IN AN AMOUNT NOT TO EXCEED NINE HUNDRED SEVENTY-TWO THOUSAND SIX HUNDRED AND FIVE (\$972,605) DOLLARS FOR A FIVE (5) YEAR PERIOD COMMENCING ON AUGUST 1, 2010 AND TERMINATING JULY 31, 2015 AT THE RATES SET FORTH IN SCHEDULE "A" ATTACHED TO THE RESOLUTION AND AUTHORIZATION TO CONSENT TO THE UTILIZATION OF QUEST DIAGNOSTICS CLINICAL LABS, INC.; LABORATORY CORPORATION OF AMERICA, INC.; AND MEDTOX SCIENTIFIC, INC., AS SUBCONTRACTORS.**

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Attached is a Resolution which, if approved by your Honorable Board, would authorize the County, acting by and through its Department of Human Resources, to enter into an agreement with Partners In Safety, Inc., located at 800 Route 17 M, Middletown, New York 10940 and with a fully staffed office and facilities in White Plains, New York, to provide a comprehensive drug, alcohol and medical testing program in an amount not to exceed Nine Hundred Seventy-Two Thousand Six Hundred and Five (\$972,605) Dollars for a five (5) year period commencing August 1, 2010 and terminating July 31, 2015 at the rates set forth in Schedule "A" attached to the Resolution submitted herewith. Authority is also requested to consent to the utilization of Quest Diagnostics Clinical Labs, Inc.; Laboratory Corporation of America, Inc. and MEDTOX Scientific, Inc., as subcontractors.

In accordance with the Westchester County Procurement Policy, on December 9, 2009 the Westchester County Department of Human Resources issued a comprehensive Request for Proposals ("RFP") to invite qualified, third-party administrators to submit proposals to provide the highest quality drug, alcohol and medical testing program, including but not limited to, services for pre-employment testing of safety sensitive positions; drug, alcohol and medical testing services for operators of commercial vehicles; drivers subject to regulations established pursuant to the reciprocity agreement with New York City; testing

authorized by collective bargaining agreements, and medical examinations for sewage treatment plant, public works and emergency service personnel. It is anticipated the contractor will perform approximately 4,000 tests annually in the aforementioned categories, although there is no guarantee as to the minimum number of tests.

The RFP required that respondents adhere to federal mandates established in the Omnibus Transportation Employee Testing Act of 1991 as administered under the authority of the U.S. Department of Transportation Federal Highway Administration (FHWA) Section 49 CFR Part 382, et. seq.; regulations established by the Westchester County Taxi and Limousine Commission; OSHA/PESH regulations; National Fire Protection Association regulations and Westchester County collective bargaining agreements.

The RFP was e-mailed to seven (7) potential respondents, and also posted on the County's website. Three (3) proposals were received in response to the RFP. To evaluate each proposal the Department used the following criteria: responsiveness to the RFP, price proposal, business structure, personnel and staffing, drug/alcohol testing experience, municipal experience, management capability and past performance. Following a careful review of all proposals with reference to the evaluation criteria set forth in the RFP, it is recommended that a non-exclusive contract be awarded to Partners In Safety, Inc. as it achieved the most favorable ranking among the proposals, and also because their proposed rate schedules offer the lowest net cost.

It should be noted that the administrative expense and test costs incurred are billed to participating departments and agencies and are reflected as departmental revenue for Human Resources. An estimated \$581,000 over the life of this agreement will be reimbursed by the TLC drivers who will pay the full cost of their drug tests.

The Human Resources Department will monitor the progress of the contract through monthly statements and audits.

Public Purpose: These services help ensure that County operations function in a safe, efficient and legal manner, so that taxpayers' money is spent effectively and the County's exposure to expensive litigation is minimized.

Approval of the attached Resolution is respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - JOMARR V. KHA - SECRETARY

## RESOLUTION

Upon a communication from the Acting Commissioner of the Department of Human Resources, be it hereby:

**RESOLVED**, that the County of Westchester, acting by and through its Department of Human Resources, is authorized to enter into an agreement with Partners In Safety, Inc. located at 800 Route 17 M, Middletown, New York to provide a comprehensive drug, alcohol and medical testing program for a term commencing on August 1, 2010 and continuing through July 31, 2015; and it is further

**RESOLVED**, that in consideration for services to be rendered, Partners In Safety, Inc. shall be paid an amount not-to-exceed Nine Hundred Seventy-Two Thousand Six Hundred and Five (\$972,605) Dollars, payable in accordance with the rates set forth in Schedule "A" annexed hereto and made a part hereof; and be it further

**RESOLVED**, that that the County approves the use of the following subcontractors: Quest Diagnostics Clinical Labs, Inc.; Laboratory Corporation of America, Inc.; and MEDTOX Scientific, Inc.; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effectuate the purposes hereof.

APPROVED BOARD OF SUPERVISORS  
JOMAR VIEIRA, SECRETARY

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	12	6010	4380		\$81,699 (2010)
101	12	6010	4380		\$194,521 (2011)
101	12	6010	4380		\$194,521 (2012)
101	12	6010	4380		\$194,521 (2013)
101	12	6010	4380		\$194,521 (2014)
101	12	6010	4380		\$112,822 (2015)

Budget Funding Year(s) 2010 – 2015 Start Date 8/1/10 End Date 7/31/15  
(must match resolution)

Funding Source

\$972,605

(must match resolution)

\_\_\_\_\_

Tax Dollars \$391,605

State Aid \_\_\_\_\_

Federal Aid \_\_\_\_\_

Other \$581,000 reimbursement from County dept.

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-4-2010 - JOHNNY VIELLA - SECRETARY

**SCHEDULE "A"**

**SECTION VI: PRICE PROPOSALS**

In responding to this RFP, Proposal Sheets 1 through 7 should be completed and returned as part of the proposal submission.

**Proposal Sheet 1**  
**COLLECTION/LABORATORY SERVICES**

<b>DESCRIPTION</b>	<b>Unit Cost</b>
Provide specimen collection supplies	<i>Included</i>
Provide a supply of pre-printed Chain of Custody Forms	<i>Included</i>
Provide Transportation of specimens to the Laboratory	<i>Included</i>
The per unit cost for an immunoassay screen and a confirmation GC/MS test for the SAP 5	<u>38.00</u>
The per unit cost of an immunoassay screen and a confirmation GC/MS test for the SAP 10	<u>38.00</u>
The per unit cost of specimen adulteration assays (specify specific test)	<i>Included</i>
The per unit cost of 6-monoacetylmorphine (6 MAM)	<i>Included</i>
The per unit cost of alcohol testing by Evidential Breath Testing Device (EBT) screening and confirmatory testing	<u>35.00</u>
Off-hour/emergency service fee (Indicate if flat rate fee per service or hourly rate)	<i>\$125 per/hr with 2hr minimum plus the cost of test</i>
The per unit cost of blood alcohol by GC/MS only	<u>20.00</u>
Observed collections when indicated (Indicate flat fee per instance)	<u>25.00</u>
Split-sample and send to another laboratory if requested by the MRO	<u>225.00</u>
The unit cost specimen testing for the following steroid anabolic and masking agents:	<u>95.00</u>

**Anabolic Agents**

- Bolasterone Metabolite
- Boldenone Metabolite

- Clenbuterol
- Clostebol Metabolite
- Danazol and/or Metabolite
- Dehydrochloromethyltestosterone Metabolite
- Dihydrotestosterone
- Dromostanolone and/or Metabolite
- Ethylestrenol/Norethandrolone Metabolite
- Fluoxymesterone Metabolite
- Formebolone Metabolite
- Furazabol Metabolite
- Mesterolone and/or Metabolite
- Methandienone (Dianabol, Methandrostenolone) Metabolite
- Methandriol and/or Metabolite
- Methenolone and/or Metabolite
- Methyl testosterone Metabolite
- Mibolerone Metabolite
- Nandrolone/Norandrostendione/Norandrostendiol Metabolite
- Oxandrolone and/or Metabolite
- Oxymesterone
- Oxymetholone Metabolite
- Stanozolol Metabolite
- Testosterone/Androstendione/Androstendiol/DHEA (T/E Ratio > 6)
- Trenbolone Metabolite

#### Masking Agents

- Probenecid
- Epitestosterone (> 200 ng/ml)

**Proposal Sheet 2**  
**PRICE PROPOSAL FOR ADDITIONAL SERVICES**

**DESCRIPTION**

**Unit Cost**

Issue itemized monthly billing statements

*Included*

Forwarding of sample to another laboratory for analysis

*Included*

Retention of specimens in accordance with federal guidelines

*Included*

Consultation with scientific and medical staff

*Included*

Handling of rejected specimen or those otherwise unfit for testing

*Included*

Provide mandated summary reports

*Included*

Retention of positive specimens in frozen storage for one year

*Included*

Record Retrieval

NO CHARGE

Other fees (please specify)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOTAL FEE FOR COLLECTION/LABORATORY SERVICES**

**(PER UNIT)**

*38.07*



**Proposal Sheet 3**  
**PRICE PROPOSAL FOR SERVICES OF A MEDICAL REVIEW OFFICER**

<b>DESCRIPTION</b>	<b>UNIT COST</b>
Unit cost per specimen to validate negative results SAP 5	<u>Included</u>
Unit cost per specimen to validate negative results SAP 10	<u>Included</u>
Unit cost per specimen to validate positive results SAP 5	<u>Included</u>
Unit cost per specimen to validate positive results SAP 10	<u>Included</u>
Review donor's medical history	<u>Included</u>
Review Chain of Custody protocols	<u>Included</u>
Per unit cost to re-analysis, if necessary	<u>Included</u>
Maintain and generate RANDOM alcohol and drug selections quarterly for DOT mandated employees according to OTETA mandates	<u>Included</u>
Maintain and generate random drug testing selections pursuant to labor agreement	<u>Included</u>
Maintain and generate random steroid testing selection pursuant to labor agreement	<u>Included</u>
Return to duty testing evaluation	<u>Included</u>
Follow schedule preparation and testing	<u>Included</u>
Issue itemized reports	<u>Included</u>
Issue itemized billing statements	<u>Included</u>
Provide 24-hour technical assistance	<u>Included</u>
Provide results in the County's desired format	<u>Included</u>
Record Retrieval	<u>NO CHARGE</u>

**OTHERS FEES:**

Specify: \_\_\_\_\_

**Proposal Sheet 4**  
**PRICE PROPOSAL FOR SERVICES OF A SUBSTANCE ABUSE**  
**PROFESSIONAL (SAP)**

<b>DESCRIPTION</b>	<b>Unit Cost</b>
Comprehensive Assessment	<u>\$125<sup>00</sup></u>
Return-to-Work Agreements	<u>85<sup>00</sup></u>
Compliance Monitoring	<u>Included</u>
Technical Assistance	<u>Included</u>

Please note that all fees for services provided by the Substance Abuse Professional (SAP) will be the responsibility of the employee/applicant. The County of Westchester will not be responsible for payment of these services.

**Proposal Sheet 5**  
**ALCOHOL AND DRUG TESTING TRAINING**

Provide a detailed description of training opportunities including on-site as well as off-site training sessions for managerial staff to insure compliance with 49 CFR Sections 382.601 and 382.603 by providing various pricing options such as per person cost, per session cost, etc.

The Proposer should address the training opportunities available for newly hired supervisors or managers as needed as well as the cost for training materials.

<b>DESCRIPTION</b>	<b>Unit Cost</b>
<u>On Site Training</u>	
Cost per session	<u>\$ 1750 per session</u>
Cost per person	<u>N/A</u>
<u>Training Materials</u>	
Manuals	<u>Included</u>
Handbooks	<u>Included</u>
Audio Visuals	<u>Included</u>
Video Tapes	<u>Included</u>

**OTHERS FEES:**

Specify: Newly hired Supervisors can view video & read  
training materials

**Proposal Sheet 6  
LITIGATION ASSISTANCE**

**EXPERT TESTIMONY IF REQUIRED:**

If applicable:

	<u>Telephone Deposition</u>	<u>Trial Deposition</u>
Hourly Rate for Phlebotomist	<i>No charge</i>	<i>\$ 75 per hr</i>
Per Diem Rate for Phlebotomist	<i>n/c</i>	<i>4 hour minimum</i>
Hourly Rate for collection personnel	<i>n/c</i>	<i>\$ 75 per hr 4 hour</i>
Per Diem Rate for collection personnel	<i>n/c</i>	<i>minimum</i>
Hourly Rate for lab personnel	<i>n/c</i>	<i>\$ 500 per hr &amp;</i>
Per Diem Rate for lab personnel	<i>n/c</i>	<i>plus expenses</i>
Hourly Rate for project manager	<i>n/c</i>	<i>\$ 125 per hr minimum</i>
Per Diem Rate for project manager	<i>n/c</i>	<i>4 hour</i>
Hourly Rate for Breath Alcohol Technician (BAT)	<i>n/c</i>	<i>\$ 75 per hr minimum</i>
Per Diem Rate for BAT	<i>n/c</i>	<i>4 hours</i>
Hourly Rate for Medical Review Officer (MRO)	<i>n/c</i>	<i>\$ 300 per hour</i>
Per Diem Rate for MRO	<i>n/c</i>	<i>minimum 4 hrs</i>
Hourly Rate for Substance Abuse Professional (SAP)	<i>n/c</i>	<i>\$ 375 per hour</i>
Per Diem Rate for SAP	<i>n/c</i>	<i>minimum 4 hrs.</i>
Hourly Rate for forensic scientist	_____	<i>n/c</i>
Per Diem Rate for forensic scientist	_____	<i>\$ 1200 per day</i>

If applicable:

	<u>Telephone Deposition</u>	<u>Trial Deposition</u>
Hourly Rate for other (specify)	_____	_____
_____	_____	_____
Per Diem Rate for other (specify)	_____	_____
_____	_____	_____

**OTHER EXPENSES** (i.e. travel, etc.)  
(specify) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Proposal Sheet 7**  
**HEALTH AND SAFETY MEDICAL EXAMINATIONS/SERVICES**

<b>DESCRIPTION</b>	<b>Unit Cost</b>
Audiometric Testing	<u>30<sup>00</sup></u>
CDL Medical Examination for out of state certification	<u>50<sup>00</sup></u>
Respiratory Clearance Exam	<u>30<sup>00</sup></u>
Respiratory Fit Test	<u>40<sup>00</sup></u>
Hepatitis A Series	<u>90<sup>00</sup></u>
Hepatitis B Series	<u>75<sup>00</sup> per injection</u>
T B Screening	<u>15<sup>00</sup></u>
Chest X-Ray	<u>85<sup>00</sup></u>
HAZWOPER Physical	<u>220<sup>00</sup></u>

To include:

- medical history
- physical examination
- EKG
- PFT
- U/A
- vision and hearing
- PPD
- comprehensive metabolic panel
- lipid profile
- CBC

And as indicated:

- chest x-ray 85<sup>00</sup>
- tetanus vaccine 35<sup>00</sup>

Additional Charges:

Blood Lead-ZPP:	\$ 55.00 per test
CBC/Chemistry:	\$ 42.00 per test
Urine Heavy Metals (arsenic, lead, mercury):	\$125.00 per test
Urine Cadmium:	\$ 98.00 per test
Pulmonary Function Test:	\$ 30.00 per test
EKG:	\$ 35.00 per test
OSHA Respirator Questionnaire Review:	\$ 15.00 per person
Baseline Physical for Firearms Personnel:	\$ 65.00 per person
On-site Charge:	\$ 175.00