

30773

Date: November 26, 2012

To: Honorable Board of Acquisition and Contract

From: Kevin Cheverko  
Commissioner, Department of Correction

Re: **AUTHORIZATION FOR THE COUNTY OF WESTCHESTER TO ENTER INTO ITS THIRD OF THREE EXTENSION OPTIONS FOR ITS AGREEMENT WITH PARTNERS IN SAFETY, INC. TO PROVIDE RANDOM DRUG TESTING OF CORRECTION OFFICERS AND CORRECTION SUPERVISORS, IN AN AMOUNT NOT TO EXCEED \$20,000.00, FOR THE TERM JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 WITH THE SAME TERMS AND CONDITIONS**

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Authority is hereby requested from your Honorable Board to authorize the County to enter into the third of three renewal terms of the agreement with Partners In Safety, Inc. ("PIS") for the provision of comprehensive random drug testing of Correction Officers and Correction Supervisors, for the term January 1, 2013 through December 31, 2013, in an amount not to exceed \$20,000.00, to be carried out in accordance with an approved scope of work and to be paid pursuant to an approved fee schedule, both of which are attached hereto as Schedule "A-3."

On December 16, 2010, your Honorable Board authorized the County to enter into its first extension for the period January 1, 2011 through December 31, 2011 in an amount not to exceed \$20,000.00. On January 12, 2012, your Honorable Board authorized the County to enter into its second extension for the period January 1, 2012 through December 31, 2012 in an amount not to exceed \$20,000.00. Both extensions were duly executed.

The contract is exempt from the Westchester County Procurement Policy pursuant to section 3(a)viii thereof.

The goals and objectives of this Agreement are to promote and maintain a drug-free workplace at the Department of Correction, to conduct substance abuse testing in a professional and confidential manner that meets licensing standards and applicable collective bargaining requirements, and to promote the highest standards of professional conduct and workplace safety. The Department of Correction and Partners in Safety will work in a collaborative manner to: (1) insure the integrity of the collection and screening process and (2) actively monitor the reporting of test results in a timely, confidential and professional manner.

Based on past performance, continuity of service, satisfaction with previous contracts, reasonable pricing without any rate increases in subsequent amendments, and the convenience of the collection site in White Plains, (which is cost effective by reducing transportation costs and related labor costs) it is proposed that it is in the best interest of the County to enter into agreement with Partners in Safety.

These services will be tracked and monitored by the Department of Correction's Special Investigation Unit which participates in the off-site screening.

For the foregoing reasons, approval of the attached Resolution is respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - JONATHAN W. HERR, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner, Department of Correction, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") acting by and through its Department of Correction (the "Department") is authorized to exercise the third of its three one-year renewal options to enter into an agreement (the "Agreement") with Partners in Safety, Inc. ("PIS") for the provision of random comprehensive drug testing of Correction Officers and Correction Supervisors, in an amount not to exceed \$20,000.00, for a term commencing January 1, 2013 and terminating December 31, 2013 to be carried out in accordance with an approved scope of work and to be paid pursuant to an approved fee schedule both of which are attached hereto as Schedule "A-3"; with an option for the County to renew for one additional one-year period under the same terms and conditions, 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 time after such release(s) or adoption(s), to conduct an analysis of the impacts of such State Budget on County finances. After such analysis, the County shall retain the right either to terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to PIS, then PIS 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 and empowered to execute any and all documents necessary or appropriate to effectuate the purposes of this Resolution.

Account to be Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Dollars
101	35	1000	4380	3000	\$20,000

Budget Funding Year(s) 2013 Start Date 1/1/13 End Date 12/31/13

\$20,000  
(must match resolution)

Tax Dollars \$20,000

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

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

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/03/2013 - JOMARY WEIN, SECRETARY

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**SCHEDULE A-3**

**SCOPE OF WORK**

**DRUG TESTING  
OF CORRECTION OFFICERS &  
CORRECTION SUPERVISORS**

Westchester County  
Department of Correction  
Valhalla, NY

## **I. SCOPE OF WORK:**

Vendor must agree to provide the following comprehensive range of services to the Department of Correction:

- (A) Collection services at a site in close proximity to the correctional complex in Valhalla, New York that can accommodate – through extended or flexible hours – an agency that operates on three shifts (7 am – 3 pm, 3 pm – 11 pm, and 11 pm – 7 am).
- (B) Urinalysis services that provide a SAP-10 screening for the presence of amphetamines, cannabinoids, cocaine, opiates, phencyclidine, benzodiazepines, barbiturates, methadone, methaqualone, and propoxyphene and a GC/MS (gas chromatography/mass spectrometry) confirmation test for the presumptive positives within 48 hours.
- (C) Temperature reading of the urine sample (within normal limits) by a collection specialist and labeling of the sample in presence of the probationary employee.
- (D) Assessment of each specimen for signs of possible adulteration; specimen adulteration assays shall consist of two or more of the following: creatinine, chloride, specific gravity, and/or pH.
- (E) Medical review officer (MRO) services by a medical professional that is certified by the American Association of Medical Review Officers (AAMRO) or the Medical Review Officers Certification Council (MROCC).
- (F) Expert witness testimony at a grievance arbitration hearing and/or Article 75 Court proceeding (when necessary) by a supervisor or medical director as to the selection, collection, testing and analysis procedures used to identify those persons who test positive for controlled substances.
- (G) Frozen storage of positive urine samples for one year from the date of testing.

The Westchester County Department of Correction shall require the medical review officer (MRO) to be independent of the laboratory conducting the SAP-10 and GC/MS tests. The drug-testing laboratory should be certified by SAMSHA-NIDA (U.S. Department of Health & Human Services) and licensed by the New York State Department of Health. The Department of Correction will consider proposals from a laboratory or drug testing service using a laboratory that is not dual certified by SMASHA-NIDA and the New York State Department of Health.

## **II. LABOR CONTRACT/AGENCY POLICY COMPLIANCE:**

The vendor must agree to comply with: (1) the terms and conditions of the collective bargaining agreements with the Correction Officers Benevolent Association (COBA) and the Superior Officers Association (SOA) regarding the random drug testing of COBA and SOA – represented employee and (2) the Standard Operating Procedure on “Random Drug Testing of Certain Peace Officer Employees” issued by the Westchester County (NY) Department of Correction and any successor labor contract or S.O.P. as amended.

The essential elements of all three (3) documents include but are not limited to the following:

- (A) No more than 25% of the COBA workforce and the SOA workforce can be tested in any on year.
- (B) Employees shall be randomly selected on a periodic basis using a computer-based software program that identifies employees by their Social Security number.

- (C) No less than 20 correction officers and 5 supervisors shall be tested during a designated two-week period.
- (D) All collection/testing shall be conducted at an off-site location and not on the grounds of the correctional complex.
- (E) A representative of the employee's union and a representative of the Department's special Investigations Unit (SIU) will be present at the testing site.
- (F) The designated drug-testing laboratory must be certified by SAMSHA-NIDA (U.S. Department of Health & Human Services) and licensed by the N.Y. State Department of Health.

### **III. SUPPLIES:**

The licensed drug testing laboratory and/or drug testing services firm shall provide (in advance of any testing) a sufficient supply of pre-printed chain-of-custody consent forms customized for the County of Westchester Department of Correction and tamper-proof security labels with pre-printed ID numbers referenced to the chain-of-custody form, specimen collection cup, transportation & shipping supplies.

### **IV. CONFIDENTIALITY/TEST RESULTS:**

All test results shall be considered confidential and shall not be released to any person except as set forth herein. Negative test results must be released to the designated MRO within 24 hours after receipt of the specimen at the testing site. Positive results (or those requiring a GC/MS confirmation test) must be released to the MRO within 72 hours after the receipt of the sample at the testing site. Final testing results – using the employee's Social Security number for identification purposes – shall be delivered in a sealed envelope marked "CONFIDENTIAL" to the Commissioner of Correction or his designated representative. The final results shall be forwarded to the following mailing address:

COMMISSIONER OF CORRECTION  
WESTCHESTER COUNTY CORRECTION DEPARTMENT  
P.O. BOX 389 – WOODS ROAD  
HQ BUILDING  
VALHALLA, NY 10595

No independent (secondary) testing of urine samples provided by employees of the Westchester County (NY) Department of Correction shall be permitted without the written consent of the Commissioner of Correction or his designated representative.

### **V. ON-SITE INSPECTION:**

Vendor shall permit on-site inspection of its collection and testing facilities by Department of Correction and/or other County officials. In addition the vendor shall be subject to unannounced on-site inspections of their collection and testing facilities by Department of Correction and/or other County officials.

### **VI. METHOD OF PAYMENT:**

Upon the completion of all professional services the Westchester County (NY) Department of Correction will supply the provider with a standard claim form for payment by the Westchester County Department of Finance.

COUNTY OF WESTCHESTER DEPARTMENT OF CORRECTION

**PARTNERS IN SAFETY  
SCHEDULE OF RATES**

**2010 - 2013**

**Price Proposal:**

Cost per SAP-10 test including collections at office of Partners In Safety during office hours, CC/MS confirmation, adulteration testing, MRO review, and frozen storage: \$47.00 per test

Cost per SAP-10 test including off-site collection during office hours, CC/MS confirmation, adulteration testing, MRO review, and frozen storage: \$47.00 per test  
Plus \$15.00 per collection

Split sample sent to another lab and tested, if requested by Department of Correction: \$250.00

On-site Collection Fee: \$150.00 includes first two hours, \$75.00 for each additional hour (minimum volume required)

Hourly rate for expert testimony by Program Manager: \$275.00 per hour with a minimum of four hours

Hourly rate for testimony by Medical Review Officer: \$275.00 per hour with a minimum of four hours

Emergency Service: (for special situations requiring urgent on-site or tests on nights, weekends or holidays) \$125.00 per hour  
minimum of two hours  
plus cost of test

APPROVED BOARD OF ACQUISITION & CONTRACT 01/03/2013 - JOMARY VIEIRA, SECRETARY