

**CITY OF OAK RIDGE, TENNESSEE
REQUEST FOR PROPOSALS FOR
EMPLOYEE DRUG AND ALCOHOL TESTING SERVICES**

General Information

1. The City of Oak Ridge (City) is seeking written proposals to provide random, post-accident, return-to-duty, and reasonable suspicion employee drug and alcohol testing services. Accepted proposals would become effective at 12:01 a.m. on July, 1, 2016.
2. Proposals must be received by mail or delivered to the Materials Management Division of the Finance Department by 2:00 p.m. on Friday, April 15, 2016. Proposals will not be publicly opened, but a register of proposals will be prepared and made available upon request beginning Friday, April 29, 2016. The mailing and delivery addresses are listed below.

Mailing Address

City of Oak Ridge
Attention: Evelyn S. Majeski
Finance Department
P.O. Box 1
Oak Ridge, TN 37831-0001

Delivery Address

City of Oak Ridge
Attention: Evelyn S. (Lyn) Majeski
Finance Department
100 Woodbury Drive
Oak Ridge, TN 37830
(865) 425-1819
lmajeski@oakridgetn.gov

3. It is the intention of the City to award a contract during the Oak Ridge City Council meeting scheduled for May 9, 2016. This contract will be deemed to be in the best interest of the City with cost, administration, ability, stability, and all other relevant factors considered and will be subsequent to recommendations from City staff. The most attractive proposers may be asked to participate in an oral interview.
4. It is the intention of the City that this proposal for drug and alcohol testing services will be for the twelve (12) month period July 1, 2016 through June 30, 2017 with potential for four one-year renewal options.
5. Proposals must be provided on copies of the forms included in this request for proposals and required attachments must be included. Additional pages may be attached to any forms with concisely stated additional information.
6. Alternative proposals may or may not be considered at the sole discretion of the City. All deviations from the specifications, terms and conditions herein, must be identified in writing in the proposal. Failure to state a deviation from the specifications, terms and conditions shall be construed as agreement to comply therewith.
7. Each proposer and the successful provider shall fully comply with all applicable City, State and Federal laws, rules and regulations, including prohibitions against discrimination.

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General Information, continued

8. All official requests for information, interpretation or clarification must be made in writing prior to 5:00 p.m. on Friday, April 1, 2016 to lmajeski@oakridgetn.gov. The issuance of a written addendum forwarded to all known proposers is the only official method whereby interpretations, clarifications or additional information shall be given. The City shall not be responsible for nor bound by any oral interpretations or information given by any City employee, representative or others.
9. Any proposal may be withdrawn until the date and time for opening of the proposals. Any proposal not withdrawn before that time will constitute an irrevocable offer to the City for a period of ninety (90) days.
10. All drug and alcohol testing shall be performed in strict compliance with the City of Oak Ridge Administrative Policy and Procedure Manual for Drug and Alcohol Testing (copy attached) and the Omnibus Transportation Employee Testing Act of 1991 and any present or future amendments to these documents.
11. Please note the duties of the Medical Review Officer (section 3.2) in the City of Oak Ridge Administrative Policy and Procedure Manual for Drug and Alcohol Testing as well as the Omnibus Transportation Employee Testing Act of 1991. The cost of these services shall be included in each proposer's price per test and the services shall comply with federal regulations and guidelines.
12. For each type of pricing requested, please complete the provider's procedure section. This information is required for the City to determine the best provider for these services.
13. Proof of laboratory certification as specified in the Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11970) is **required** as part of your proposal.
14. Proof that all breath alcohol testing devices are on the U.S. Department of Transportation and National Highway Traffic Safety Administration conforming list is **required**.
15. Proof that all technicians operating the breath alcohol testing devices have been trained under the Code of Federal Register 29 Part 40.

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Guidelines for Conducting Random Drug/Alcohol Testing

- Random drug testing except for DOT (CDL) employees shall be for the ten (10) screen panel that includes testing for the following drugs:

- Marijuana Metabolites (THC)
- Cocaine Metabolites (Benzoylecgonine)
- Phencyclidine (PCP)
- Amphetamines (Amphetamine and Methamphetamine)
- Opiate Metabolites (Codeine, Morphine)
- Barbiturates
- Benzodiazepines
- Methadone
- Propoxyphene
- Methaqualone

- Random drug testing for DOT (CDL) employees shall be for the five (5) screen panel that includes testing for the following drugs:

- Marijuana Metabolites (THC)
- Cocaine Metabolites (Benzoylecgonine)
- Phencyclidine (PCP)
- Amphetamines (Amphetamine and Methamphetamine)
- Opiate Metabolites (Codeine, Morphine)

- The provider shall develop and maintain a database of City of Oak Ridge employees to be randomly selected for drug and alcohol testing. This database shall include those employee groups as listed in section 2.2 of the attached City of Oak Ridge Administrative Policy and Procedure Manual for Drug and Alcohol Testing.

- The database shall be divided into four separate pools of employees for random samples to be chosen.

Commercial Driver's License (CDL)	Estimated 70 employees
Police	Estimated 70 employees
Fire	Estimated 70 employees
Other Safety Sensitive	Estimated 200 employees plus additional 40 employees during summer months

- A list of employees for random drug and alcohol testing shall be generated by the provider a minimum of twelve (12) times per year beginning July 2016. Employees whose names are randomly generated shall be required to submit to both drug and alcohol testing.

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Guidelines for Conducting Random Drug/Alcohol Testing, continued

- The random drug and alcohol testing for all employees shall comply with the requirements of the City of Oak Ridge Administrative Policy and Procedure and of the Omnibus Transportation Employee Testing Act of 1991 and all present and future amendments to these documents.
- When employees are selected for random testing, the Personnel Director or the appropriate designee shall be notified to instruct the employees to report to the testing provider for testing.
- Random testing is to be performed during the first two hours of the employee's work shift. Most testing will be during normal business hours, but some testing will be prearranged after normal business hours.
- All information regarding who is selected for testing, when testing is conducted and the results of the tests shall be treated as confidential and shall be limited to those who have a business need to know.
- The price per test is to include drug test (5 screen or 10 screen panel), alcohol test and the services of the Medical Review Officer. Any additional charges associated with the random selection process must be clearly identified.

Guidelines for Conducting Reasonable Suspicion Drug/Alcohol Testing

Reasonable suspicion drug testing for all employees shall be for a panel that includes testing for the following drugs or their equivalent:

- Amphetamines
- Barbiturates (Butalbital, Phenobarbital, etc.)
- Benzodiazepines (Xanax, Valium, etc.)
- Cocaine (Crack)
- Fentanyl
- Meperidine (Demerol)
- Methadone
- Opiates (Morphine, Codeine, Heroin)
- Oxycodone (Percocet, Oxycontin, etc.)
- Phencyclidine (PCP)
- Propoxyphene (Darvocet, Darvon, etc.)
- THC (Marijuana)
- Tramadol (Ultram or Ultracet)

- Test Sure Panel (adulterant panel check)

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Guidelines for Conducting Reasonable Suspicion Drug/Alcohol Testing, continued

The reasonable suspicion drug and alcohol testing shall comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991 and the City of Oak Ridge Administrative Policy and Procedure Manual for Drug and Alcohol Testing and all present and future amendments to these documents.

General Guidelines for Conducting All Drug and Alcohol Testing

- Testing services must be available twenty-four hours per day every day of the year.
- All information regarding employees who are tested, when they are tested and the results of all tests shall be treated as confidential and limited to those who have a business need to know.
- Drug and alcohol testing for all employees shall be in strict compliance with requirements of the Omnibus Transportation Employee Testing Act of 1991 and the City of Oak Ridge Administrative Policy and Procedure Manual for Drug and Alcohol Testing and all present and future amendments to these documents.
- All random tests (except for DOT (CDL) employees) and reasonable suspicion drug testing shall be for the ten (10) screen panel.
- Price per test is to include drug test (5 screen panel or 10 screen panel), alcohol test and the services of the Medical Review Officer.

**CITY OF OAK RIDGE, TENNESSEE
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Provider's Name _____

Address _____

Principle Contact _____ Telephone Number _____

Provider's Normal Hours of Operation:

Hours: _____ to _____

Days: _____

Hours: _____ to _____

Days: _____

Name of MRO: _____

Years of Experience as MRO: _____

Proposed Price per alcohol test during normal operating hours: _____

Proposed Price per alcohol test, prearranged and not during normal operating hours: _____

Proposed Price per alcohol test, not prearranged and not during normal operating hours: _____

Proposed Price per 10-panel screen during normal operating hours: _____

Proposed Price per 10-panel screen, prearranged and not during normal operating hours: _____

Proposed Price per 10-panel screen, not prearranged and not during normal operating hours: _____

Proposed Price per 5-panel screen during normal operating hours: _____

Proposed Price per 5-panel screen, prearranged and not during normal operating hours: _____

Proposed Price per 5-panel screen, not prearranged and not during normal operating hours: _____

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Proposed Price per reasonable suspicion panel screen during normal operating hours:

Proposed Price per reasonable suspicion panel screen, prearranged, not during normal operating hours:

Proposed Price per reasonable suspicion panel screen, not prearranged and not during normal operating hours:

Describe any additional charges for administration of random selection or for any other services required in connection with drug/alcohol testing:

Describe any additional services that will be provided free of additional charges other than those required by the request for proposals:

Describe administrative requirements the City must meet in order for the provider to meet the terms of this proposal:

Provider represented by the undersigned accepts responsibility for being aware of and complying with all applicable laws regarding provision of drug and alcohol testing under the Omnibus Transportation Employee Testing Act of 1991 and the City of oak Ridge procedures included as part of the request for proposals as well as any and all future modifications or additions to applicable laws and procedures.

Provider assures that there is sufficient parking at the facility to accommodate large Fire Department vehicles and Electric Department bucket trucks.

Representative of Provider

Date

CITY OF OAK RIDGE, TENNESSEE

ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

Subject		Number
Drug and Alcohol Testing		F-602
Effective Date	Revision	Page 1 of 6
January 19, 2012	5	

- 1.0 **POLICY STATEMENT:** It is the policy of the City of Oak Ridge to promote a drug free work place and to protect the safety and security of the public, its' employees, and resources from the influence of alcohol and illegal or abused drugs. The existence of even small quantities of these substances within the human body has been proven to impair judgment and physical reactions. Being under the influence of alcohol and/or illegal or abused drugs while on duty or on call is strictly prohibited and subject to disciplinary action up to and including termination. The medical testing of employees for illegal or abused drugs and alcohol is sanctioned by the City and shall be conducted in such a manner as to balance the rights of individual employees with the responsibilities of the City. This policy and procedure is intended to comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991.

- 2.0 **PROCEDURES:** Medical Testing of employees for illegal/abused drugs and alcohol is divided into seven (7) categories: (1) Pre-employment Testing, (2) Random Testing, (3) Reasonable Suspicion Testing, (4) Post Injury Testing, (5) Post Accident Testing, (6) Return-to-Duty and Follow-up Testing, and (7) Return-after-Illness/Injury/Other. All categories will be subject to a DOT Five Panel Drug Screen and/or a full Ten Panel testing.
 - 2.1 **Pre-employment Testing.** The Personnel Department shall be responsible for administration of a DOT Five Panel Drug Pre-employment Testing. New employees WILL NOT be allowed to report for work until results are received in the Personnel Department.

 - 2.2 **Random Testing.** The Personnel Department shall be responsible for the timing, selection, and administration of drug and alcohol Random Testing. Effective July 1, 2007, all employees shall be subject to random drug and alcohol testing and are in one of the following groups: a) all employees required to hold Commercial Drivers' Licenses (CDL); b) all State-certified Police Department employees and public safety dispatchers; c) all Fire Department fire suppression and management employees; d) any and all other employees. Testing may be performed at any time, including during regularly scheduled duty hours as well as while serving in an on-call status or on injury leave.

The number of tests conducted during a given calendar year will equal at least 50 percent of the number of employees in the group for drug testing and at least 25 percent of the employees in the group for alcohol testing. Due to budgetary constraints, the City Manager may determine to lessen the number of employees subject to random drug and alcohol testing based upon their job classifications/responsibilities.

- 2.3 Reasonable Suspicion Testing. The supervising department shall be responsible for administration of drug and alcohol Reasonable Suspicion Testing. Reasonable suspicion that the employee may be under the influence of alcohol or drugs must be based on direct observations by a trained supervisor during or directly prior to on-duty or on-call hours. Reasonable suspicion may involve a single incident or may include behavior over a period of time. Reasonable suspicion testing must be based on a logical conclusion that an employee used prohibited drugs, drawn from specific facts and reasonable inference from those facts. Such a conclusion may be based upon observable facts; such as, (1) the use or possession of illegal drugs or alcohol within the workplace, (2) the physical symptoms of being under the influence of drugs and/or alcohol, (3) a pattern of abnormal conduct or erratic behavior or a significant deterioration in work performance not attributable to other factors, (4) arrest or conviction of a drug-related offense or the identification of the individual as the focus of a criminal investigation into illegal drug possession, use or trafficking, and (5) information that is either provided by a reliable and credible source or is independently corroborated. The fact that an employee had a confirmed positive test for the use of illegal drugs and/or alcohol at some point, or has undergone a period of rehabilitation or treatment, will not, in and of itself, be grounds for testing on the basis of reasonable suspicion. The police shift commander or the Personnel Director may serve as acting supervision under this provision for any City employee when normal supervision is not immediately available.
- 2.3.1 The observing supervisor(s) shall document and sign a written statement outlining the observations upon which the reasonable suspicion was based within 24 hours of the observation. This statement is forwarded to the Personnel Department.
- 2.3.2 The Personnel Department shall be responsible for providing at least one hour of training for all supervisory level employees in the recognition of the signs and symptoms of alcohol/drug abuse, what constitutes reasonable suspicion, and the procedures for conducting drug/alcohol tests based on reasonable suspicion. Supervising departments are responsible for ensuring that all supervisory employees attend this training. Refresher courses will be provided as needed.
- 2.3.3 Whenever supervision has a reasonable suspicion that an employee is under the influence of drugs or alcohol, the employee will be immediately taken by his or her supervisor to be tested for drug and alcohol use and will be removed from safety-sensitive duty, if applicable, for a 24 hour period. The employee will be

credited as having worked a normal work schedule unless the results of the the drug or alcohol test are positive. Should such positive test occur, employment actions as detailed in Sections 3.8 and 3.9 will be taken.

2.4 Post Injury Testing. The Personnel Department will work with medical providers and the supervising department to be certain that any employee who is injured on the job will be subject to alcohol and drug testing if that injury results in lost time from work.

2.5 Post Accident Testing. The supervising department shall be responsible for the administration of drug and alcohol Post Accident Testing for the employee driver or operator involved in any vehicle or equipment accident. In the event of a vehicle accident involving loss of life, all employees involved in the accident will be required to submit to alcohol and drug testing regardless of perceived fault or cause of the accident. The Police shift commander or the Personnel Director may act as the acting supervision for any City employee for purposes of this section when other supervision is not immediately available.

2.5.1 Employees involved in a vehicle or equipment accident while conducting City business shall inform their supervisor as soon as possible after the accident, including contacting on call supervision, irrespective of the time of day. The employee should only discuss the accident with City of Oak Ridge supervision or the investigating Police Officer. Leaving the accident scene without reporting immediately as stated above and without valid reason, such as to receive medical care, may be deemed as refusing to submit to testing. Employees involved in a vehicle or equipment accident are prohibited from consuming alcohol for eight hours after the accident unless they have first received post accident alcohol and drug tests under this procedure. The Police Department will also be responsible for informing the appropriate department supervision of any accident involving a City vehicle as soon as possible.

2.5.2 If alcohol tests cannot be performed within two hours after the accident or drug tests within eight hours, supervision will prepare a written report explaining why the tests could not be performed in a timely manner. The written report will be maintained by the City as part of the drug and alcohol testing records. Alcohol tests will not be performed more than eight hours after the accident nor will drug tests be performed more than 24 hours after the accident.

2.6 Return-to-Duty and Follow-up Testing. The Personnel Department will be responsible for the administration of drug and alcohol Return-to-Duty and Follow-up Testing. The administration of Return-to-Duty and Follow-up Testing is addressed in Section 3.0. The Personnel Director will be responsible for arranging for one or more providers to serve as drug and alcohol test provider(s); for medical review officer(s) to interpret drug testing results; for arranging for professional substance abuse counseling evaluator(s) to be available to counsel employees; and for informing all departments of these providers and the necessary procedures to follow in obtaining the tests and follow-up.

- 2.7 Return-after-Illness/Injury/Other. Any employee returning to work after a prolonged absence of 400 or more hours for 40 hour per week employees and 560 hours for Fire Department, station based employees will be required to submit for drug and alcohol testing on their first return to work shift.

3.0 TESTING PROCEDURES:

- 3.1 Except for Pre-employment Testing and Return-To-Duty Testing, the supervising department shall arrange transportation of the employee in a City vehicle to and from the testing location. Employees shall proceed or be taken directly to the testing location when directed to do so. No intermediate stops may be made en route without the express permission or instruction of the person directing the employee to submit to the testing. Any employee who refuses to submit to or attempts to obstruct an alcohol or drug test will be immediately assigned to non-safety sensitive responsibilities, which may include assignment to home, pending a decision on disciplinary action. (CDL employees who refuse to submit to a test are disqualified as commercial drivers for a minimum of one year.)
- 3.2 A Medical Review Officer (MRO) will ensure that the proper drug testing procedures are followed, interpret the results of all drug tests, and make the final determination of whether drug tests are positive or negative. If the results are positive, the MRO will attempt to contact the employee to schedule a conference to discuss any alternative explanations for the positive test results before notifying the City of the test result. If the MRO is not able to contact the employee directly, the MRO will send a message to the employee through the Personnel Department or the Police Department, during non-business hours, to have the employee report to the MRO before beginning/continuing work. Employees are prohibited from continuing work after being notified to contact the MRO and before participating in the conference.
- 3.3 A split sample of the original urine/blood sample will be maintained by the laboratory so that an employee at his or her own expense may request from the MRO a confirmation test of the split sample within 72 hours of the employee's notification that the original test was positive. If a second testing of the split sample produces a negative result, the MRO will cancel the original test and the employee will be reimbursed for the cost of the second split sample test.
- 3.4 Alcohol tests will be considered negative if the concentration is less than 0.02 alcohol content (AC). A second test will be conducted if the results are 0.02 AC or greater. The second test must be conducted on an instrument that prints the results, date, time, a sequential test number, and the name and serial number of the instrument.
- 3.5 All testing administration will follow the requirements of the Omnibus Transportation Employee Testing Act of 1991, as set forth in 49 CFR Part 382, as a minimum.

- 3.6 All employees required to maintain commercial drivers' licenses (CDLs) will be advised if tests they are required to submit to under this policy and procedure are required by the Omnibus Transportation Employee Act of 1991.
- 3.7 When a drug test is canceled (i.e., invalidated) by a laboratory and/or a MRO, the following will apply with respect to rescheduling tests:
 - 3.7.1 Pre-employment – will be rescheduled.
 - 3.7.2 Random – will not be rescheduled.
 - 3.7.3 Reasonable Suspicion – will be rescheduled, but only if reasonable suspicion continues to be present or reoccurs and new documentation is prepared.
 - 3.7.4 Post Injury – will be rescheduled.
 - 3.7.5 Post Accident – will not be rescheduled.
 - 3.7.6 Return-to-Duty and Follow-up – will be rescheduled.
 - 3.7.7 Return-after-Illness/Injury/Other – will be rescheduled.
- 3.8 Employees who receive alcohol test results of at least 0.02 AC but less than 0.04 will be immediately placed on leave for 24 hours. The employee will be allowed to use general leave or leave without pay.
- 3.9 Any employee who has confirmation of an alcohol test result of 0.04 AC or greater or who has confirmation of a positive drug test will be immediately assigned to non-safety sensitive related responsibilities, which may include assignment to home, pending a final decision on disciplinary action and will be referred to a substance abuse counselor for evaluation. No employee may return to his or her position without receiving an evaluation from a substance abuse professional, complying with any and all recommended rehabilitation activities prescribed by the substance abuse professional, and successfully completing a Return-to-Duty drug and/or alcohol test. An employee returning to work will be subject to unannounced Follow-up Testing for drug and alcohol abuse for a minimum period of 12 months up to a maximum period of 60 months, provided no subsequent positive drug or alcohol tests occur. Employees will receive a minimum of six follow-up tests during the first twelve months following their Return-to-

Duty unless the substance abuse counselor specifies a different number of follow-up tests. The follow-up tests may be conducted for both alcohol and drugs.

- 4.0 DISCIPLINARY ACTION: Disciplinary action will be determined on a case by case basis. As a frame of reference, the anticipated disciplinary action for a regular employee for a single positive drug test or alcohol test of 0.04 AC or greater shall be a two-week suspension without pay (112 hours for fire department, station based employees), although lesser or stricter disciplinary action, up to an including termination, may be taken depending on specific circumstances. The anticipated disciplinary action for a temporary or seasonal employee will be immediate removal from employment. The Department Director, with the concurrence of the City Manager, will determine whether or not a probationary employee is to be disciplined *or* removed from employment. The anticipated disciplinary action for a second positive test within a two-year period shall be termination, although lesser disciplinary action may be taken depending on specific circumstances. The disciplinary action for a third offense within three years shall be termination. The time periods listed above for measuring multiple offenses may also be modified depending on specific circumstances. (CDL employees are disqualified from operating commercial vehicles after multiple positive tests for various periods depending on the circumstances.)
- 5.0 EMPLOYEE CONFIDENTIALITY. All employee information, documentation, and records related to drug and alcohol testing shall be confidential. All records and documentation of alcohol and drug testing shall be maintained by the Personnel Department, and no department shall maintain separate records regarding drug or alcohol testing of any employee. Records or information relating to drug and alcohol testing will be released only to the employee who has undergone the testing and those persons who have a legal right to the information and to other individuals only upon the submission of a release signed by the employee who underwent the drug or alcohol testing authorizing the disbursement of such records or information. This section does not prohibit disclosure among management as is reasonably necessary for making disciplinary decisions under this policy.
- 6.0 RESPONSIBILITY: The Personnel Director shall be responsible for overseeing the implementation of this procedure and for the administration of Pre-Employment Testing, Random Testing, Return-to-Duty and Follow-up Testing, and Return-after-Illness/Injury/Other. Department Directors shall be responsible for the administration of Post-Accident Testing and Reasonable Suspicion Testing. All employees are responsible for ensuring that they are not under the influence of alcohol or illegal/abused drugs while on duty or in an on-call status, and for notifying their supervisor of medications they are taking that could affect their safe actions and judgment.

APPROVED:

Mark S. Watson

City Manager

Original: 1/1/95

Revisions: 4/19/95; 10/27/97;7/01/07 2/15/11; 1/19/12

Reference: Administrative Policies and Procedures

F-225, Discipline of Employees

F-600, Drug and Alcohol Use While on Duty

F-605, Drug Free Work Place