

**GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES**

**Request for Proposal – Negotiation
Professional Services**

To:

Date: October 20, 2020

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RFP No. 001-T-2021 (P)

Pursuant to 31 V.I.C. 239 (a) (4) and Rules and Regulations thereunder issued, the Government of the Virgin Islands, herein after referred to as GVI, Department of Property and Procurement will receive proposals for the work described below. Proposals will be received no later than *Thursday, November 19, 2020 @ 4:30 PM o'clock p.m.* Atlantic Standard Time.

DESCRIPTION OF WORK: *Qualified Third-Party Administrator to Perform Drug and Alcohol Testing*

SCOPE OF SERVICES: See attached

NEGOTIATED PROCEDURES:

The Commissioner of the Department of Property and Procurement will appoint a Selection Committee to assist in the evaluation and selection of the Contractor. Accordingly, proposals shall be reviewed and rated on the selection criteria outlined in the “**Factors For Discussions**”. After reviewing and rating the proposals the Committee will select for discussions from the firm/s or person/s **deemed to be the most highly qualified to provide the services herein required**. Discussions will be conducted with the firm or person so selected. The Committee may select to conduct discussions and/or oral presentations from the firm/s or person/s, not less than two (2) deemed to be the most highly qualified.

FACTORS FOR DISCUSSIONS

Selection criteria will include **(i)** Professional qualification, registration and general reputation of principals of the firm or person; **(ii)** the extent to which the firm or person specializes in or has provided services of a type and scope similar to the hereunder; **(iii)** familiarity with the location (s) in which services will be performed; **(iv)** project approach and capability of meeting schedules; and **(v)** quality of performance on other similar projects.

NEGOTIATION:

The Selection Committee shall recommend to the Commissioner **the highest qualified firm or person with whom a contract shall be negotiated as a result of the Committee’s scores from the written proposals or discussions-oral presentations**. The Commissioner, with the assistance of the Selection Committee, shall attempt to negotiate a contract with such firm or person.

Should the Commissioner be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm will be formally terminated. Negotiations will then commence with the second most qualified, the third most qualified or additional firms, in order of preference, and shall continue until an agreement is reached.

Anthony D. Thomas
Commissioner
Property and Procurement

INSTRUCTION TO PROPOSERS

A. NOTICE

RFP-001-T-2021 (P) - *Qualified Third-Party Administrator to Perform Drug and Alcohol Testing*

Information provided in the scope of work is to be used only for purposes of preparing a proposal. It is further expected that each bidder will read the scope of work thoroughly, for failure to meet certain specified conditions may invalidate the proposal.

The Government of the Virgin Islands, herein after referred to as GVI, reserves the right to reject any or all proposals or any portion thereof and to accept the proposal deemed most advantageous to GVI. Price shall not be the sole criterion of awarding this project. Scope and quality of work proposed and the ability of the bidder to complete this type of project shall also be considered.

Applicants are requested to submit proposals on the basis of the scope of work. Alternative proposals recommending new features and technology other than that requested in the scope of work will receive consideration providing such new features and/or technology is clearly explained. Any exceptions to the requirements requested herein must be clearly noted in writing and be included as part of the proposal.

The information contained herein is believed to be accurate but is not to be considered in any way as a warranty. Request for additional information clarifying the Scope of Work should be directed in writing to **Assistant Commissioner of Procurement, Lisa M. Alejandro** at lisa.alejandro@dpp.vi.gov.

B. STATEMENT OF PURPOSE

To assist the Government of the Virgin Islands in meeting the requirement for the following services: **RFP-001-T-2021 (P) - *Qualified Third-Party Administrator to Perform Drug and Alcohol Testing***

C. PROPOSE SCOPE OF WORK

See Attached

D. TIMETABLE

Last Day for Written Clarification is Wednesday, November 4, 2020 @ 1:00 PM

E. SUBMISSION OF PROPOSAL

All interested parties shall submit **one (1)** electronic copy of proposals, which are to be delivered to the Department of Property and Procurement no later than **Thursday, November 19, 2020 @ 4:30 Atlantic Standard Time.**

Electronic submissions which must include the Company's Name – Solicitation Number – Due Date in the Subject Line of the email. For Example, ABC Company, Inc. – RFP No. 001 – T-2020(P) – March 16, 2020.

The First Page of each electronic submission must also include Company's Name – Solicitation Number and Due Date. The second page of each electronic submission must only contain the following words in red font: **"CONFIDENTIAL BID SUBMISSION"**

Send	To	ebids_proposals@dpp.vi.gov
	Cc	
	Bcc	
Subject ABC Company, Inc.-RFP-033-T-2020 (P)- May 22, 2020		

All electronic submissions must be received at ebids_proposals@dpp.vi.gov no later than the date and time listed in each advertisement. There will be no exceptions.

F. WITHDRAWALS OF PROPOSAL

A proposal may be withdrawn at any time prior to the time specified as the closing time for acceptance of proposals. However, no proposal shall be withdrawn or canceled for a period of thirty (30) days after said closing time for acceptance of proposals nor shall the successful provider withdraw, cancel or modify the proposal, except at the request of GVI after having been notified that said proposal has been accepted by GVI.

G. INTERPRETATION OF SPECIFICATIONS

If any person contemplating submitting a proposal requires clarification of any part of the scope of work, he/she may submit to the GVI a written request for an interpretation thereof to the **Assistant Commissioner of Procurement, Lisa M. Alejandro**. GVI will not respond to questions received after the above established date. The person submitting the request will be responsible for its prompt delivery. Any interpretation of the scope of work will be made in writing to all prospective providers. Oral explanations will not be binding.

H. CONSIDERATION OF PROPOSAL

The Commissioner of Property and Procurement shall represent and act for GVI in all matters pertaining to the scope of work and contract in conjunction therewith. **This RFP does not commit GVI to the award of a contract, nor pay of any cost incurred in the preparation and submission of proposals in anticipation of a contract. GVI reserves the right to reject any or all proposals and to disregard any informality and/or irregularity in the proposal when, in its opinion, the best interest of GVI will be served by such action.** Proposals failing to provide some of the items in the scope of work shall not be rejected per se but any deviations from the scope must be clearly noted.

I. ACCEPTANCE OF PROPOSALS

GVI will notify in writing acceptance of one of the proposals. Failure to provide any supplementary documentation to comply with the respondent's proposal may be grounds for disqualification.

J. CONTENTS OF PROPOSAL

The following is a list of information to be included in the written proposal. The documents listed under this section are required for submission of a proposal in response to this RFP and failure to comply with any requirement as outlined may disqualify the respondent.

1. Organization:
 - a. Introductory letter about the applicant:
 - i. Name, address, email, and telephone numbers.
 - ii. Type of service for which individual/firm is qualified.

- b. Provide a list of staff available for the project (Local & Off-Territory)
 - c. Current Business License or state register for the services being advertised. All bidders bidding as a Joint Venture must be licensed as a Joint Venture in the US Virgin Islands
 - d. Current trade name registration certification; if applicable
 - e. Certificate of Good Standing dated July 1, 2020 or later
 - f. Articles of Incorporation (For Corporations) or Articles of Organization for (LLC's) or qualification (Limited Partnerships), if applicable.
2. Sub-Contractors:
 - a. Provide listing of Sub-Contractors that shall be retained for this project including phone numbers.
 - b. Provide what percentage of work will be sub-contracted.
3. Project Experience:
 - a. Provide a list of projects performed within the last three (3) years. Include a brief description of the work performed and cost of each project.
 - b. Provide a list of projects currently being performed. Include a brief description of the project and percentage completed.
4. Project Approach:
 - a. The respondent applying to this solicitation will describe how you will approach this project and availability to perform the services requested.
 - c. Does the project plan address the criteria identified in the RFP Scope? Is there a project plan against which to measure progress?
 - d. Quality of the Proposal Presented
5. References Letters: 3 letters minimum related to the projected being solicited. To obtain maximum allotted points, each letter must:
 - a. Include information about past performance on similar project from authorized representative.
 - b. Include a working telephone number; and email address to be contacted; and
 - c. Notarized.
6. Proof of Sams.Gov registration
7. **Cost Proposal *must* be submitted in a separate file.**

K. CONFLICT OF INTEREST

A proposer filing a proposal hereby certifies that no officer, agent or employee of GVI has a pecuniary interest in this proposal or has participated in contract negotiations on behalf of GVI; that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other Bidder for the same request for proposals; the Bidder is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.

L. ACCEPTANCE OF CONTRACT TEMPLATE AND OTHER TERMS AND CONDITIONS

By submitting a proposal in response to this RFP, the respondent agrees to accept the boilerplate terms and conditions of the Government's standard Professional Services Contract, a copy of which is attached to this RFP, if the respondent is selected for award.

M. MANDATORY LIST OF REQUIRED SUPPROTING DOCUMENTS TO CONTRACT WITH GOVERNMENT OF THE VIRGIN ISLANDS

1. See Attached.

THE DOCUMENTS IN THE ATTACHMENT WILL BE REQUIRED FOR APPROVAL OF THE CONTRACT WITH THE SUCCESSFUL RESPONDENT.



List of Required
Docs.09.17.2018.pdf

REQUEST FOR PROPOSALS

DRUG AND ALCOHOL TESTING PROGRAM THIRD PARTY ADMINISTRATIVE SERVICES

SECTION 1. INTRODUCTION

Project Description

1. The Government of the United States Virgin Islands is soliciting proposals from individuals or firms for Third Party Administrative Services, to assist with the administration of drug and alcohol testing program as per the Omnibus Transportation Employee testing Act of 1991, 49 CFR Part 40 and as updated as administered under the authority of the U S Department of Transportation (DOT) and by the Federal Transit Administration (FTA) under 49 CFR Part 40 and Part 655 as amended and:
2. Drug and Alcohol testing services for the Department of Public Works to satisfy the requirements of its Drug and Alcohol-Free Workplace Policy adopted January 1, 2013.

SECTION 2. SCOPE OF SERVICES

Please provide a cost proposal to accomplish the tasks outlined below. Include all necessary items that are required to complete said tasks.

- DOT – FTA Random Selections of the Virgin Islands Department of Transportation Random Pool.
- Non-DOT Random Selections of the Department of Public Works Random Pool.

The Government of the Virgin Islands is seeking drug and alcohol testing services for all aspects of its Drug and Alcohol Testing Program.

RANDOM DRUG AND ALCOHOL TESTING

Random selections rates for drug and alcohol testing are currently set at 50% per year for drug testing and 15% per year from alcohol testing (Government of the Virgin islands reserves the right to modify testing rates within the limits permissible under federal regulations).

The following services are required:

1. Random drug tests selections
2. Medical Review Officer services.
3. Consultation with Medical Review Officer on positive results.
4. Receive results from the lab and the MRO the following services as needed:

Individual DOT and Non-DOT drug and alcohol tests (pre-employment, post-accident, reasonable cause, return-to-duty, and follow-up test).

PROVISION OF DRUG AND ALCOHOL TESTING SERVICES

Task 1. Specimen Collection and Drug Testing

This task will be broken down into several sub-tasks

1.1 Identification of Facilities:

The **Proposer** shall utilize the existing collection facilities already established and shall provide the proper laboratory collection kits, chain of custody forms, and collection procedures. The final decision regarding the approval of collection facilities is the V.I. Public Transit System's and the Department of Public Works' responsibility.

1.2 After-Hour Collection:

The **Proposer's** staff shall be available from 7:30 A.M. – 6:00 P.M, to assist with any problems regarding collection and/or breath-testing services that may arise. There should also be a toll-free number available for PACS (Post Accident Collection Services) to be used for any after-hours, weekend or holiday services that may be required. The transit system will simply call the assigned Account Specialist to arrange any post-accident testing during normal business hours (7:30 A.M. until 6:00 P. M. Monday through Friday). Each authorized transit system contact will be given access to an 800-pager number which will be operable during non-office hours (5:30 P.M. until 7:30 A.M. Monday through Friday and 24 hours a day on Saturdays and Sundays).

When contacted, the PACS Specialist will identify collection facilities for post accident or any other type of drug or alcohol testing. The PACS Specialist will, at the client's request, arrange for on-site collections if a facility is not available within a reasonable or convenient geographic area. The PACS Specialist will further resolve any problem (s) related to the service provided by the collection facility or on-site service provider. If collection cannot be made available, the PACS Specialist will prepare a report documenting the steps it has taken to locate the collection facility or on-site service. It is recommended that collection kits, custody and control forms, test requested forms, lab packs, and air bills be kept in the driver's vehicle at all times for post accident testing. The **Proposer** shall resolve any specimen collection problems that result in a rejected specimen or an inconclusive result requiring pretest.

The **Proposer** shall continually strive to maintain collection facilities that provide collection services in accordance with federal and state regulations. These services include overnight specimen transportation from the collection site to the laboratory. As a result of a recent FTA audit of transit systems, new quality control procedures have been implemented to assure compliance with regulations.

1.3 Insufficient Volume:

In the event a donor cannot provide sufficient urine or breath for testing, federal regulations require that specific exams be administered to determine if there is a medical reason for the insufficient quantity. The **Proposer** will work with designated collection sites to establish parameters for the Shy Bladder/Shy Lung exam requirements. The following protocols will be established for these exams:

Shy Bladder Exam – This exam consists of a medical history to determine whether the employee has had any prior or existing medical condition (s) that may affect his/her ability to produce an adequate urine quantity for specimen testing. The history should be followed by a basic medical exam (i.e. height, weight, blood pressure, listen to heart and lungs and urinalysis). If the exam reveals any kind of medical condition (s) that could prevent the employee from rendering an adequate urine quantity for specimen testing, both the employee and the employer should be notified of these findings. Any medical examination or treatment beyond this will become the responsibility of the employee.

Shy Lung Exam – This exam consists of a medical history to determine whether the employee has any prior or existing medical condition (s) that might affect his/her ability to provide an adequate amount of breath volume for testing. The history should be followed by a pulmonary function evaluation test. The minimal volume to accomplish evidential breath testing is 1.2 to 1.4 liters of breath for a minimal of 6 seconds. If the exam reveals any medical condition (s) exist that could prevent the employee from rendering an adequate breath volume for testing, both the employee and employer should be notified of these findings. Any medical examination or treatment beyond this would become the responsibility of the employee.

1.4 Quality Assurance

The **Proposer** shall provide customized “Drug/Alcohol Test Request Forms” to be completed and faxed to the **Proposer** each time an employee is directed to a collection facility for testing. The employee/applicant who has been directed to a facility for testing should take the form with him/her to the collection site. The form will act as an instructional sheet for the collection facility and also helps prevent fatal flaws in the Drug collection process that can result in a cancelled test. This form also provides the **Proposer** with the employee category necessary for MIS reporting.

Task 2. DHHS Certified Laboratories

Laboratory testing shall be provided by a U.S. Department of Health and Human Services (DHHS) certified laboratory under contract with **Proposer**. **Proposer** does not propose a specific laboratory since it is more important to the client to be able to change laboratories if the level of service falls below the **Proposer's** required laboratory vendor service level. The initial

screening process shall be conducted by using an immunoassay procedure. All screened positive results shall be confirmed by Gas Chromatography/Mass Spectrometry (GC/MS). All laboratory testing shall be performed in accordance with DHHS and other applicable procedures. All reporting results shall be done in accordance with DHHS and other Federal Regulations. The **Proposer** shall resolve any specimen problems that result in rejected specimen or inconclusive result requiring a retest.

If a "split specimen" result comes back as "positive", the Medical Review Officer (MRO) shall offer the employee the option of having the "split sample" sent to a second DHHS/SAMHSA certified laboratory of his/her choice.

Task 3. Medical Review Officer

The **Proposer** shall provide medical review services under the direction of a professional, qualified, federally certified physician, the **Proposer's** full-time, in-house medical review officer.

Task 4. Drug Testing

The **Proposer** shall have gone online with a computer that is able to keep pace with anticipated volume of tests to be conducted as **Proposer's** organization continues to grow.

All tests performed for the public transit system shall be conducted utilizing the approved DOT 5-panel drugs of detection that consists of:

- Cannabinoids
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine

Task 5. Breath Alcohol Testing

The **Proposer** shall work with collection sites that have already been approved by the Department of Public Works, that have purchased the approved devices and that have performed the evidential breath testing for the public transit system.

The **Proposer** shall review and maintain specific records pertaining to evidential breath testing. To accomplish this, the **Proposer** shall develop a Breath Alcohol Review (BAT REVIEW) and reporting system.

The **Proposer's** BAT Review Specialist shall:

- Assure all evidential breath testing is performed with instruments listed on the DOT Conforming Products List.
- Maintain a copy of the Quality Assurance Plan for instruments used for testing.
- Verify Breath Alcohol Technician's certification.
- Receive test results from Breath Alcohol Technicians as designated public transit system representatives.
- Review all Breath Alcohol Technician Form requirements on both negative and positive tests.
- Report negative results to designated public transit system representatives (all positive alcohol test results shall be reported simultaneously to the appropriate transit system and to the **Proposer**).
- Make available necessary information as needed for the DOT/FTA MIS reporting.

This review process shall allow the public transit system to remove the positive employee from the safety-sensitive position but delay any required disciplinary action until the **Proposer** has confirmed the breath alcohol test was performed in accordance with federal regulations and is a valid test.

Task 6. Random Data Base

The **Proposer** shall utilize a statistically valid computer-generated random selection process which randomly selects individuals from a designated employee pool.

Employees subject to random testing shall be part of a pool with each employee having an equal chance of being chosen in each selection period. Even those employees chosen in previous periods will be subject to selection in all future periods. Therefore, there will be the possibility that some employees will be selected more frequently than others. Notification of selected employees shall be made to the company's designated program administrators. Since many employees may not always be available to report for a random test, this will allow employers the flexibility to schedule employees at the convenience of the employee, employer, and collection facility. This will also allow the public system to make sure random testing is spread throughout all hours of the operation. The **Proposer** shall combine employee names from each public transit location into two (2) customized

consortia pools – DOT and non-DOT. Random selections shall be automatically generated at required time increments.

Program Validation: A professional, qualified professor of statistics belonging to a reputable graduate school of management shall conduct the validation of the **Proposer's** program. To validate randomness, 1 million (1,000,000) random selections were made over a control group of one hundred (100). A histogram by category indicated that the counts fell symmetrically around the mean (10,000). Moreover, the minimum and maximum counts will indicate that the selection process is within acceptable limits. Technically, the randomness shall be sustained at this level. Each time the **Proposer** shall conduct a random selection; three (3) reports shall be provided to the client.

Selection Run Information Sheet shall provide general information about the selection including, the date of selection, pool I.D., pool description, number in pool, number of selections conducted each year, selection rate (%) and number selected.

Employees Selection Form shall list the name, I.D. No., location, etc. of each employee selected.

Active Population Form lists the name, the I.D. No., location, etc. of each active employee in the selection pool.

Employee Selection Pools shall be updated either by submitting an Employee Update Form, a computer printout, or an ASCII format file on computer diskette.

The **Proposer** shall monitor testing activity for the public transit system as it participates in the random selection testing program. The employees selected shall be cross-referenced with **Proposer's** testing activity database. Periodically, the **Proposer** shall notify the public transit system and the Department of Public Works in situations where an employee was selected but not tested. The public transit system will then determine why the test has not been performed. Depending on the circumstances, future selection rates may require modification to maintain certain rates.

Task 7. Record-keeping, Reporting and Certification

The **Proposer** shall perform all record-keeping in accordance with Title 49 of the Code of Federal Regulations. The **Proposer** shall receive test results via fax and download directly to its system. These results shall be promptly reviewed by the medical review services and processed accordingly. All negatives shall be reported electronically to the authorized contact for the public transit system.

Knowing and understanding that the consistent and accurate medical review of test results are vital to both the individual donor and the employer, the **Proposer** realizes its importance and shall provide this service in a timely and efficient manner. Further, the **Proposer** understands that one of its primary functions shall be to manage this information; and, through its continuing commitment to technology, shall develop several new and innovative ways of providing service in a computer assisted mode.

Task 8. Reporting

The **Proposer** and client shall determine the best method of reporting drug alcohol test results.

Aggregate quarterly, statistical reports shall be provided by the testing laboratory. The Proposer shall also provide annual reports to the public transit system containing all necessary information for MIS reporting. The annual reports shall provide information by employee categories as required under FTA regulations.

Upon request, the **Proposer** shall prepare a litigation package for the public transit system with all necessary documentation of a positive result. The **Proposer** shall maintain all required records in accordance with any applicable federal and/or state regulations.

The **Proposer** shall provide copies of any requested records within 14 working days of the request. Strict confidentiality of all test results shall be maintained, at all times, by each and every member of **Proposer's** professional staff.

Task 9. Training

The **Proposer** shall assist the Government of the Virgin Islands in maintaining a drug and alcohol abatement program that conforms to the requirements set forth in 49 CFR Part 40 and 49 CFR Part 655, to include materials for the required training of new employees, as well as required recurrent Supervisor Training in Signs and Symptoms of drug abuse and alcohol misuse.