

New York State Department of Corrections and Community Supervision

IFB 2020-11 – Drug Testing Services – Correctional Facilities

The responses to questions included herein are the official responses by the Department to questions posted by potential applicants and are hereby incorporated into the IFB#2020-11 issued on April 2, 2020. In the event of any conflict between the IFB and these responses, the requirements or information contained in these responses will prevail.

| Question # | Corresponding IFB Section | Bidder's Question | Answer |
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| 1 | NYS Vendor Responsibility Questionnaire (page 12) | page 12 NYS Vendor Responsibility Questionnaire- Will the department consider a IFB response, if the vendor responds with a "confidential or proprietary" answer on the questionnaire | See page 12, NYS Vendor Responsibility Questionnaire. Note that questionnaires are FOILable (see page 11, Freedom of Information Law/Trade Secrets) and confidential only to the extent allowable by the New York State Freedom of Information Law. Answer everything accurately and completely to the best of your ability. Incomplete responses may lead to a finding of being nonresponsive. If you have questions on how to fill out the questionnaire please contact the Help Desk. |
| 2 | General | Who currently provides the State's drug testing and laboratory services? | Alere Toxicology Services, Inc. currently provides drug testing services |
| 3 | General | What are the costs per test that the State currently pays? | The pricing structure on the past contract is not relatable to this contract. However you can FOIL it at: https://doccs.ny.gov/freedom-information-law-foil |
| 4 | General | Could the State please provide the current contract(s)? | You can FOIL contracts at: https://doccs.ny.gov/freedom-information-law-foil |
| 5 | General | How many specimen collections are performed monthly? Annually? | This question is unclear and therefore, the Department cannot provide a |

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| | | | response. Estimated quantities are located on the bid cost sheet. |
| 6 | General | How is the random selection process conducted currently? | This question is not relevant to the development of a proposal under this IFB. |
| 7 | General | How are clients notified of the need to test currently? | This question is not relevant to the development of a proposal under this IFB. |
| 8 | General | What data systems does the State currently utilize? | See Section XII of the scope of services. Vendor will not be tapping into DOCCS systems. |
| 9 | General | Does the current vendor employ a dedicated collection staff? If so, what is the cost? | No. |
| 10 | General | Please describe the State's current method of specimen collection, either by State staff or the vendor providing collection services? | This Department does not release information related to security procedures. |
| 11 | General | Where are the samples currently collected? | In private areas of the correctional facilities. |
| 12 | | How many times per week does the State intend to ship samples from each collection location? | Shipments are accomplished daily or as needed. |
| 13 | | What is the State's current positive rate? | It varies. |
| 14 | | What is the cost per confirmation that the State currently pays? | See Answer to Question #3 |
| 15 | | How is the State testing for alcohol? What is the cost per test? | Not currently testing for alcohol. |
| 16 | | What is the State's historic average number of expert testimonies per year? | Historically there have not been any. Please see Section XIII of the Scope of Services for Testimony at DOCCS administrative hearings which is approximately 30 per year. |
| 17 | | Does the State plan to conduct vendor interviews after bids are submitted, prior to award notification? | No. |
| 18 | | Will the awarded testing laboratory be required to hold SAMHSA Certification? | No. |
| 19 | | Who is your current vendor for the requested testing services? | See Answer to Question #2 above. |
| 20 | | What is your current pricing for the requested services? | See Answer to Question #3 above. |
| 21 | | Currently, are you performing prescreening using an instant device? | This question is not relevant to the development of a proposal under this IFB. |

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| 22 | | Do you require a urine alcohol test or a blood alcohol test, or both? | We require urine alcohol testing. |
| 23 | Purpose - paragraph 2 (page 6) & Overview (page 25) | DOCCS will provide the leak-resistant specimen cup. Based on this statement from the IFB document, page 8, paragraph 2, please confirm if the awarded vendor is expected to supply you with a collection cup? If so, will you continue to use an instant device as well as lab based testing? | No, vendor is not required to supply collection cup. |
| 24 | | Please clarify who will collecting specimens – internal DOCCS employees, the awarded vendor or an independent vendor? | Internal DOCCS employees. |
| 25 | | Will specimen collections occur during standard business hours (7AM-7PM) only, or will collections occur after hours, on weekends or holidays? | See Addendum #1 |
| 26 | | Will all samples be aggregated and sent from one location, or will 51 of those sites be sending independently? | Correctional facilities will be sending independently. |
| 27 | | Please confirm if all sites would need training to meet the training requirements referenced in the IFB. | Yes, all sites will need training to meet the training requirements referenced in the IFB. |
| 28 | Page 27 Section XI | For collection training detailed on page 34 XI., please confirm if online collection training would be an acceptable method? | Yes, for collection training detailed in Section XI of the Scope of Services, online collection training would be an acceptable method. |
| 29 | Page 25 Section V | Please provide a description of the Synthetic Cannabinoids-2 and K2 Synthetic Cannabinoids-3 required testing panels as requested on page 32 V. | As Synthetic drugs change on a regular basis DOCCS would partner with the Contractor to provide current evolving trends. |
| 30 | Page 25 Section V | In the scope of work on page 30 V., it says a four-drug screen must be provided. Please advise if this should this be added to the Cost Sheet, or if you will only be ordering testing based on individual substances, as indicated on the IFB Cost Sheet. | Yes. See Addendum 1. |
| 31 | Page 28 - Cost Sheet | The Cost Sheet indicates “Items 1-12” under “Grand Total” but there are only seven (7) items listed. Please clarify. | That is a Typo. See Addendum 1. |
| 32 | | Please confirm if a secure online website/portal would suffice for the access and transmission of drug test results. | Yes, a secure online website/portal would suffice for the access and transmission of drug test results. |
| 33 | | Would each site require a separate interface to access results, and the hardcopy results would need to be sent to the respective corrections facility? | Central Office & each facility will require accesses to results on a secure online website/portal. Hardcopies will need to |

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| | | | be sent to the respective correctional facility. See Section VIII & XII in the Scope of Services. |
| 34 | | Would the DOCCS accept ONLY electronic receipt of results? | No. See Section VIII of the Scope of Services. |
| 35 | | Would all billing fall under one master account, or would each of the 51 locations be responsible for its own invoice? | Billing would fall under one master account. |
| 36 | | Please confirm that the total testing population under this contract is inmate/incarcerated donors. | Yes, the total testing population under this contract is inmate/incarcerated donors. |
| 37 | | Please provide your program positivity rate for 2019 and 2018. | See Answer to Question # 13. |
| 38 | | How many requests for litigation assistance (expert testimony, litigation packages, deposition) were submitted in years 2018 and 2019? | See Answer to Question # 16. |
| 39 | Checklist MWBE/EEO/SDVOB (page 4) | <p>Within Checklist for IFB #2020-11 a link has been provided to obtain MWBE/EEO/SDVOB Forms. 1). However, when referring to the provided link, the page cannot be found.</p> <p>2). Are these forms required if there is 0% goal as noted below from page 9 of the IFB document? If they are required, can NYS DOCCS please provide the specific forms needed or provide an updated link to obtain the necessary forms?</p> <p><i>Business Participation Opportunities for MWBEs</i> <i>For purposes of this solicitation, DOCCS hereby establishes an overall goal of 0 percent for MWBE participation, 0 percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 0 percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs</i></p> | <p>1) See Addendum 1</p> <p>2) Per page 10 of the IFB “The bidder will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement to DOCCS with its bid or proposal. If awarded a Contract, bidder shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by DOCCS on a quarterly basis as required during the term of the Contract.</p> |
| 40 | Purpose (page 6) | Under General Information, paragraph one it states that DOCCS is seeking to award one bid. However, in Procurement Rights, item 11 and Appendix B, under Definitions, there is mention of multiple awards. Is the intent of this IFB to award to one vendor? | DOCCS is seeking to award to one bidder for the services of Urine Drug Screening. |

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| 41 | | Considering the timeframe between when responses to the questions will be received and the bid due date of the final response, would DOCCS be willing to issue an extension of an additional two (2) weeks to the bid due date? | See Addendum 1. |
| 42 | | Due to the current circumstances related to COVID-19 and social distancing recommendations, would an electronic bid, including electronic signatures, be acceptable instead of a hard copy bid at this time? Please note that an electronic submission would not include any notarization that may be requested. We would be willing to provide a hard copy bid, including notarization where required, upon request, when the situation has changed, and social distancing recommendations have been lifted. | 1) No. See page 7 for bid submittal. Please follow Notary instructions on Executive Order 202.7 (attached). |
| 43 | Submission Documents (page 4) & Scope of Services Section VI (page 25) | Page 4 and Page 26, Section VI references “batch testing.” What is meant by “batch testing”? | See IFB 2020-11 Scope of Services Section VI (page 26). |
| 44 | Scope of Services – Section X (page 26) | Page 26, Section X references a requirement for the bidder/awarded vendor to “describes how the chain of custody has been maintained for the specimen tested.” Please provide details on what specific data is required to show how the chain of custody has been maintained. | The final documentation must contain chain of custody from collection to results to include at a minimum, dates, times and involved parties. |
| 45 | | Will a Medical Review Officer (MRO) be utilized to receive and review drug test results? | No, a Medical Review Officer (MRO) will not be utilized to receive and review drug test results. |
| 46 | | Please identify the list of Opiates that are required for testing. | The list of Opiates that are required for testing are Opium, Morphine, Codeine, Heroin. See Addendum 1. |
| 47 | Price Adjustment (page 16) | Is the awarded vendor required to use the CPI to determine annual/price increases? | Yes. Price shall remain firm for the first year. Thirty days prior to the anniversary date of the award, the Contractor may request a rate change based on the CPI. |
| 48 | | Who is currently providing the laboratory testing for the DOCCS? | See Answer to Question #2 above. |
| 49 | | What is the DOCCS currently paying for the requested lab tests? | See Answer to Question #3 above. |
| 50 | | Is there a copy of the current contract available to view? | See Answer to Question #4 above. |

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| 51 | | How are inmates selected for testing? Is the DOCCS interested in using a web based program that provides randomized selection of the population? | See Answer to Question #6 above. |
| 52 | General Information, Purpose (page 6). | In regards to the cups that the DOCCS is using, can you please provide the size, type and style of cups? | The cups to be used by the Department have not yet been finalized. |
| 53 | | We have noted that the MWBE goal for this contract is zero, per page 9. Can you confirm that the MWBE/EEO/SDVOB forms that are mentioned in the Checklist are NOT required with the bid, since the participation goal is zero? | See Answer to #39 above. |
| 54 | Billing (page 15) | On Page 15, under Billing, there is a list of 5 items that must be included on the invoice. In regards to the last item (P.O. Line Number and Description), can you please describe the type and amount of information that would be required here? Is it possible to provide a sample invoice that includes this information? | DOCCS will work with the winning bidder to provide this information. |
| 55 | Qualification of Bidder (page 17) Financial Stability (page 22) | We have noted that financial information and /or a D&B report appears to be required per page 17 and page 22 of the RFP, but this item is not included on the Checklist. Can you please confirm what type of financial information is required, and whether this information must be included with the bid? | Yes, this is a requirement of the IFB. See Addendum 1. |
| 56 | References (Page 22) | Page 22 says that references may be required. Can you please confirm that references are not required with the bid? | Correct. References are not required with the bid. |
| 57 | Scope of Services (page 25), Section I. | We have noted that there are 51 DOCCS facilities that will be shipping samples. Are the 500 samples a month spread approximately evenly between the facilities, or are there several facilities that will have a higher volume than others? | The estimated 500 samples a month are not spread evenly between the facilities and there will be several facilities that will have a higher volume than others. |
| 58 | Scope of Services (page 25), Section V and Cost Sheet (page 28). | We have noted that the Scope of Services (V.) requests a four-drug screen that includes Opiates, Marijuana, Buprenorphine and Cocaine. However, the price matrix on Page 28 does not include a line item for this 4 drug panel. 1. Can the bidders add a price for this item elsewhere in the response document, 2. or do you plan to issue a revised Cost Sheet? | 1) No. 2) See Addendum 1. |
| 59 | Scope of Services (page 25), Section V and Cost Sheet (page 28). | Please describe expectations for testing of synthetic cannabinoids 2 and 3. | It must include GCMS confirmation testing. |

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| 60 | Scope of Services (page 26), Section VI and Cost Sheet (page 28). | Does the DOCCS want the pricing to include confirmations, or should confirmation charges be listed separately? | See Addendum 1. |
| 61 | Scope of Services (page 26), Section VI and Cost Sheet (page 28). | What is the positivity rate for the samples? | See Answer to Question #13 above. |
| 62 | Scope of Services (page 26), Section VIII. | In Scope Item VIII, is the DOCCS saying it wants both electronic and hard copy results of all confirmation tests? We usually discourage mailing result reports, since the same result report can be printed from the portal at any time. Further, we cannot guarantee the results will be received by the DOCCS within the time frame requested (48 hours), if the report is mailed via USPS. | See Answer to Question #33 above. |
| 63 | Scope of Services (page 26), Section X. | In regards to the current chain of custody process, can the DOCCS provide a redacted copy of the current chain of custody form, including all related documentation that is requested in the Scope of Services, Section X? | See Answer to Question #44 above. |
| 64 | Scope of Services (page 26), Section X. | Does the DOCCS want an affidavit type statement included with every confirmation result report? Is a short affidavit statement that is included on the test report acceptable, or are you looking for a longer affidavit statement, or a litigation packet? | No. |
| 65 | Scope of Services (page 27), Section XIII. | How often has the DOCCS required expert witness testimony (testimonies per year)? Is testimony via Skype or phone conference typically acceptable? | See Answer to Question #16 above. Testimony via phone conference is the accepted method. |
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State of New York

Executive Chamber

No. 202.7

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

WHEREAS, in order to facilitate the most timely and effective response to the COVID 19 emergency disaster, it is critical for New York State to be able to act quickly to gather, coordinate, and deploy goods, services, professionals, and volunteers of all kinds; and

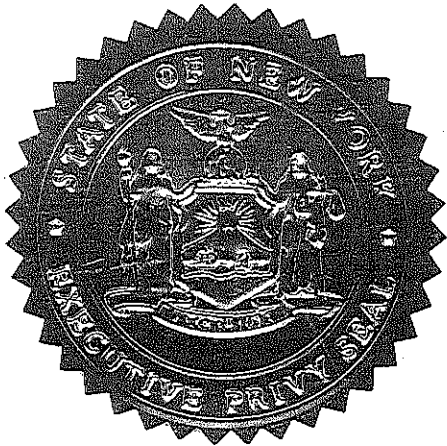
NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 18, 2020 the following:

- The suspensions made to the Public Officer's Law, including provisions of Section 73 and Section 74, by Executive Order 202.6 are hereby modified to require that such suspensions and modifications shall only be valid with respect to a person hired for a nominal or no salary or in a volunteer capacity.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 18, 2020:

- Any notarial act that is required under New York State law is authorized to be performed utilizing audio-video technology provided that the following conditions are met:
 - The person seeking the Notary's services, if not personally known to the Notary, must present valid photo ID to the Notary during the video conference, not merely transmit it prior to or after;
 - The video conference must allow for direct interaction between the person and the Notary (e.g. no pre-recorded videos of the person signing);
 - The person must affirmatively represent that he or she is physically situated in the State of New York;
 - The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed;
 - The Notary may notarize the transmitted copy of the document and transmit the same back to the person; and

- The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within thirty days after the date of execution.
- Effective March 21, 2020 at 8 p.m. and until further notice, all barbershops, hair salons, tattoo or piercing parlors and related personal care services will be closed to members of the public. This shall also include nail technicians, cosmetologists and estheticians, and the provision of electrolysis, laser hair removal services, as these services cannot be provided while maintaining social distance.
- The provisions of Executive Order 202.6 requiring in-person work environment restrictions are modified as follows: Effective March 21, 2020 at 8 p.m. and until further notice all businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 75% no later than March 21 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions.



GIVEN under my hand and the Privy Seal of the State
in the City of Albany the nineteenth day of
March in the year two thousand twenty.

BY THE GOVERNOR


Secretary to the Governor

