



Motion No. M2019-105

Substance Abuse Prevention Program Third Party Administrator Contract

Meeting:	Date:	Type of action:	Staff contact:
Rider Experience and Operations Committee	11/07/2019	Final action	Leslie Jones, Chief Officer of Business and Labor Compliance Michael Lockman, Substance Abuse Specialist

Proposed action

Authorizes the chief executive officer to execute a three year contract with two one-year options to extend with Drug Free Business to provide clean card administration, Medical Review Officer and laboratory drug testing services for Project Labor Agreement construction projects in the amount of \$2,250,000 with a 10 percent contingency of \$225,000, for a total authorized contract amount not to exceed \$2,475,000 plus applicable taxes.

Key features summary

- A Clean Card program will create one Substance Abuse Prevention Program (SAPP) for all employees working on Sound Transit projects governed by the Project Labor Agreement. This will eliminate repetitive pre-employment testing and ensure that all construction workers are subject to the appropriate frequency of random testing.
- The program will provide:
 - An enhanced SAPP to meet the needs of current and future Project Labor Agreement construction projects.
 - Efficiencies through a universal testing program for Sound Transit projects versus the current model where individual programs are administered at each project site.
 - A consistent experience and better assurance that Sound Transit can demonstrate the equitable treatment of employees.
 - Improved substance abuse monitoring and addresses concerns raised by Internal Audit, union representation, individual contractors and Associated General Contractors.
- The Clean Card program will be implemented through two contracts, a contract for program administration including laboratory drug testing and Medical Review Officer services, and a contract for drug test specimen collection and alcohol testing services. These two contracts are being sought through Motion Nos. M2019-105 and M2019-106.
- This contract provides for administration of the Clean Card program, Medical Review Officer, and laboratory drug testing services through a single administrator. Under this contract, Drug Free Business will provide:
 - Comprehensive software management of participating contractors and construction employees, drug and alcohol testing records, and administration of random and follow-up testing selections and tracking.

- Laboratory based drug testing by a Substance Abuse and Mental Health Services Administration certified laboratory and related supplies.
- Review of laboratory positive drug test results by a Medical Review Officer and physician with expertise in toxicology testing for drugs of abuse.
- The amount requested is sufficient to cover the three year term and the two one-year options to extend. Applicable taxes are currently estimated to be \$249,975.

Background

The Sound Transit Substance Abuse Prevention Program (SAPP) Clean Card will replace the current SAPP requirement that each Prime Contractor operates their own Sound Transit SAPP at each project site. The Clean Card program will cover all current and future Sound Transit Projects that fall under the Project Labor Agreement, currently including construction workers on East Link, Federal Way Link, Lynwood Link, North Link, Redmond Link Extension, and Tacoma Link.

The current SAPP requirements have become unnecessarily cumbersome and less effective as Sound Transit has greatly increased the number of active construction projects and in turn the number of employees working. Since many construction workers working on the Project frequently move between employers and projects, these employees are repeatedly pre-employment tested and are less likely to be randomly tested.

A Clean Card program will create one SAPP for all employees working on Sound Transit projects eliminating unnecessary repetitive pre-employment testing and ensuring that all employees of the project are subject to the appropriate frequency of random testing. Eliminating repetitive pre-employment tests increases efficiency for contractors allowing them to put employees to work more expeditiously instead of repeatedly performing pre-employment tests on employees who have recently passed a previous test. Each pre-employment test takes a minimum of 24 hours to process a result, and in many situations longer. Additionally, ensuring employees are subject to the appropriate frequency of random testing strengthens the effectiveness of the program, as random testing has been shown to be a SAPP's best deterrent to substance abuse in the workplace. This approach lends to reducing risk from substance abuse related workplace accidents for Sound Transit. Lastly, the Clean Card will address concerns about the current SAPP that have been raised by Internal Audit, union representation, individual contractors and the Associated General Contractors.

The Clean Card is a substantial change in how Sound Transit monitors substance abuse on Sound Transit projects. To implement the Clean Card, Sound Transit will require contracts with two Administrators; one to conduct the drug and alcohol testing and another to administer the program. Since it is a more globally focused approach, Sound Transit will ensure that costs do not disparately affect some construction contractors more than others and recognizes the complications of funding the Clean Card program by collecting monies from each individual contractor who in turn would pass those costs back to Sound Transit. This is why Sound Transit will pay for the Clean Card program directly from Project funds.

Procurement information

Prior to issuing the solicitation for these services, Sound Transit considered the project scope, the determining factors for contract award, and the need for proposal discussions and revisions, and determined that a Request for Proposals was the most advantageous procurement method.

Sound Transit advertised Request for Proposals No. RTA/RP 0192-19 on August 7, 2019. Four firms submitted a proposal, and the proposals were evaluated based on the advertised evaluation criteria including firm experience and history; knowledge and experience of key individuals; capacity, approach and project organization; price; and commitment to and compliance with equal employment opportunity law. The two highest ranked firms were selected to enter into negotiations. Revised proposals were

evaluated based on the same advertised evaluation criteria, and Drug Free Business was identified as the top ranked firm.

Sound Transit recommends award of this contract based upon the determination that Drug Free Business's negotiated proposal best meets the evaluation criteria and offers the best value, and this contract award is in the best interest of Sound Transit.

Fiscal information

The funding for work under this proposed contract will be provided by capital project budgets. The services described in the proposed action will be assigned on a task order basis after available budget is verified. Since the services will be rendered on an as-needed basis, the distribution of costs will be determined as task orders are executed.

Disadvantaged and small business participation

Sound Transit promotes and encourages small business participation, which also includes disadvantaged business enterprises (DBEs). Small business and DBE goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of small businesses/DBEs available to perform such subcontracting work. Sound Transit did not establish a goal for this procurement.

Public involvement

Not applicable to this action.

Time constraints

The goal is to implement the Clean Card by first quarter of 2020. Lead time before commencing the program is needed to work with the selected Administrators to ready for implementation, communicate the program change to stakeholders, and educate contractors and employees on new roles and responsibilities. A one month delay would impact the lead time for implementation and potentially impact implementing as planned.

Environmental review – KH 10/30/19

Legal review – AP 10/31/19



Motion No. M2019-105

A motion of the Rider Experience and Operations Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a three year contract with two one-year options to extend with Drug Free Business to provide clean card administration, Medical Review Officer and laboratory drug testing services for Project Labor Agreement construction projects in the amount of \$2,250,000 with a 10 percent contingency of \$225,000, for a total authorized contract amount not to exceed \$2,475,000 plus applicable taxes.

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Motion

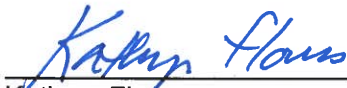
It is hereby moved by the Rider Experience and Operations Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a three year contract with two one-year options to extend with Drug Free Business to provide clean card administration, Medical Review Officer and laboratory drug testing services for Project Labor Agreement construction projects in the amount of \$2,250,000 with a 10 percent contingency of \$225,000, for a total authorized contract amount not to exceed \$2,475,000 plus applicable taxes.

APPROVED by the Rider Experience and Operations Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 7, 2019.



Paul Roberts
Rider Experience and Operations Chair

Attest:



Kathryn Flores
Board Administrator