



**County of El Paso Purchasing
Department 800 E. Overland Room300
El Paso, Texas 79901
(915) 546-2048 / Fax: (915) 546-8180
www.epcounty.com**

ADDENDUM 1

To: All Interested Vendors
From: Carlos Guerra; Formal Bid Buyer
Date: April 13, 2023
Subject: Bid 23-017 Drug Testing Services for the County of El Paso Criminal Justice
Coordination Department

This addendum has been issued to notify vendors of the revised 176 Conflict of Interest form attached and of the following questions received:

1. Who is the incumbent provider for the requested services?

Response: There is no current provider.

2. What is the County currently paying for the requested services?

Response: Currently, there is no contract in place for the requested services. The county orders a defendant to get a UA and that defendant goes to a service provider and self-pays. The proposed contract will allow the county to refer to the contracted provider and the county will pay for the services.

3. What is the anticipated award date for this contract?

Response: The award date will be soon after a responsive bidder is chosen.

4. What is the anticipated start date for this contract?

Response: The anticipated start date will be after Commissioners Court approves the contract.

5. What is the County's current positivity rate?

Response: In the last year, the positivity rate was 5.3%.

6. How many collection sites does the County currently utilize?

Response: The county has no determined collection sites.

7. Approximately how many instances of in-court testimony has the County requested in the past year?

Response: There have been no instances of in-court testimony requested in the past year.

8. Approximately how many meetings has the County requested in the past year to discuss relevant issues affecting testing or other issues relating to services?

Response: The county has not requested any meetings in the past year.

9. Would the County consider a laboratory that has Centers for Medicare & Medicaid Services CLIA certification in lieu of CAP or SAMHSA certification? Of note: SAMHSA certification is specifically meant to regulate workplace drug testing, not criminal justice testing; as such, SAMHSA licensure and practices may not be quite as appropriate or necessary for your testing needs. For example, SAMHSA requires a medical review officer (MRO) to provide a review of positive results prior to releasing them, and SAMHSA also does not regulate outside of specific drug classes (for example, Alcohol and Barbiturates are not covered by SAMHSA regulations).

Response: Yes. The county will consider a laboratory that has Centers for Medicare & Medicaid Services CLIA certification in lieu of CAP or SAMHSA certification.

10. Would the County accept confirmation of positive results to be provided within 48-72 hours from receipt in laboratory?

Response: Yes. The county will accept confirmation of positive results to be provided within 48-72 hours from receipt in laboratory.

11. Is the County interested in receiving pricing for point of care test (POCT)/instant devices as a method of primary screen?

Response: No. The county is not interested in receiving pricing for point of care test (POCT)/instant devices as a method of primary screen.

12. The County notes it anticipates approximately 3,500 or more referrals per year. Is this individual referrals or 3,500 individuals who may report for testing several times per year?

Response: Approximately 3,500 or more individual referrals.

13. Would the County be open to alternative methods of testimony like telephonic/remote testimony?

Response: These would be determined by the Court. As of now, some courts are taking virtual testimony.

14. Would the County be open to a HIPPA compliant, web-based test management system that provides email alerts but not text alerts when donors do not call in or report to provide a specimen?

Response: Yes. The County be open to a HIPPA compliant, web-based test management system.

15. Do any of the services under this contract involve third-party billing?

Response: No. All billing will be directed to the County.

16. Does the County anticipate the need for any other lab-based testing aside from the requested 6-panel screen + respective confirmations? Is the County interested in pricing of specialty tests like Fentanyl, Designer Stimulants, etc.?

Response: Vendors may provide pricing for additional tests beyond the scope of the request. However, we are not currently testing for other substances.

17. Can the County clarify if a bid bond is required for this bid response?

Response: No. A bid bond is not required for this project.

18. Can the County clarify whether the El Paso Code of Ethics Training Affidavit, noted on page 23, applies to the scope of this contract?

Response: Yes. The El Paso Code of Ethics Training Affidavit, noted on page 23, applies to this bid.

19. Professional Standards, Paragraph A. states "The Vendor's laboratory must be accredited by the College of American Pathologists-Forensic Drug Testing (CAP-FST), the Commissioner on Office Laboratory Accreditation (COLA), or the Substance Abuse and Mental Health Administration (SAMHSA) which provide the necessary standards for forensic test results." Will the County please consider other nationally accepted certifications, including those issued by the Texas Forensic Science Commission, held by one of the nation's largest laboratories that currently serves more than 15,000 criminal justice agencies and treatment providers across the United States?

Response: Yes. The county will consider other nationally accepted certifications.

20. We are going to submit a bid for this project. The Bid Check List has a section "Attend pre-bid conference", however, I cannot find the date for the pre-bid conference. Is there one scheduled and what is the date and time?

Response: Disregard. No pre-bid conference will be held for this project.

21. Who is the current provider of these services?

Response: There is no current contract provider of these services.

22. Is this provider providing collections and laboratory services?

Response: There is no current contract provider of these services.

23. Who is the contracted laboratory?

Response: There is no current contracted laboratory.

24. What are the current costs associated with this contract? Price per collection, price per laboratory screen, confirmation, etc.?

Response: There is no current contract.

25. May we get a copy of the current contract?

Response: There is no current contract.

26. What is the location of the current collection facility where collections are occurring?

Response: There is no current collection facility.

27. What are the current hours of the collection facility?

Response: There is no current collection facility.

28. How many UA tests are conducted monthly?

Response: Approximately 275 to 300 tests per month.

29. What is the current testing panel?

Response: 6-panel drug screen that screens for Amphetamines, Methamphetamines, Benzodiazepines, Cocaine, Opiates, and Marijuana

30. What is the historical positive rate?

Response: The positivity rate for the last year has been 5.3%. It has been higher in the past.

31. Who is your case management provider?

Response: There is no case management provider.

32. How often is expert testimony required on an annual basis?

Response: The court has no record of any expert testimony being requested.

33. What is the amount of annual instant tests?

Response: Approximately 3,500 or more individual referrals.

34. What are the confirmation rates for tests and how many confirmation tests are needed?

Response: Confirmation tests are only needed for a positive test. During the last year, the positive confirmation rate was 5.3%.

35. What pricing does the current vendor charge?

Response: There is no current vendor.

36. What was the volume of testing last month (March 2023)?

Response: 229

37. Is there currently more than one collection site? If yes, where are the collection sites located and what was the testing volume for each in March 2023?

Response: Currently, there is no contract in place for the requested services. The county orders a defendant to get a UA and that defendant goes to a service provider and self-pays. The proposed contract will allow the county to refer to the contracted provider and the county will pay for the services. In March 2023, there were 229 tests ordered.

38. Do any of the collection sites currently staff more than 1 male and 1 female at a time?

Response: There is no current site.

39. Will the collection sites be allowed to close for lunch each day?

Response: If it does not interfere with defendant testing, Vendors may determine their own operating processes.

40. Would the County consider randomizing testing days, rather than the office being open 6-days a week?

Response: The county does perform randomize testing; however, the courts will request an immediate test. Therefore, we need the testing sites to be open for immediate tests as stated in Section IV. Professional Standards paragraph G. of the specifications.

41. Who is the current provider?

Response: There is no current provider.

42. What is the current price per line item?

Response: There is no current contract.

43. We are a 501c3 Non-Profit organization. If we submit a bid for this project, are we required to present a Bid Bond or a Cashier's Check?

Response: No. a bid bond is not required for this project.

44. In the Scope of Work section, it states that "The Vendor will be required to analyze all drug screens on site to ensure accurate and timely test results". Can confirmatory tests be sent to an outside laboratory?

Response: Yes if the laboratory meets the specified requirements.

Conflicts of Interest

Re: Bid 23-017, Drug Testing Services for the County of El Paso Criminal Justice Coordination Department

Dear Vendor:

The Texas Local Government Code Chapter 176 requires all vendors and potential vendors who contract or seek to contract for the sale or purchase of property, goods, or services with any local government entity to complete and submit a Conflicts of Interest Questionnaire. Attached is a copy of the questionnaire.

In filing out the Questionnaire, the following are the County Officers that will award the bid and the employees which will make a recommendation to the Commissioners' Court:

County Officers: County Judge Ricardo A. Samaniego
Commissioner Carlos Leon
Commissioner David Stout
Commissioner Iliana Holguin
Commissioner Sergio Coronado

County Employees: Karen Davidson, Purchasing Agent
Elvia Jauregui, Assistant Purchasing Agent
Araceli Hernandez, Formal Bid Buyer
Claudia Parra, Procurement Data Analyst
Carlos Guerra Buyer II
Betsy Keller, County Administrator
Edward Dion, County Auditor
Barbara Franco, Auditor First Assistant
Jessica Garza, Interim Budget & Financial Manager
Christina Ford, Division Chief
Eddie Sosa, First Assistant County Attorney
Erich Morales, Assistant County Attorney
Vivian Arroyo, Assistant County Attorney
Steven Arellano, Assistant County Attorney
Alex Cuellar, Assistant County Attorney
Lorena Rodriguez, Analyst
Catherine Jones, Criminal Justice Director
Christopher Rey, CJC Manager
Brittany Gatlin, CJC Supervisor
Joshua Gonzalez, CJC Supervisor
Adriana Garcia, Senior Supervision Officer
Cristoria Castrejon, Supervision Officer

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY
Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.