

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID—

(This is not an order)
**BID MUST BE MADE ON THIS SHEET
OR AS OTHERWISE SPECIFIED**

NYS OFFICE OF COURT ADMINISTRATION
Contract & Procurement Unit
25 Beaver Street, R-850
New York, NY 10004

(Agency Name and Address)

Direct Inquiries to: Marie-Claude Ceppi
E-mails: mceppi@nycourts.gov

Bid Number: OCA/DTC-232	Commodity Group:
Opening Date: 10/05/2017 Time: 3:00 pm Issue Date: 09/14/2017	Commodity Name: Drug Testing Kits and Equipment

Price to include delivery to (describe exact location and method of delivery) All prices to be net and inclusive of all services specified herein unless otherwise specified.

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" (DECEMBER 1998) ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities)	Bidder's Quotation and Specific Description of Item Offered
UCS ATTACHMENT I, III, and IV ATTACHED & INCORPORATED HEREIN.	ALL BID RESPONSES <u>MUST</u> BE ENTERED ON THE ENCLOSED BID RESPONSE FORM UNLESS SPECIFIED OTHERWISE HEREIN.

NOTICE TO BIDDERS

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed bids for furnishing the item(s) in this Request for Bid will be received at the above address. When submitting a bid, you must:

1. Complete this form in its entirety using ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your bid deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the bid. The bid must be completed in the name of the bidder (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE BID NUMBER, THE BID OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED BID.

5. Mail the bid to the above agency address in sufficient time for it to be received before the specified bid opening. **LATE BIDS WILL BE REJECTED.**

BIDDER HEREBY CERTIFIES THAT THE ABOVE QUOTED (OR OTHERWISE NOTED) PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

BIDS MUST BE SIGNED

Bidder's Firm Name:		Employer's Federal Identification Number:	
Address Street		NYS Vendor ID Number:	
City	State	Zip	
Bidder's Signature		Official Title	
Printed or Typed Copy of Signature		Area Code/ Telephone Number E-mail:	

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DOCUMENT ENCLOSURE CHECKLIST (2 pages)

_____ Exhibit A/Pricing Sheet **must be fully executed and included** in bidder's proposal. Failure to do so will immediately disqualify bidder's response.

The following forms must be fully executed and included in bidder's proposal. Failure to do so may disqualify bidder's response:

- _____ UCS Request for Bid/Proposal Form (rfb1.frm) and complete bid response with original signature
- _____ Attachment I - Standard Request for Bid Clauses & Forms
 - p.3 - Non-Collusive Bidding Certificate
 - p.4 - Corporate Acknowledgment
- _____ Attachment II - Not Applicable
- _____ Attachment III - Vendor Responsibility Questionnaire
 - Questionnaire filed online via OSC VendRep System and certified within 6 months of the bid opening due date, **or**
 - Paper questionnaire
- _____ Attachment IV - Procurement Lobbying forms
 - Disclosure of Prior Non-Responsibility Determination (UCS 420)
 - Affirmation of Understanding and Agreement (UCS 421)
- _____ Certificates of NYS Worker's Compensation and NYS Disability Benefits Insurance, or Certificate of Attestation of Exemption. Please see paragraph "Insurance Requirements" for a list of accepted forms.
- _____ Copies of bidder's certificate(s) of insurance or other adequate proof evidencing the insurance coverages required by the bid specifications

The following documents and information must be included in bidder's proposal. Failure to do so may disqualify bidder's response

- _____ Three (3) complete photocopies of original bid response
- _____ List of references
- _____ Bidder's contact information
- _____ Bidder's description of its capability to provide the required equipment, services and maintenance to courthouses throughout the state.
- _____ Provide written evidence that the analyzer, the drug kits, supplies, and software comply with NYS and industry standards applicable to drug testing systems.
- _____ Provide written evidence that Bidder is in compliance with NYS licensing requirements and applicable statute/regulations.
- _____ Describe the security components of its software.

Document Enclosure Checklist (p.2)

- _____ Signed Documents Enclosure Checklist
- _____ Proprietary information in separate folder from bid response, if applicable.

IMPORTANT:

1. All documents requiring an original signature must bear the BLUE INK signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to all required documents.
2. The Pricing Sheet and the other forms listed above must all have the SAME COMPANY NAME AND TAX ID NUMBER in order for a purchase order or contract to be approved by the NYS Comptroller.
3. Do not alter this solicitation in any manner. Any changes, deletions, or additions to this RFB, including Exhibit A/Pricing Sheet, will result in the rejection of this offer as non-responsive.
4. Please note that the terms and conditions of this RFB will form the basis of the contract with the awarded vendor.

5. Please verify that all required documents are included before signing.

COMPANY NAME:

AUTHORIZED OFFICER'S NAME AND TITLE:

SIGNATURE: _____ DATE: _____

I. PURPOSE AND SCOPE

The NYS Unified System, Office of Court Administration (hereafter “UCS/OCA”), is soliciting sealed bids to provide a total drug testing system for on-site testing of alcohol, illicit drugs and other controlled substances, at 61 courthouses located in sixty-one (61) of the sixty-two (62) counties in the State of New York.

II. BID RESPONSE SUBMISSION

Bidder’s Contact Name and Required Information

Bidder shall designate, in its bid response, a staff member as primary contact for all questions UCS/OCA may have regarding bidder’s bid response. Bidder shall include in its bid response all forms, documents and information listed on the Document Enclosure Checklist.

Packaging, Identifying and Delivering of Bids/Proposals

Bids/Proposals must be clearly addressed and submitted to:

Marie-Claude Ceppi
Management Analyst
NYS Office of Court Administration
25 Beaver Street, R-850
New York, NY 10004

All envelopes/cartons must also be labeled with the following information on two sides:

Deliver immediately to Marie-Claude Ceppi R-850
Sealed bid - Do not open
RFB# OCA/DTC-232 due October 5, 2017 at 3:00 p.m.

Failure to seal and mark the bid/proposal as prescribed may result in non-delivery and/or rejection of the bid/proposal. Please note that bids/proposals must be received by the above-named OCA-designated person by October 5, 2017 at 3:00 pm at the latest or bids will be declared late bids and they will be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

Do not bind or staple your bid response in any manner. Clips and rubber bands are the only acceptable methods of securing bid responses.

No-Bids

Bidders are requested to send a no-bid letter to OCA, Attn: Marie-Claude Ceppi, at the above address, should they decide not to answer this solicitation. The envelope shall be clearly marked in the lower left corner as follows: RFB# OCA/DTC-232. No-bid letters may be sent by email to mceppi@nycourts.gov. Please indicate in "Subject" field: RFB# OCA/DTC-232.

Questions

Any and all questions bidders may have in connection with this solicitation are to be directed by email only to:

Marie Claude Ceppi
mceppi@nycourts.gov

Please indicate in "Subject" field: RFB# OCA/DTC-232 - Question(s)

The deadline to submit questions is September 22, 2017 before 5:00 pm. No questions will be entertained after this deadline. A written Questions & Answers (Q&A) listing all the questions received and their answers will be posted on the UCS website at www.nycourts.gov/admin/bids under RFB# OCA/DTC-232 and it will be sent to the bidders list.

IMPORTANT: All questions regarding this solicitation must be in writing by email and directed solely to the attention of the above designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of the UCS in connection with this RFB/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder's standing and may cause rejection of its proposal.

III. AWARD

Term of Award

A single contract will be awarded for an initial term of three (3) years ("Initial Term") effective on or around January 1, 2018. The UCS/OCA shall have the option to renew the contract for two (2) additional one (1) year terms (each, a "Renewal Term") upon the same terms and conditions except unit pricing, which for each renewal period, shall be determined in accordance with the paragraph below entitled, "Price Adjustments." The UCS/OCA also reserves the right to extend the contract for a maximum of six (6) months upon the same terms and conditions, including pricing, as of the expiration date of the Initial Term, or the first Renewal Term, or the second Renewal Term of the contract, as the case may be. The maximum term of the contract will be

five (5) years, or five years six months, if UCS exercises its extension right. The initial contract, renewals and extension are subject to the approval of the NYS Attorney General and the NYS Comptroller.

Method of Award

A single contract will be awarded to the lowest dollar cost, responsible Bidder determined to be in compliance with this RFB and specifications. Lowest dollar cost is defined as the "Grand Total Annual Cost 1. + 2. + 3. of the contract, as indicated by bidders in Exhibit A/Pricing Sheet.

Bidder must bid on ALL items or its bid response will be disqualified.

IV. DETAILED SPECIFICATIONS

Bidder's Qualifications

Bidder shall:

- Describe its experience providing the equipment, kits, service and maintenance required in these RFP specifications.
- Provide written evidence that the analyzer, the drug kits, supplies, and software comply with NYS and industry standards applicable to drug testing systems.
- Provide written evidence that Bidder is in compliance with NYS licensing requirements and applicable statutes/regulations.
- Describe the security components of its software.

Purchase Orders

- Purchase orders will show an itemized list of reagents, controls/calibrators needed, with quantities and unit price.
- Purchase orders will be issued on as as-needed basis by Judicial District offices and/or their purchasing departments.
- Purchase orders will reference the contract number
- The awarded vendor ("Vendor") and the UCS may agree on Vendor providing the UCS with an inventory list as a basis for orders.

Order Communication

Any and all corrections, changes, clarifications to a purchase order issued by UCS as well as all questions and clarification sought by the Vendor must be sent in writing by email to the person whose name and email address will be indicated on the purchase order.

Subcontracting

Subcontracting and any other transfer of any duties or obligation to be performed hereunder will be permitted only with the prior written consent of UCS to the proposed subcontractors. In the event that bidder proposes to use one or more subcontractors, the specific subcontractors and the services proposed to be performed by such subcontractors, must be listed in bidder's proposal. If a bidder that proposes to use one or more subcontractors in awarded the contract, the award will constitute the prior written approval of UCS to the subcontractors named in the bidder's proposal.

Vendor will be the prime contractor and will be responsible for all services required by this RFB/RFP. The UCS will communicate only with Vendor and Vendor shall remain wholly liable for the performance by and payment to any such subcontractors, their employees, agents, consultants or representatives.

Drug Testing: Compliance with Laws and Regulations

Vendor will be required to comply with all applicable laws, rules and regulations governing the confidentiality of protected client/patient information.

V. PRICING AND BILLING

Pricing/Compensation

- Bidder must quote a per test price and compute all price extensions listed in Exhibit A/Pricing Sheet.
- "Per test" price is the price of one test among the many tests yielded by one bottle/kit of the relevant reagent.
- The per test price must include all equipment, including the analyzer, the computer, software and peripheral devices, necessary supplies (except for those listed in section VI(D) which shall be priced separately) and services, including the cost of a re-test by Vendor, required by this RFB.
- The supplies listed in section VI(D) are not included in the per-test price and must be

priced separately by Vendor on the Pricing Sheet.

- The per test price for reagents, the price per 10 ml for controls/calibrators, and the unit-price for additional supplies must include shipping and delivery.
- Pricing shall be submitted only on, and in the format prescribed by, Exhibit A/Pricing Sheet.
- In the event of a bidder's miscalculation, the unit price will prevail. The UCS reserves the right to make mathematical corrections based on unit price(s.)
- Bidder must bid on ALL items as specified in this RFB, or its bid response will be disqualified.

Price Adjustments

Pricing shall remain unchanged for the initial three (3) year term of the contract. Pricing shall be subject to increase as of the commencement date of each Renewal Term by the percentage equal to the lesser of: (i) the increase, if any, in the Consumer Price Index for All Urban Consumers (CPI-U); U.S. Cities Average; All items; not seasonally adjusted, 1982-1984 = 100 reference base ("CPI") as of the third month prior to the commencement date of each such Renewal Term, over the CPI as of the third month prior to the commencement date of the immediately prior term of the Agreement, or (ii) five percent (5%). Pricing shall thereafter remain unchanged for the balance of each such term, and any extension term, of the Agreement.

Billing

Vendor shall submit true and accurate invoices to each ordering Judicial District/Purchasing Department or Court, as designated on purchase orders. Invoice shall reference the purchase order number. Reagents, Calibrators and Controls, and Additional Supplies shall be invoiced separately. Reagents shall be invoiced at the per test price. Calibrators and Controls, and Additional Supplies shall be invoiced at the unit price bid by vendor (or fraction or multiple thereof) based on quantity ordered.

Payment shall be made monthly in arrears and shall be made within thirty (30) days of submission by Vendor and approval by UCS of invoices satisfactory to UCS and OSC.

VI. SCOPE OF SERVICES/MATERIAL SPECIFICATIONS

TOTAL DRUG TESTING SYSTEM

- Components:
 - Reagents, controls/calibrators.
 - An analyzer, defined as a quality instrument for the testing of alcohol and, drug metabolites in human urine specimen.
 - Analyzer, computer hardware and software to be compliant with and installed according to manufacturer's specifications.
 - Analyzer, computer hardware and software to be compliant with all federal, state and/or regulatory guidelines and/or statutes for such devices.
 - All related supplies to perform on-site testing with the analyzer
 - Compact computer hardware and peripheral devices (printer, monitor, cables.)
 - Data management software.
 - Use of LCMS technology.
 - All equipment, including the analyzer, the computer, software and peripheral devices, will remain the property of the Vendor.

- Related Services:
 - Delivery and Installation
 - Training
 - Support and maintenance/repair services

- Regions:
 - Large metropolitan areas: New York City, Syracuse, Buffalo, Albany
 - Suburbs
 - Rural areas dominated by farms and mountains.

- Drug Courts:
 - The Analyzer is being provided to all drug courts in New York State as a more effective method to perform drug testing. The State consists of 62 counties with at least one drug court in 61 out of the 62 counties. See Exhibit B – New York State Judicial Districts map.
 - There are approximately 8,000 participants per year in NYS drug courts.
 - Approximately 5% increase in number of tests over the next 5 years (life of the contract) is anticipated.

A. ANALYZER

- UCS staff will operate the drug testing equipment and conduct the initial, on-site testing.
- Manual loading and removal of specimens by UCS staff.
- Throughput testing volume: minimum 75-tests per hour, calculated from the commencement of testing of the first specimen.
- Allow continuous feed of specimens.
- The analyzer must produce either a positive or a negative test result.
- Software to provide automation of the functions of testing, result calibration and reporting. See paragraph “Data management/Laboratory management software.”
- If the result of a test is challenged the Vendor must conduct a confirmation testing of the same specimen to determine the validity of the test.

B. REAGENTS, CONTROLS/CALIBRATORS

- The vendor must provide the Enzyme Multiplied Immunoassay Technique (EMIT) reagents below along with the necessary controls/calibrators:
 - Amphetamine/Methamphetamine
 - Barbiturate
 - Bath Salts
 - Benzodiazepine
 - Buprenorphine (suboxone)
 - Cannabinoid (THC)
 - Cocaine
 - Creatinine
 - Ecstasy/MDMA
 - ETG
 - Ketamine
 - Methadone
 - Morphine (6-AM)
 - Opiates
 - Oxycodone
 - Phencyclidine (PCP)
 - Fentanyl
 - Synthetic Cannabinoid/Spice/K2

- Reagents, Control kits and Calibrators must have a stable shelf life of a minimum of six months.
- Reagents must show lot-to-lot dependability.
- Bidder to use Exhibit C/SAMSHA guidelines for cut-off concentration levels where appropriate.

C. HARDWARE AND SOFTWARE

Data management/Laboratory management software

The Data management/Laboratory management software shall:

- Be *web based* and allow for possible customization as needed in the future.
- Fully interface with the analyzer and UCS internal database case management system via FTP/SFTP, SOAP Web Services.
- Allow for multiple users.
- Accurately automate the following processes:
 - logging of the test results to generate reports for the UCS to read and /or print out
 - cross referencing of specimens
 - sequential testing of specimens
- Have the ability to externalize the drug test results individually, specifically:
 - The external file shall include identifiers to allow the results to be matched back to a case management system (i.e. case number or treatment episode number);
 - The format would preferably be XML, but any standard readable format would be acceptable;
 - Each externalized result must have a unique identifier and the software must not overwrite results.
- Provide online UCS users with access 24/7 via the internet.
- Software must allow: (1) restriction to designated users; and (2) addition and deletion of designated users as necessary.
- The software must be secure.
- Reporting functions:
 - Ad hoc query report construction;

- Electronic reporting/report delivery via local and network printers, remote workstations, and email.
- Individual client data screens.
- Quantitative and qualitative results delivery.
- Bi-directional bar coding.
- Rapid order entry including configurable default order data, standing order data, and custom order data;
- Automatic ascension number assignment;

D. ADDITIONAL SUPPLIES TO BE PURCHASED FROM VENDOR

- Cuvettes
- Testing tubes
- Empty reagent bottles with caps
- Pipettes
- Testing cups
- Bar Code labels
- Calibration cups
- Sodium hypochlorite (or equivalent cleaner)
- Hydrochloric acid (or equivalent cleaner)

For estimated quantities, please see the Pricing Sheet

E. SHIPPING AND DELIVERY

- Vendor shall be responsible for shipping, and must guarantee delivery within eight (8) business days after receipt of order for any and all parts of the Total drug testing system.
- Full inside delivery/shipping will be made to the addresses shown on purchase orders.
- Reagents, controls/calibrators that require refrigeration must be shipped accordingly, (i.e., dry ice, gel-packs, etc.)
- See Exhibit B - New York State Judicial Districts map.

F. INSTALLATION

- Install and set up the analyzer and all related and necessary equipment and reagents, controls/calibrators as described under “Total Drug Testing System.”

- Assist each court with the set-up and customization of the analyzer and software.

G. TRAINING

- Provide a comprehensive, on-site training to current UCS drug court staff as well as employees hired over the life of the contract, at courthouses throughout New York State, when delivering the equipment and supplies.
- The training will include proper operation of analyzer and software provided for data management.
- Approximately once a year, on-site group training for new staff hired during the life of the contract. Group training with several courts is acceptable. Training shall be provided at the courthouse or at another mutually-agreed to location.
- Refresher training every other year via Skype or other remote method for current staff.

H. SERVICE AND MAINTENANCE

- Service and maintenance to be provided remotely, as often as possible; if not, on-site.
- Provide technical support to troubleshoot issues with the analyzer or software on a 24-hour basis.
- Provide on-call support to field questions from UCS staff regarding drug interactions and interpretation results.
- Provide preventive and remedial maintenance for all parts of the Total Drug System as well as software patches and upgrades.
- Repairs to any parts of the drug testing system that is malfunctioning in between preventive maintenance.
- Provide on-site preventive maintenance, twice a year, and repairs if needed.
- Repairs must be completed within two business days of Vendor receiving a service call from a UCS drug court requesting that a technician appear in person to repair the unit and correct an issue if it cannot be solved remotely or by phone.
- If a technician cannot repair an analyzer or any other equipment or parts, Vendor must order and deliver a new analyzer or any other equipment or parts within two business days of the technician's determination that the analyzer cannot be repaired, in order to restore the drug testing system to normal operation.

- If the analyzer is inoperable, Vendor must provide the court with alternate, manual drug testing kits (i.e., cups, sticks, etc.) while other equipment or parts are ordered to make the analyzer operable or a new analyzer is ordered.

Exhibits

Exhibit A/Pricing Sheet

Exhibit B/ New York State Judicial Districts map

Exhibit C/SAMSHA Guidelines

VII. EXHIBIT A/PRICING SHEET (5 pages)

- Bidder must bid on all items or its bid response will be disqualified.
- “Per test” price is the price of one test among the many tests yielded by one bottle/kit of the relevant reagent.
- All quantities are estimated, state-wide quantities.
- If Bidder does not charge for any specific item, including additional supplies, enter \$0.00.

1. REAGENTS	PER TEST PRICE	ANNUAL NUMBER OF TESTS	ANNUAL COST
Amphetamine/ Methamphetamine	\$ _____	3000	\$ _____
Barbiturate	\$ _____	3000	\$ _____
Bath Salts	\$ _____	3000	\$ _____
Benzodiazepine	\$ _____	3000	\$ _____
Buprenorphine (suboxone)	\$ _____	4000	\$ _____
Cannabinoid (THC)	\$ _____	4000	\$ _____
Cocaine	\$ _____	2000	\$ _____
Creatinine	\$ _____	4000	\$ _____
Ecstasy/MDMA	\$ _____	2000	\$ _____
ETG	\$ _____	7000	\$ _____
Ketamine	\$ _____	2000	\$ _____
Methadone	\$ _____	4000	\$ _____
Morphine (6-am)	\$ _____	4000	\$ _____

Opiates	\$ _____	4000	\$ _____
Oxycodone	\$ _____	2000	\$ _____
Phencyclidine (PCP)	\$ _____	2000	\$ _____
Fentanyl	\$ _____	2000	\$ _____
Synthetic Cannabinoid/Spice/K2	\$ _____	3000	\$ _____
TOTAL ANNUAL COST -1. (REAGENTS)			\$ _____

Bidder's Name: _____

Exhibit A/Pricing Sheet (cont.)

2. CONTROLS/CALIBRATORS FOR REAGENTS:	PRICE PER 10 ML	ANNUAL QUANTITY 1,000 ML	TOTAL ANNUAL COST
Amphetamine/ Methamphetamine	\$ _____	X 100	\$ _____
Barbiturate	\$ _____	X 100	\$ _____
Bath Salts	\$ _____	X 100	\$ _____
Benzodiazepine	\$ _____	X 100	\$ _____
Buprenorphine (suboxone)	\$ _____	X 100	\$ _____
Cannabinoid (THC)	\$ _____	X 100	\$ _____
Cocaine	\$ _____	X 100	\$ _____
Creatinine	\$ _____	X 100	\$ _____
Ecstasy/MDMA	\$ _____	X 100	\$ _____
ETG	\$ _____	X 100	\$ _____
Ketamine	\$ _____	X 100	\$ _____
Methadone	\$ _____	X 100	\$ _____
Morphine (6-am)	\$ _____	X 100	\$ _____
Opiates	\$ _____	X 100	\$ _____
Oxycodone	\$ _____	X 100	\$ _____
Phencyclidine (PCP)	\$ _____	X 100	\$ _____
Fentanyl	\$ _____	X 100	\$ _____
Synthetic Cannabinoid/Spice/K2	\$ _____	X 100	\$ _____
TOTAL ANNUAL COST -2. (CONTROLS/CALIBRATORS)			\$ _____

Bidder's Name: _____

Exhibit A/Pricing Sheet (cont.)

3. ADDITIONAL SUPPLIES	UNIT PRICE	ANNUAL QUANTITIES	ANNUAL COST
CUVETTE, 500	\$ _____	24	\$ _____
TESTING TUBE, 500	\$ _____	24	\$ _____
EMPTY REAGENT BOTTLE WITH CAP, 20	\$ _____	600	\$ _____
PIPETTES, 500	\$ _____	24	\$ _____
TESTING CUPS, 1000	\$ _____	24	\$ _____
BAR CODE LABELS, 10 rolls	\$ _____	100	\$ _____
CALIBRATION CUPS, 500	\$ _____	24	\$ _____
SODUM HYPOCHLORITE (or equivalent cleaner) <u>per 1 L.</u>	\$ _____	5	\$ _____
HYDROCHLORIC ACID (or equivalent cleaner) <u>per 1 L.</u>	\$ _____	5	\$ _____
TOTAL ANNUAL COST -3. (ADDITIONAL SUPPLIES)			\$ _____

GRAND TOTAL ANNUAL COST 1.+ 2. + 3.			\$ _____
--	--	--	----------

Bidder's Name: _____

Exhibit A/Pricing Sheet (cont.) Signature page

Bidder's Name: _____

Authorized Officer's Name and Title: _____

Signature: _____ **Date:** _____

VIII. The RFB/RFP PROCESS: GENERAL SPECIFICATIONS

Note to Bidders

1. Attachment I - Standard Request for Bid Clauses & Forms and Attachment IV - Procurement Lobbying Law required forms

In addition to such other specifications and criteria as are presented herein, the NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms, and Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420) and Affirmation of Understanding and Agreement (UCS 421) pursuant to the Procurement Lobbying Act, which must be downloaded or printed from the UCS Contract & Procurement website under "Addenda" for the appropriate solicitation, are incorporated and made a part of this solicitation.

2. Attachment III - Vendor Responsibility Questionnaire

The NYS Unified Court System (UCS) is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. The required Vendor Responsibility Questionnaire is designed to provide information to assist UCS in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in New York State, business integrity, financial and organizational resources, and performance history (including references).

The UCS recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. However, vendors may choose to complete a paper questionnaire and submit it with their proposal.

Online Questionnaire: To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at <http://www.osc.state.ny.us/vendrep/index.htm> or go directly to the VendRep System online at <https://portal.osc.state.ny.us/Enrollment/login>. Vendors must provide their New York State Vendor Identification Number when enrolling (see paragraph headed 'New York State Vendor File Registration' for instructions on obtaining a Vendor Identification Number.) For VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at ITServiceDesk@osc.state.ny.us.

Bidders who file the Vendor Responsibility Questionnaire online via the OSC VendRep System are requested to checkmark the appropriate box on the Document Enclosure Checklist. Please note that online submissions must be certified and dated/updated not more than six (6) months prior to the bid opening date of this RFB/RFP. Bidders' authorized signature of the RFB/RFP form will serve as confirmation that bidders have knowingly filed their questionnaire online if

the paper questionnaire is not included with the bidder's submission.

Paper Questionnaire: Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep/forms_vendor.htm or may contact the UCS or the Office of the State Comptroller's Help Desk for a copy of the paper form.

3. New York State Vendor File Registration

Prior to being awarded a contract pursuant to this solicitation, the bidder(s) must be registered in the New York State Vendor File (Vendor File) administered by the OSC. This is a central registry for all vendors who do business with New York State agencies and the registration must be initiated by a State agency. Following the initial registration, a unique New York State ten-digit vendor identification number (Vendor ID) will be assigned to vendors for usage on all future transactions with New York State. Additionally, the Vendor File enables vendors to use the Vendor Self-Service application to manage certain vendor information in one central location for all transactions related to the State of New York.

If the bidder is already registered in the Vendor File, the vendor must enter the vendor's ten-digit Vendor ID on the first page of this bid document.

If the bidder is not currently registered in the Vendor File, upon award of a contract the Bidder must complete the OSC Substitute W-9 Form (http://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf) and submit the form to UCS. **The UCS will initiate the vendor registration process** for the awarded contractor. Once the process is initiated, awarded contractor will receive an e-mail identifying their unique ten-digit Vendor ID and instructions on how to enroll in the online Vendor Self-Service application. For more information on the Vendor File please visit the following website: http://www.osc.state.ny.us/vendor_management/.

Online RFB/RFP Package: Disclaimer

Bidders accessing any UCS/UCS/OCA solicitations and related documents from the New York State UCS website www.nycourts.gov/admin/bids under "Current Solicitations" shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question.

Bid Response/Proposal: Original and Copies

Bidders shall submit all the following required **original RFB/RFP documents**: Bid/Proposal; Executed RFB/RFP Form; Attachment I - pages 3, 4, of 10; Attachment III - Vendor Responsibility Questionnaire (questionnaire may be filed electronically with OSC); Attachment IV - Disclosure of Prior Non-Responsibility Determinations UCS 420 and Affirmation of Understanding and Agreement UCS 421; proof of Workers' Compensation and Disability Benefits insurance coverage (See "Insurance Requirements"); and any other required documentation, brochures, etc. listed on the Document Enclosure Checklist. Complete the paperwork on the forms provided with this solicitation unless otherwise requested. Do not retype or amend any portion of this solicitation. Failure to provide all original documents and the requested number of copies may result in disqualification of a bidder's response.

NYS OGS General Specifications

New York State Office of General Services (NYSOGS) General Specifications (May 2015) are incorporated herein by reference, except to the extent any provision thereof is not applicable to UCS. Any reference in the NYSOGS General Specifications to 'Commissioner' shall be deemed to refer to the Chief Administrator of the Courts or the designee of the Chief Administrator. In the event of any conflict or express or implied ambiguity between this solicitation document, including attachments hereto, and the NYSOGS General Specifications, this solicitation document shall take precedence. The NYSOGS General Specifications are available at: <http://www.ogs.ny.gov/purchase/spg/pdfdocs/CL815.pdf>.

Binding Nature of Bid/Proposal on Bidders

All bids/proposals shall remain binding on bidders until such time as UCS/OCA provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing, whichever occurs first.

Estimated Quantities

Any quantities specified in this solicitation constitute estimates only, and accordingly no commitment or guarantee to reach any specified volume of business is made or implied.

Compliance with Laws

Awarded contractor(s) must comply with all applicable federal, state and local laws, rules and

regulations, including but not limited to, fire, health and safety codes, prior to and during the provision of all services under the contract resulting from this RFB/RFP.

Independent Contractor Status

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA or State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

Rejected and Unacceptable Bids/Proposals

UCS reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, UCS may reject any bids/proposals from any bidders who are in arrears to the State of New York upon any debt or performance of any contract; or who have previously defaulted on any contractual obligations, (as contracting party, surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York, who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts, whose proposal is incomplete or otherwise non-responsive in any material respect, or who are found to be non-responsible based on any of the criteria specified in the section headed 'Responsible Bidder'.

UCS also reserves the right to reject any bidder: (i) whose facilities and/or resources are, in the opinion of OCA, inadequate, too remote from the UCS locations to render services in a timely manner in accordance with all requirements of this solicitation; (ii) who does not provide references in accordance with the bid specifications, or whose references report significant failure to comply with specifications; or (iii) who are otherwise, in the opinion of OCA, unable to meet specifications.

Responsible Bidder

A bidder shall be defined as “responsible” in accordance with, but not limited to, references, past performance history, financial stability, the criteria set forth in paragraph 2 of the General Specifications (Attachment III-Vendor Responsibility Questionnaire), and the criteria set forth in the paragraph headed “Rejected and Unacceptable Bids/Proposals” as well as any other criteria necessary and reasonable to establish the bidder’s responsibility.

Clarification/Correction of Bids/Proposals

In addition to any rights articulated elsewhere in this solicitation, UCS reserves the right to require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder’s proposal and/or to determine a bidder’s compliance with the requirements of this solicitation. This clarifying information, if required in writing by UCS, must be submitted by the bidder, in accordance with formats as prescribed by UCS at the time said information is requested and, if received by the due date set forth in UCS’s request for clarification, shall be included as a formal part of the bidder’s proposal. Clarifying information, if any, whether provided orally, visually or in writing will be considered in the evaluation process. Failure to provide required information by its associated due date may result in rejection of the bidder’s proposal. Nothing in the foregoing shall mean or imply that it is obligatory upon UCS to seek or allow clarifications or corrections as provided for herein.

References

Each bidder must provide at least three (3) references, other than UCS, including the company/agency name, complete address, contact name, title, telephone number and email address, for whom the bidder has provided similar services at any time during the past three (3) years.

Indemnity

Awarded contractor shall indemnify, defend and hold harmless UCS, its officers and employees from and against any and all claims, causes of action, damages, costs, liabilities and expenses of any kind (including reasonable attorney’s fees and the cost of legal defense) which UCS may incur by reason of: (i) awarded contractor’s breach of any term, provision, covenant, representation or warranty contained in the contract awarded as a result of this bid; (ii) any act,

omission, negligence or intentional misconduct of awarded contractor or its employees, subcontractors, agents, volunteers or of other persons under its direction and control; (iii) awarded contractor's performance or failure to perform under the contract; and (iv) enforcement by UCS of the awarded contract or any provisions thereof.

Unified Court System Self-Insurance

UCS, a New York State governmental entity, is self-retained for risk of loss and liability.

Insurance Requirements

Awarded contractor shall be required to maintain during the term of the contract, including any renewal terms, at their own cost and expense:

1. Workers' compensation and disability benefit insurance coverage as required under NYS law. **Each vendor must provide with its proposal proof of such workers' compensation and disability benefits insurance coverage or, if it is legally exempt from such coverage, proof of exemption.** Vendor must obtain the appropriate Workers Compensation Board forms from its insurance carrier or licensed agent, or must follow the procedures set forth by the Workers' Compensation Board for obtaining an exemption from coverage. See Workers' Compensation Board website at <http://www.wcb.ny.gov> under "Forms" for a manual listing required forms and procedures. Any questions regarding workers' compensation coverage requirements or debarments should be directed to:

Workers' Compensation Board
Bureau of Compliance
(518) 462-8882
(866) 298-7830

Only the following forms will be accepted:

Proof of Workers' Compensation Coverage

- **Form C-105.2** - Certificate of Workers' Compensation Insurance issued by private insurance carriers; or
- **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12** - Certificate of Workers' Compensation Self-Insurance; or
- **Form GSI-105.2** - Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **Form CE-200** - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.
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Proof of Disability Benefits Coverage

- **Form DB-120.1** - Certificate of Disability Benefits Insurance, or
- **Form DB-155** - Certificate of Disability Benefits Self-Insurance; or
- **Form CE-200** - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

On forms that have a space for a certificate holder to be listed, the carrier must enter:

NYS Unified Court System
Office of Court Administration
25 Beaver Street, Room 850
New York, NY 10004

The insurance carrier will notify the certificate holder if a policy is canceled.
Please note: An ACORD Certificate of Insurance is not acceptable proof of NYS workers' compensation or disability benefits insurance coverage.
For additional information regarding worker's compensation and disability benefits requirements, please refer to the New York State Workers' Compensation Board website at: <http://www.wcb.ny.gov> under "Employers/Businesses."

2. Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), contractual and products/completed operations liability coverage, and auto liability with minimum limits as follows:

Bodily Injury and Property Damage	\$1 million, per occurrence, \$2million, aggregate
Personal Injury and Advertising:	\$1 million aggregate
Contractual and Products/ Completed Operations	\$2 million aggregate
Auto Liability, Combined single limits	\$1 million

Commercial General Liability insurance coverage shall be obtained from commercial insurance carriers licensed to do business in the State of New York.

Confidentiality

Bidder acknowledges that any and all information, records, files, documents or reports contained in any media format provided to the bidder by the court, or which may be otherwise encountered

by bidder shall be considered extremely confidential and shall be handled accordingly at all times. Neither the bidder nor any of its employees, servants, Contractors, agents or volunteers shall at any time be permitted to utilize such confidential information for any purpose outside the scope of any resulting agreement without the express prior written authorization of UCS. Any breach of this confidentiality by the bidder or by any of its employees, servants, subcontractors, agents, or volunteers may result in the immediate termination of any resulting agreement by UCS and may subject the bidder to further penalties.

Awarded Contractor shall use, and require its employees and authorized agents to use, at least the degree of care a reasonably prudent person would use to protect and prevent improper access to the records.

Confidential/Proprietary Information

If applicable, bidders should specifically identify those portions of the proposal deemed to contain confidential or proprietary information or trade secrets, and must provide justification why such material, upon request, should not be disclosed to parties other than UCS. Bidders are advised that any material deemed confidential by bidder may still be subject to disclosure in connection with any governmental or judicial proceeding or inquiry or as may be required by applicable law, including but not limited to Article 6 of the New York Public Officers Law (Freedom of Information Law). Such confidential/proprietary information must be easily separable from the non-confidential sections of the proposal.

Financial Stability

Upon request by UCS, bidder shall provide its audited financial statements prepared in accordance with GAAP-Generally Accepted Accounting Principles for the past three (3) consecutive years and a copy of its last three (3) annual reports.

Termination

Early termination of the contract for cause may result in, among other consequences, all remedies available to UCS and New York State, the awarded contractor both being declared non-responsible by the UCS/UCS/OCA, pursuant to the UCS and Office of the State Comptroller's guidelines on vendor responsibility and in the contractor's removal from the UCS/UCS/OCA's bidders list for future solicitations.

Implied Requirements

Products and services that are not specifically requested in this solicitation, but which are necessary to provide the functional capabilities proposed by the bidder, shall be included in the offer except as specified herein.

Silence of the Specifications

The apparent silence of the specifications contained as part of this package as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

New York State Judicial Districts

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 COUNTY SEAT

Analytes and Their Cutoffs

Effective Date: October 1, 2010

Reference: Federal Register, November 25, 2008 (73 FR 71858), Section 3.4

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites Codeine/Morphine ²	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³ AMP/MAMP ⁴	500 ng/mL	Amphetamine Methamphetamine ⁵	250 ng/mL 250 ng/mL
MDMA ⁶	500 ng/mL	MDMA MDA ⁷ MDEA ⁸	250 ng/mL 250 ng/mL 250 ng/mL

¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

² Morphine is the target analyte for codeine/morphine testing.

³ Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴ Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵ To be reported as positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶ Methylenedioxyamphetamine (MDMA).

⁷ Methylenedioxyamphetamine (MDA).

⁸ Methylenedioxyethylamphetamine (MDEA).