

Dear Community Leadership:

RE: Municipalities and Contracts

Choosing local firms has become very important to the survival of our local economies. It is always my hope that you will give extra points to the local bidders on your various projects. As contract documents are put out, there is generally language that includes a self-certification that the bidder will abide by all local, state, and federal laws. To that end, it is rarely followed up on and therefore some laws get overlooked. One such situation brings me to write to you today. The federal mandate of all commercial drivers to be included in a random drug screening program. All employers of commercial drivers are required by 49 CFR Part 40 and Part 382 of the Federal Motor Carriers Safety Administration, to have a random drug and alcohol screening program that meets the requirements set forth in the regulations.

Each year the Department of Transportation sets the minimum screening requirements for the random program, based on the previous year's positivity rate. The current rate is 50% of the consortium pool for the five standard drugs (and expanded opiate panel), as well at 10% of that same pool for a breath alcohol screen. Those tests are reported annually to the Department of Transportation for decision making on the percentage of tests for the next year.

There are very specific requirements for each company and their employees to follow. A company may select (and most do) a Third Party Administrator to manage the program. That is what TSS, Inc., does for our clients. We handle the program management, assist with the documentation and represent the drug screening collection process from start to finish for the employer. We also support the employee in ensuring the collection sites are trained and appropriate for the necessary screening. TSS works with employers and collection sites for drug screening in all 50 states.

Your community often puts out bids for projects that require employees that hold a commercial driver's license (CDL). Road construction, hauling, delivery of goods, etc. are some examples of when a CDL holder might be required. In the Request For Proposal, bidders are typically required to submit a business license, proof of insurance, and perhaps corporate documents. To ensure that the bidder also has the appropriate FEDERALLY MANDATED drug screening program, a CERTIFICATE OF COMPLIANCE from the program administrator should also be required. As a program administrator, TSS issues the compliance certificate annually when the business signs their contract for services. It can also be obtained by request prior to a bid award, with permission of the bidder, and sent directly to the bid holder. It is critical to the entire bid process that the municipality uphold the federal laws and ensure the safety of your residents, by enforcing this very often overlooked section of the law. Safety is the most important thing that the municipality offers its residents. I am asking that you put forth a requirement of all bidders to produce a CERTIFICATE OF COMPLIANCE of the federally mandated drug screening

regulations with their bid documents. Whether they use my company or not, please protect the traveling public with this very simple action. It will not increase a fiscal note or cause any more work for any of your departments but will most definitely improve safety on your streets.

Please feel free to contact me if you have any questions regarding my request. I am happy to discuss this in detail with your Council/Assembly members or make a formal presentation. This is important to all of us from a safety standpoint. I hope you will take action.

Sincerely,

Renee Schofield, CEO