



520 Eighth Avenue, New York, NY 10018

p. 646 386 3100

f. 212 397 0985

[innovatingjustice.org](http://innovatingjustice.org)

Courtney Bryan. Executive Director

## REQUEST FOR PROPOSALS

### Laboratory-Based Drug Testing Program for New York State Unified Court System Opioid Intervention Courts August 17, 2023

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The Center for Justice Innovation is a non-profit organization that works to create a fair, effective, and humane justice system by performing original research and helping launch reforms around the world. The Center creates operating projects that have been documented to reduce the use of jail and prison, assist victims of crime, and strengthen communities. Nationally and internationally, the Center performs original research and provides consulting services to justice innovators. To learn more about the Center please visit our website: [innovatingjustice.org](http://innovatingjustice.org)

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#### **Background**

The Center is requesting, on behalf of the New York State Unified Court System (“UCS”), proposals from qualified vendors (the “Provider”) to provide comprehensive substance use monitoring services for participants involved in UCS rural Opioid Intervention Courts (“OICs”) in eight (8) New York State Counties. The purpose of this contract is to create a laboratory-based drug testing program to inform court administration and OIC practitioners on the nature and extent of drug use and to examine the changing nature of substance use from plant-based drug derivatives to synthetic, laboratory-created substances commonly referred to as new psychoactive substances (NPS).

UCS received funding from the federal Bureau of Justice Assistance (“BJA”) to expand the OIC model to economically distressed rural communities, specifically in Sullivan, Greene, Delaware, Genesee, Cortland, Columbia, Cheango, and Lewis Counties. One of the goals of the project is to improve drug testing for complex combinations of synthetic drugs and to analyze drug usage trends to target effective interventions and supports.

#### **Scope of Work**

1. **Management Information System:** Provider will provide OICs in eight (8) New York State Counties with access to a secure, web-based MIS, that at a minimum allows the court to:
  - a. Enroll clients in the substance use monitoring program;
  - b. Enter custom test panels specific to each donor;
  - c. Develop a protocol to conduct initial testing during assessment for applicant at program entry, and then randomized selection and/or validation testing when synthetic drug testing is needed;
  - d. Enter excused test periods for an individual donor;
  - e. Inactivate or activate donors;
  - f. Track and review donor test history;

The MIS shall include a dashboard view specific to each OIC's coordinator and/or case manager that:

- a. Provides the coordinator and/or case manager quick access to each donor;
  - b. Provides a consolidated summary of all activity related to each donor;
  - c. Illustrates if a donor is scheduled to test;
  - d. Shows if a donor has called the donor notification system or not; and
  - e. Provides a summary of recent positives, no shows, and other non-negative test results.
2. **Automated Random Selection Calendar:** Provider will provide, support and maintain a secure, HIPAA compliant automated random selection testing calendar that is configurable to the individual OIC specified parameters and provides the ability to:
  - a. Create parameters that specify testing selection, frequency and test panels;
  - b. Schedule donors on an individual or group basis;
  - c. View past and future testing events via the MIS; and
  - d. Manually order unscheduled tests for individual donors via the MIS.
3. **Client Notification:** Provider will provide, support, and maintain a donor notification system that notifies donors of the need to test. The donor notification system must:
  - a. Create a unique personal identification number (PIN) for each donor;
  - b. Record time, date and phone number of when donors call;
  - c. At a minimum provide English and Spanish language options;
  - d. Calculate a call-in compliance score for each donor;
  - e. Report if a donor fails to contact the notification system;
  - f. Allow the supervising case manager to post custom text-to-speech messages; and
  - g. When the functionality is available, allow donors to select a test message option over a call-in option.
4. **Supplies & Transportation:** The Provider shall provide all necessary sample collection and transportation supplies and courier pick-up within 24 hours of notification for specimens collected by the court.

5. **Laboratory Testing:** The Provider shall:
  - a. Operate a laboratory that is certified by the Department of Health and Human Services (DHHS), Clinical Laboratory Improvements Act (CLIA) and the College of American Pathologists – Forensic Drug Testing (CAP-FDT);
  - b. Conduct laboratory testing according to protocols developed in partnership with Division of Policy and Planning including immunoassay screens (instant test devices are not permitted), and GC/MS or LC-MS/MS testing;
  - c. Report the test results by the completion of the next business day following specimen collection (e.g., screen results for samples collected and shipped on Monday shall be reported on Tuesday.);
  - d. Retain non-negative specimens for five (5) business days;
  - e. Store positive samples in secure, frozen store for thirty (30) days;
  - f. Test assays should be set at the cut-off levels established by the College of American Pathologists – Forensic Drug Testing (CAP-FDT); and
  - g. Conduct specimen validity testing via creatinine testing on all samples and specific gravity, PH, oxidants when needed.
  
6. **Electronic Chain of Custody:** The MIS shall generate a legally defensible electronic chain of custody that fully integrates donor demographic data (name, gender, age, case manager, etc.) and tracks the specimen during all phases of the testing process.
  
7. **Results Reporting:** The Provider shall report all test results and related information via the MIS. Specifically, the Provider shall:
  - a. Report test results on the next business day;
  - b. Segment results and test data by coordinator and/or case manager;
  - c. Conduct data analysis on specimen results to discern new use from residual use;
  - d. Assist with results interpretation; and
  - e. Provide consultation and results interpretation in-person and/or via teleconference on an as needed basis.
  
8. **Information Reporting:** The MIS shall provide the OIC with program analytics that aid the court in data analysis and report generating functions. Reports shall be sortable by coordinator and/or case manager and at a minimum shall include:
  - a. Detailed and summary results;
  - b. Individual test reports;
  - c. Donor test history;
  - d. An overview all testing activities; and
  - e. Detailed views of the historic and future testing calendars, among others.
  
9. **Primary Contact:** Provider will designate a primary contact. Such contact may be changed from time to time as communicated by Provider.

10. **Training & Orientation Sessions:** Provider will conduct training and orientation sessions for judges, attorneys, and OIC staff with respect to the substance use monitoring process.
11. **Monthly Account Summary:** Provider will track testing fees to provide a monthly account summary and invoice within ten (10) calendar days following the completion of a month.
12. **Laboratory Protocols:** Provider will consult with the UCS Division of Policy and Planning to develop laboratory testing protocols for use in eight (8) OICs to allow the UCS to compare the use of existing instant, hand-held drug testing to laboratory testing to assess the capability of the courts to detect the use of synthetic psychoactive substances.
13. **Service Fees:** Provider will consult with the UCS Division of Policy and Planning to develop a fee structure.

### **Project Timeline**

The initial contract term will be October 1, 2023 – September 30, 2024. There will be two one-year extensions subject to funder approval. The contract term, if all extensions are exercised, will be no longer than October 1, 2024- September 30, 2026.

### **Eligibility**

Eligible applicants are limited to New York State-based entities that operate a laboratory that is certified by the Department of Health and Human Services (DHHS), Clinical Laboratory Improvements Act (CLIA) and the College of American Pathologists – Forensic Drug Testing (CAP-FDT).

### **Proposal Content**

Interested entities are encouraged to apply by submitting a proposal containing and addressing the following:

1. **Cover Page**, including:
  - a. Provider Name
  - b. Provider Website
  - c. Provider Address
  - d. Provider Contact Name for RFP Response
  - e. Provider Contact Email Address
  - f. Provider Contact Phone Number

2. **Experience:** Please provide information about the Provider's experience providing the services relevant to described in the Scope of Work including number of years and geographical locations.
3. **Capacity:** Please provide information about the Provider's capacity to provide these services. This should include your organizational and staffing structure, including an organizational chart and job description and resumes of the personnel who would be providing these services.
4. **Lab Certification:** Please provide confirmation that the Provider is certified by the Department of Health and Human Services (DHHS), Clinical Laboratory Improvements Act (CLIA) and the College of American Pathologists – Forensic Drug Testing (CAP-FDT).
5. **Approach to Scope of Services:** Please provide a description of what the Provider's approach would be to performing the work and accomplishing to program objectives, including the capability to provide guidance on the development of testing protocols.
6. **Budget and Pricing:** Please provide line item budgets for the budget period of October 1, 2023 – September 31, 2026 on an annual basis, which will collectively serve as the applicant's quote. The total amount quoted may not exceed \$324,000.
7. **References:** Please provide 1-3 references for clients for which the Provider has provided services relevant to the Scope of Work.

### **Submission Instruction**

**Proposals are due on September 11, 2023 at 5pm EST. Late proposals will not be reviewed.**

- a. Please submit proposals as PDF files.
- b. Proposals should be emailed to [oircfp@innovatingjustice.org](mailto:oircfp@innovatingjustice.org)

Please direct any questions regarding this RFP to the email address above. Questions and answers will be posted at <https://www.innovatingjustice.org/contractor-opportunities>.

We anticipate selecting a vendor on or about September 25, 2023. The final terms, scope of work, funding, and conditions will be set in a contract between the selected vendor and the Center.

### **Selection Criteria**

When reviewing proposals, the UCS will evaluate the following factors:

1. **Suitability of proposal:** Proposed solution meets needs and criteria set forth in RFP.
2. **Experience:** Provider has successfully completed, on time and on budget, similar projects and has qualifications necessary to undertake this work.
3. **Pricing:** Proposed cost of the project.
4. **Resources:** Information on the Provider to demonstrate competence in providing the services outlined in the Scope of Work, and the capacity to complete this project.
5. **Presentation:** Proposal information is presented clearly, logically and is well-organized.
6. **References:** Provide current reference information for one to three former or current clients.

Quotes will be evaluated on a best-value basis, taking experience, capacity, experience and price into consideration.

### **General Conditions**

1. **Right to Amend RFP:** The Center reserves the right to cancel or amend or supplement the RFP, giving equal information and cooperation by way of issued addendum to all proponents through email.
2. **Bidder Incurred Costs:** All costs incurred in the preparation and presentation of proposals in any way whatsoever shall be wholly absorbed by the bidder(s).
3. **Acceptance of Proposals:** The Center and UCS are not bound to accept the lowest price or any proposal of those submitted. Proposals will be assessed in light of the evaluation criteria specified in this RFP.
4. **Evaluation of Proposals:** The Center reserves the right to make an award based directly on the proposals submitted or to negotiate further with one or more proponents. Quotes will be evaluated on a best-value basis, taking experience, capacity, experience and price into consideration.
5. **Contract:** The final terms, scope of work, funding, and conditions will be set in a contract between the selected vendor and the Center.

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