



**KITSAP COUNTY**  
**Request for Proposal 2022-137**

**Addendum No. 3**

**Purchasing Department**  
619 Division St., 4<sup>th</sup> Floor  
Port Orchard, WA 98366  
Phone: 360.337.4788  
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**TO:** All Respondents

**FROM:** Glen McNeill

**CLOSING DATE:** **September 20, 2022, at 3:00PM (Unhanged)**

**REF NO.:** **2022-137 UA Collection and Testing for Adult Drug and Veterans Treatment Courts**

**DATE:** September 7, 2022

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The purpose of this addendum is to answer questions regarding the RFP.

Q#	Section	Page	Question
1.	2: Background	3	Approximately what is the annual volume potentially expected for the Family Dependency Drug Court, District Court Behavioral Health Court and District Court Human Trafficking Court, if the County chose to expand the contract? <b>Adding additional programs will increase collection/tests by approximately 70-80 tests per week; or, 3,640 to 4,160 tests annually.</b>
2.	2: Background	3	Would the potential expansion of the contract include Medicaid eligible or non-eligible participants? What percentage of the total would each be? <b>Likely both, though it is anticipated the majority would be Medicaid eligible. Currently, 80% of participants in these programs are Medicaid eligible.</b>
3.	3, D: Scope of Services, Validity Testing	5	Would the County consider a General Oxidants screen in place of Nitrates (SP) within the "validity testing" panel? The General Oxidants screen is much more comprehensive of adulterants and will detect chromates, pyridinium chlorochromate, iodine, iodates, periodate, peroxide/peroxidase, iodic acid, bleach in addition to Nitrites. <b>Yes, the County would consider it, subject to additional information.</b>
4.	3, H: Scope of Services, Toxicology Expert Services	5	Approximately how many instances of testimony have been required in the past year? <b>Very seldom. Historically, this has been required only 1-2 times per year.</b>
5.	3, H: Scope of Services, Toxicology Expert Services	5	Will the County accept telephonic testimony for Expert Witnesses? <b>Absent specific objections raised by the deputy prosecuting attorney or the public defense attorney, the Court is generally agreeable to remote appearances/testimony.</b>



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6.	3, J: Scope of Services, Collection Site Locations	6	Can you please specify which Holidays will be observed? Would the County allow closure for example on Christmas Day, Thanksgiving Day and New Year’s Day as long as the site offers after holiday testing the following day? <b>New Year's Day; Martin Luther King, Jr. Day; Presidents' Day; Memorial Day; Juneteenth; Independence Day; Labor Day; Veterans' Day; Thanksgiving Day; Native American Heritage Day (Friday after Thanksgiving); and Christmas Day – as set forth under RCW 1.16.050. The County would be open to annually reviewing the calendar and discussing, on an annual basis, specified holiday closures. However, it would do so with an eye towards mitigating any adverse impacts to individual participant accountability.</b>
7.	3, J: Scope of Services, Observations	6	Is it acceptable to provide notification of tampering via the Vendor's web-based drug management system, allowing for more prompt notification vs a submitted incident report? <b>The County would consider it, subject to further, additional information</b>
8.	3, O: Scope of Services, Specimen Chain of Custody/ Transportation	7	Approximately how many Kitsap County sites are anticipated to require specimen pick up? <b>This will require further discussion. As few as 1, as many as 5 – but not likely on a regular or daily schedule.</b>
9.	3, O: Scope of Services, Specimen Chain of Custody/ Transportation	7	Approximately how many samples are anticipated to be picked up from each County location daily? <b>Initially, not many – maybe 3-5 per month, based on immediate need.</b>
10.	3, P: Scope of Services, Contract Start	7	Typically contracted services start 30 days or more after the execution of the contract. Would the county please amend this requirement to reflect the execution of the contract vs notification of award. The Court/County are open to negotiating this term. <b>The 30-day start-up schedule is designed around current funding cycles and is the ideal situation. However, the Court is open to considering proposals where a 60-90 day start-up schedule is necessary.</b>
11.	3, G: Scope of Services, Professional Services Contract Terms & Conditions	10	Laboratories are considered “Covered Entities” under the Health Insurance Portability and Accountability Act (HIPAA), and do not fall within the legal status of a business associate under federal regulations. Examples of business associates are attorneys, accounting firms, benefits managers, etc. As a Covered Entity as defined by HIPAA, we are required to fully comply with HIPAA compliance Rules and not just the sections to which a business associate is subject. Please be assured that as a HIPAA Covered Entity, we are already fully bound by the HIPAA privacy and security notification rule. Would the County consider amending this requirement during contracting? <b>Yes, this is negotiable.</b>

- We see from Addendum 2 that there are multiple vendors currently providing testing. Can you please outline what you currently pay per test (and/or per collection) to each vendor for non-Medicaid-eligible testing? **Unknown for the Adult Drug Court because these are currently facilitated**

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by/through the treatment agencies with third-party vendors, this information is not available. In calendar year 2021, the Court, through CJTA grant funding, expensed approximately \$45,500 for UA's in the Veterans Treatment Court program. This can be further broken-down to approx.. \$39.00 per 7-panel test.

- Section 2 Background: Please verify that the urinalysis testing expected to be performed under this contract is all considered court-ordered testing. **Correct – UA collection and testing under this contract is all considered court-ordered testing.**
  - We see in the RFP Background description that the program is supported with funding for both Medicaid-eligible and non-Medicaid-eligible participants, and in the Billing section a requirement for vendors with the ability to meet Medicaid billing requirements. However, if the services under this contract are all considered court-ordered testing, it is our understanding that this is specifically not reimbursable by Medicaid. For reference, here is a statement from the Washington State Medicaid Program regarding coverage guidance for drug testing: *“Monitoring for the use of drugs for the single purpose of assessing compliance with a court order is not considered part of the medical or behavioral health Medicaid benefit.”* <https://www.hca.wa.gov/assets/program/drug-screen-urinalysis-testing.pdf>. This document also appears to indicate that tests for persons enrolled in therapeutic court who are participating in chemical dependency treatment are ordered by and paid for by the criminal court system (which we take to mean not paid for by Medicaid). With this in mind, can the Courts please describe the situations under which clients/patients will be tested, and why such a high number of these appear to be considered Medicaid-eligible by the Courts?

**Notwithstanding the HCA’s published statement regarding reimbursement in treatment court settings, we have learned that, within limits, the HCA is paying for some UA collection and testing for treatment courts across the State. The Court has developed this RFP with this in mind and with an expected implementation plan that will leverage State Medicaid funding, local Criminal Justice Treatment Account funding, and other local funding streams to ensure the Court’s treatment court UA expectations are met. In this regard, the Court is estimating that 2/3’s of Adult Drug Court UA’s will be Medicaid eligible with the remaining 1/3 covered through CJTA. In the Veterans Treatment Court, we are presuming that 100% of UA costs will be borne by CJTA funding – which will remain status quo from our current funding scenario.**

- How often is expert testimony required for laboratory results? Would the Courts allow for web-based or telephonic testimony, or must testimony be performed in person? **Very seldom. Historically, this has been required only 1-2 times per year, but should be available. Absent specific objections raised by the deputy prosecuting attorney or the public defense attorney, the Court is generally agreeable to remote appearances/testimony.**
- How often are alternate forms of testimony such as litigation packets or affidavits required? **Very seldom. Historically, no more than expert testimony has been required.**
  - Where are collections currently being collected? How many locations? **UA’s are currently collected by/through the 3 separate treatment agencies that work with the treatment court programs.**
  - What is the historical positive rate? **On average, approx.. 1-3 positive tests out of 200+ per week.**



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- What are the current costs associated with drug testing? **Unknown for the Adult Drug Court because these are currently facilitated by/through the treatment agencies with third-party vendors, this information is not available. In calendar year 2021, the Court, through CJTA grant funding, expensed approximately \$45,500 for UA's in the Veterans Treatment Court program.**
- What is the estimated monthly testing volume for all programs combined? **Currently, we estimate 1100-1200 tests per week. When program census (150 ADC and 25 VTC participants) is achieved, we expect this to increase to 1,750 tests per week.**
- What is expected volume for other future programs, i.e. – Family Dependency, District Court BH, Human Trafficking? **Adding additional programs will increase collection/tests by approximately 70-80 tests per week.**
- What percentage of clients are non-Medicaid eligible? **Approximately 1/3 of Adult Drug Court participants, and 100% of Veterans Treatment Court participants.**
- Are laboratories able to only test for creatinine and no Specific Gravity, pH, and Nitrate? **The lab should be prepared to test for Specific Gravity, pH and Nitrate.**
- How many times annually is expert testimony required? **Very seldom. Historically, this has been required only 1-2 times per year, but should be available.**
- Do you have an existing Ordering Referring Prescriber? If so, can you provide their contact information? **We do not currently have an Order Referring Prescriber.**