DRUG-FREE WORKPLACE CERTIFICATION

1. CERTIFICATION REGARDING A DRUG-FREE WORKPLACE (JULY - 1990):

1.1 Definitions. As used in this provision:

1.1.1 **Controlled substance**: means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 CFR 1308.11 - 1308.15.

1.1.2 **Conviction:** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

1.1.3 **Criminal drug statute:** means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.

1.1.4 **Drug-free workplace:** means the site(s) for the performance of work done by the Contractor in connection with a specific contract at which employees of the Contractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

1.1.5 **Employee:** means an employee of a Contractor directly engaged in the performance of work under a Government contract. "Directly engaged" is defined to include all direct cost employees and any other Contractor employee who has other than a minimal impact or involvement in contract performance.

1.1.6 **Individual:** means an Offeror/Contractor that has no more than one employee including the Offeror/Contractor.

1.2 By submission of its offer, the Offeror, if other than an individual, who is making an offer that equals or exceeds $25,000, certifies and agrees, that with respect to all employees of the Offeror to be employed under a contract resulting from this solicitation, it will - no later than 30 calendar days after contract award (unless a longer period is agreed to in writing), for contracts of 30 calendar days or more performance duration: or as soon as possible for contracts of less than 30 calendar days performance duration, but in any case, by a date prior to when performance is expected to be completed:

1.2.1 Publish a statement notifying such employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

1.2.2 Establish an ongoing drug-free awareness program to inform such employees about the following:

(i) The dangers of drug abuse in the workplace;

(ii) The Contractor's policy of maintaining a drug-free workplace;

(iii) Any available drug counseling, rehabilitation, and employee assistance programs; and

(iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

1.2.3 Provide all employees engaged in performance of the contract with a copy of the statement required by subparagraph 1.2.1 of this provision;

1.2.4 Notify such employees in writing in the statement required by subparagraph 1.2.1 of this provision that, as a condition of continued employment on the contract resulting from this solicitation, the employee will:

(i) Abide by the terms of the statement; and

(ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction;

1.2.5 Notify the Contracting Officer in writing within 10 calendar days after receiving notice under subdivision 1.2.4 (ii) of this provision, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee; and

1.2.6 Within 30 calendar days after receiving notice under subdivision 1.2.4 (ii) of this provision of a conviction, takes one of the

following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

(i) Take appropriate personnel action against such employee, up to and including termination; or

(ii) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

1.2.7 Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1.2.1 through 1.2.6 of this provision.

1.3 By submission of its offer, the Offeror, if an individual who is making an offer of any dollar value, certifies and agrees that the Offeror will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the performance of the contract resulting from this solicitation.

1.4 Failure of the Offeror to provide the certification required by paragraphs 1.2 through 1.3 of this provision, renders the Offeror unqualified and ineligible for award.

1.5 In addition to other remedies available to the Government, the certification in paragraphs 1.2 through 1.3 of this provision concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

1.6 CERTIFICATION REGARDING A DRUG-FREE WORKPLACE

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AUTHORIZED CONTRACTOR PERSONNEL (PRINT NAME) TITLE

_____ _____

Signature of Authorized Contractor Personnel Date