

Applicant Plan _____ For Contact Year _____

CERTIFICATION REGARDING A DRUG-FREE WORKPLACE

(a) Definitions. As used in this provision:

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.

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.

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

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.

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.

Individual means an officer/contractor that has no more than one employee including the offeror/contractor.

(b) By submission of its application for participation in the Federal Employees Health Benefits Program), the applicant plan, if other than an individual, who is applying to be a Carrier for a health benefits contract that equals or exceeds \$25,000, certifies and agrees, that with respect to all employees of the applicant plan to be employed under a **FEHB** contract resulting from this application, it will – no later than, 30 calendar days after the date of approval to participate (unless a longer period is agreed to in writing), but in any case, not later than 60 calendar days before the effective date of participation

- (1) Publish a statement notifying such employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant plan's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (2) Establish an ongoing drug-free awareness program to inform such employees about
 - (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.
- (3) Provide all employees engaged in performance of the contract with a copy of the statement required by subparagraph (b) (1) of this provision;
- (4) Notify such employees in writing in the statement required by subparagraph (b)(1) of this provision that, as a condition of continued employment on any contract resulting from this application, the employee will

- (i.) Abide by the terms of the statement
 - (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.
- (5) Notify the Contracting Officer in writing within 10 calendar days after receiving notice under subdivision (b)(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
- (6) Within 30 calendar days after receiving notice under subdivision (b)(4)(ii) of this provision of a conviction, take 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.
- (7) Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs (b)(1) through (b)(6) of this provision.
- (c) By submission of its application for participation in the FEHB Program the applicant plan, if an individual who is making an offer of any dollar value, certifies and agrees that the applicant plan will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the performance of any contract resulting from this application.
- (d) Failure of the offeror to provide the certification required by paragraph (b) or (c) of this provision, renders the applicant plan unqualified and ineligible for award. (See FAR 9.104-1(g) and 19.602-1(a)(2)(i).)
- (e) In addition to other remedies available to the Government, the certification in paragraphs (b) or (c) 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, U.S.C. 1001.

Applicant Plan Name

Contractor (Carrier) Name

Name of Authorized Contracting Official

Title

Signature

Date