



Procurement Services

AFFIDAVIT

I certify to comply with the Drug-Free Workplace Act, Section 44-107-10 et.seq. of the South Carolina Code of Laws to provide a drug-free workplace (copy attached). (Note: this clause applies to any resultant contract of \$50,000 or more.) The State of South Carolina has amended Title 44, Code of Laws of South Carolina, 1976, relating to health, by adding Chapter 107, so as to enact the Drug-Free Workplace Act (see Act no. 593, 1990 Acts and Joint Resolutions). The text of this Act is included herewith.

Vendor: _____

Street or P.O. Box

City

State

Zip Code

Telephone

By (Printed Name)

Title

Date

FEIN#: _____

Or

SS#: _____

Signature

Failure to furnish this affidavit will result in the delay of contract.

This page must be signed and returned to Procurement Services.

Please return to: Coastal Carolina University
Procurement Services
P.O. Box 261954
Conway, SC 29528

Phone: 843-349-2189 Fax: (843) 349-2184

CHAPTER 107. THE DRUG-FREE WORKPLACE ACT

SECTION 44-107-10. Short title. [SC ST SEC 44-107-10]

This chapter may be cited as "The **Drug-free Workplace Act**".

SECTION 44-107-20. Definitions. [SC ST SEC 44-107-20]

As used in this chapter:

- (1) "Drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract of an entity at which employees of the entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this chapter.
- (2) "Employee" means the employee of a grantee or contractor engaged in the performance of work pursuant to the provisions of the grant or contract.
- (3) "Controlled substance" means a controlled substance in Article 3, Chapter 53 of this title.
- (4) "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.
- (5) "Criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
- (6) "Grantee" means the department, division, or other unit of a person responsible for the performance under a grant.
- (7) "Contractor" means the department, division, or other unit of a person responsible for the performance under a contract with a state agency.

SECTION 44-107-30. Certification that drug-free conditions exist required for eligibility for certain state grants and contracts. [SC ST SEC 44-107-30]

No person, other than an individual, may receive a domestic grant or be awarded a domestic contract for the procurement of any goods, construction, or services for a stated or estimated value of fifty thousand dollars or more from any state agency unless the person has certified to the using agency that it will provide a drug-free workplace by:

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
- (2) establishing a drug-free awareness program to inform employees about:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug violations;
- (3) making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by item (1);
- (4) notifying the employee in the statement required by item (1) that, as a condition of employment on the contract or grant, the employee will:
 - (a) abide by the terms of the statement; and
 - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
- (5) notifying the using agency within ten days after receiving notice under item (4)(b) from an employee or otherwise receiving actual notice of the conviction;
- (6) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee convicted as required by Section 44-107-50; and
- (7) making a good faith effort to continue to maintain a drug-free workplace through implementation of items (1), (2), (3), (4), (5), and (6).

SECTION 44-107-40. Individual required to certify absence of drug-related activity to qualify for state grant or contract. [SC ST SEC 44-107-40]

No state agency may enter into a domestic contract or make a domestic grant with any individual for a stated or estimated value of fifty thousand dollars or more unless the contract or grant includes a certification by the individual that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

SECTION 44-107-50. Required response to employee's conviction of drug-related offense. [SC ST SEC 44-107-50]

A grantee or contractor shall, within thirty days after receiving notice from an employee of a conviction pursuant to Article 3, Chapter 53 of this title:

- (1) take appropriate personnel action against the employee up to and including termination; or
- (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for the purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

SECTION 44-107-60. Conditions justifying suspension or termination of state grant or contract. [SC ST SEC 44-107-60]

Each domestic contract or domestic grant awarded by a state agency is subject to suspension of payments or termination or both, and the contractor or grantee under the contract or grant or the individual who entered the contract with or received the grant from the state agency, as applicable, is subject to suspension or debarment in accordance with Section 11-35-4220 if the appropriate Chief Procurement Officer, as defined in Section 11-35-310(5), determines that:

- (1) the contractor or grantee has made a false certification under Section 44-107-30 or 44-107-40;
- (2) the contractor or grantee violates the certification by failing to carry out the requirements of Section 44-107-30(1), (2), (3), (4), (5), and (6);
- (3) the contractor or grantee does not take appropriate remedial action against employees convicted on drug offenses as specified in Section 44-107-50; or
- (4) the number of employees of the contractor or grantee who have been convicted of violations of criminal drug statutes for violations occurring in the workplace reasonably indicates that the contractor or grant recipient has failed to make a good faith effort to provide a drug-free workplace

as required by this chapter.

SECTION 44-107-70. Duration of debarment. [SC ST SEC 44-107-70]

Upon issuance of any final decision under this chapter requiring debarment of a contractor, grantee, or individual, the contractor, grantee, or individual is ineligible for award of any contract or grant by any state agency for a period specified in the decision of at least one year but not to exceed five years.

SECTION 44-107-80. Technical assistance with implementation. [SC ST SEC 44-107-80]

Upon request, the Department of Alcohol and Other Drug Abuse Services shall provide technical assistance to any state agency to assist with the implementation of this chapter. Additionally, upon request, the names and addresses of contractors and grantees providing a drug-free workplace pursuant to this chapter must be provided to the department.

SECTION 44-107-90. Failure to comply with this chapter not grounds for protest. [SC ST SEC 44-107-90]

Failure to comply with any provision of this chapter shall not be grounds for any protest under Section 11-35-4210.