

# Capitol City TAXI

(785) 267-3777

**ORIGINAL**

2050 SE 30th  
Topeka, KS 66605  
Manager, Kevin Moten  
CapitolCityTaxi@yahoo.com

June 1, 2020

Please find attached my response to the RFP Demand Response Service RFP TM-20-02. The materials enclosed are as follows:

- 1) Understanding of the Scope and Specifications
- 2) Experience and Qualifications of the Firm - Form B - Data Sheet
- 3) Attachments and certifications
  - a. Company Drug Policy
  - b. Emergency Collision Procedure - Attachment B
  - c. Acknowledgement of Corporation
  - d. Acknowledgment of Addenda
  - e. Charter Certification
  - f. Disadvantage Business Enterprises (DBE) Certification
  - g. Fly American Certification
  - h. Lobbying Certification
  - i. Non-Collusion Affidavit
  - j. Power of Execution
  - k. Price Quote
  - l. Proposal Change Request - None made by Capitol City Taxi
  - m. Suspension/Debarment Certification
  - n. Vehicle Inventory - Form B-2

Sincerely,

*Kevin Moten* MANAGER

Kevin Moten, Manager/Capitol City Taxi

# Capitol City TAX

(785) 267-3777

ORIGINAL

20200810  
To: KAT 0430  
From: Kevin M. Lee  
Subject: Capitol City Tax

June 1, 2020

Please find attached my response to the RFP. The materials requested are as follows:

- 1) Understanding of the scope and requirements
- 2) Experience and Qualifications of the Firm (from the Firm's past work)
- 3) Attachments and Certification:
  - a. Company Drug Policy
  - b. Insurance Certificate (from the Firm's past work)
  - c. Affidavit of Insurance Coverage
  - d. Acknowledgment of the job
  - e. Charter Certification
  - f. Discriminatory Business Practices (DBP) Certification
  - g. City American Certification
  - h. Lobbying Certification
  - i. Non-Collusion Affidavit
  - j. Power of Attorney
  - k. Price Quote
  - l. Proposal Change Order (for the materials requested)
  - m. Taxi
  - n. Suspension/Debarment
  - o. Vehicle Inventory - from the Firm

Sincerely,

*Kevin M. Lee*

Kevin M. Lee, Manager, Capitol City Tax

### **UNDERSTANDING OF THE SCOPE AND SPECIFICATIONS**

Since May 22, 1999 Capitol City Taxi has provided service for the Topeka Metro Contract. At that time Custom Transportation was a subsidiary of Capitol City Taxi and provided service for the Topeka Metro Contract. During this time, we have gone from sharing the contract with Yellow Cab of Topeka to Capitol City Taxi being the sole provider for this contract since April 2012. Capitol City Taxi fully understands what it takes to be a representative of Topeka Metro. Capitol City Taxi drivers fully understand the wants and needs of the Topeka Metro customer. The drivers understand that this is a door to door service and must help the customer when needed. The drivers also understand the importance of timeliness and safety when transporting a Topeka Metro customer. Capitol City Taxi prides itself in having a working relationship with all the Topeka Metro staff, starting with the CSR's all the way up to the CEO of Topeka Metro. Mr. Moten prides himself in knowing each and every one of the Topeka Metro customers that Capitol City Taxi is responsible for transporting in the current contract. This includes knowing the customers by name and making sure they know if there is a problem with the service they are receiving, they can contact Mr. Moten. Mr. Moten stays in touch with the clientele by transporting customers on a regular basis. All Capitol City Taxi employees, from the drivers to the dispatchers understand the rules and regulations surrounding the Topeka Metro Contract. Capitol City Taxi strives to give the same quality service that Topeka Metro gives because we are a representative of Topeka Metro.

**FORM B - DATA SHEET**

**SERVICE OPERATION**

1. Capitol City Taxi, Inc., is a corporation organized under the laws of the State of Kansas. Karen E. Roy owns all the stock and is President/Vice President and Secretary/Treasurer of the corporation. Kevin Moten acts as manager and oversees all operations, including hiring and termination of employees, bookkeeping, maintenance of equipment, and handling of customer complaints. Mr. Moten has been manager of the company since March 2006, when Mr. Roy passed away.

The remaining office employees are dispatchers. Capitol City Taxi operates 24 hours a day, seven days a week. Four dispatchers handle calls during the week. These include Erika Blancas who has been with company since March 2008, Terri Willard who has been with the company since February 2010, Jeanie Reynolds who has been with the company since April 2013, and Tammy Miller who has been with the company since March 2016.

2. Capitol City Taxi maintains an office at 2050 SE 30th, Topeka, where Mr. Moten and the dispatchers are located. The Company is open 24 hours a day, seven days a week. The Company has a large parking lot next to the office where company vehicles are kept when not in use.
3. Capitol City Taxi has had a written contract with Homelink since 2007 to provide transportation for Work Comp patients. The Company has had numerous oral agreements with various agencies to provide transportation for low income or disabled persons. These agreements have been with Washburn Student Association for safe rides, One Call Care, ProCare, Disability Determination & Referral and Stormont Vail Healthcare.
4. In December 2017, Capitol City Taxi in conjunction with Go Topeka and Topeka Metro established SOTO, a service to provide low cost rides to specific businesses in the South Topeka area. In December 2018, NETO was established to provide low cost rides to specific businesses in the North and East Topeka areas. These programs are still currently running with great success.

## **References:**

Disability Determinations and Referral  
2820 SW Fairlawn Rd.  
Topeka, KS 66614-1509  
1-785-267-4440

HomeLink  
PO Box 1860  
Waterloo, IA 50704  
1-855-322-2350

Topeka Metropolitan Transit Authority  
201 N. Kansas Avenue  
Topeka, KS 66603  
1-785-233-2011

One Call Care  
841 Prudential Drive – STE 900  
Jacksonville, FL 32207  
1-866-966-3911

Stormont Vail Healthcare  
1500 SW 10th  
Topeka, Kansas 66606  
1-785-354-6000

1. Capitol City Taxi, Inc., has had no contracts to which it was a party, which were not renewed in the last seven years.
2. The only formal written complaints Capitol City Taxi, Inc., has received in the last 7 years are the reports from the Topeka Metro denoting service issues with various passengers.
3. All our drivers are hourly drivers that are under the supervision of Kevin Moten.
4. Kevin Moten who is the Manger, also drives and schedules runs received from Topeka Metro. The practice has been that Topeka Metro enters a manifest of daily runs for the next day into the REVEAL program. Mr.

Moten then schedules the runs with his hourly drivers. Mr. Moten then tabulates the monies owed by Topeka Metro and transmits this information to Topeka Metro on a weekly basis.

5. There is no litigation pending against Capitol City Taxi Inc.
6. Capitol City Taxi Inc. was involved in litigation regarding a collision a driver had with a vehicle back in October 2014. Other than this litigation we have not had anything for the last seven years.
7. Capitol City Taxi, Inc., has a written policy for accidents, a copy of which is attached hereto as Att.B. In the event of an accident, drivers are told to remain calm and first determine if there are any injuries, if there is a fire hazard and if there is danger from any traffic. Drivers are told not to move their vehicles. They are to call the dispatcher and/or other emergency personnel, advise as to the location of the collision and direction of travel, the taxi number, and a brief description of the collision. Dispatch then calls Mr. Moten to inform him of the accident. Mr. Moten then travels to the scene to make sure all the proper procedures have been followed and that all passengers and driver are safe. If Mr. Moten is unavailable to go to the scene, he has a backup plan in place. Mr. Moten asks to have customers complete a courtesy information card and complete and sign a medical refusal form if the customer does not wish medical treatment. Mr. Moten also obtains all relevant information from drivers of other vehicles involved in the accident and anyone that witnessed the accident. Drivers are then to complete a drug and alcohol test if required by FTA guidelines. They are then to complete a collision report and give it to Mr. Moten as soon as possible. Mr. Moten then sends a full report to Topeka Metro.
8. Capitol City Taxi, Inc., is woman owned and all the stock of the company is owned by Karen E. Roy who serves as President/Vice President and Secretary/Treasurer of the company.
9. Attached hereto as Att.C is a copy of Capitol City Taxi's policy concerning drug and alcohol use. All Capitol City taxi drivers are required to complete a drug/alcohol test prior to employment with Capitol City Taxi, Inc. All drivers are then entered into a random drug pool and are required to complete the random drug/alcohol testing.

10. Capitol City Taxi uses a digital two-way radio system manufactured by Motorola similar to that used by Topeka City Police. The base unit is in the Company's office. The Company leases space from TBS electronics for the transmitter. The dispatch system has not been inoperable for more than 12 continuous hours within the last five years. All cabs are GPS tracked and can be monitored by computer or Mr. Moten's phone. Mr. Moten can also pull a report showing the times and places of each vehicle.

## **DRIVERS**

1. Capitol City Taxi has 5 hourly drivers with Mr. Moten also driving.
2. Capitol City Taxi has additional drivers who provide service to the public, but these drivers have not been qualified to provide service to Transit Authority passengers.
3. The drivers on average have 6 years of experience driving a taxi. The 5 individual drivers have the following years of experience:

Driver No. 1 - 20 years	Driver No. 2 - 3 years
Driver No. 3 - 2 years	Driver No. 4 - 2 year
Driver No. 5 - 1 years	
4. Since 2015, there has been only five recordable accidents that were the fault of a Capitol City Taxi drivers. These drivers are no longer employed with Capitol City Taxi. Four of these accidents were minor fender benders. There was one injury that occurred during the last accident.
5. Drivers do not participate in a formal training program. All new drivers are required to go out with an experienced driver until he/she has acquired sufficient knowledge and experience to work on his/her own. The experienced driver trains the new driver in the use of the radio and the tablets that we use for the REVEAL program. New drivers are also asked to discuss questions they have with the trainer until they understand all aspects of the job. New drivers are told there is an open-door policy. All drivers are given safety manuals handed out by Topeka Metro and required to attend training sessions that Topeka Metro offers their drivers.

6. All applicants for driving positions are required to fill out an application and provide a Copy of their Motor Vehicle Report. All applicants must undergo a Kansas Bureau of Investigation check and pass a drug and alcohol test. Capitol City Taxi also checks the Kansas Sexual Predator listings prior to hiring drivers. Capitol City Taxi does not hire drivers who have a history of numerous driving violations or of recent criminal violations. No driver is hired until her/she has been accepted by the Company's insurance carrier. The Company does not discriminate based on race, sex, age, religion, disability, ancestry, or national origin.

### **VEHICLE MAINTENANCE**

1. Each vehicle is inspected daily by the driver and then weekly by Mr. Moten. Vehicles are kept on a regular maintenance schedule for such matters as oil changes. If any problem develops with a vehicle which involves more than basic maintenance, the vehicle is sent to a certified shop for repairs.
2. If a mechanical problem arises while a driver is transporting passengers, the driver will notify dispatch. Dispatch will then send another vehicle out to finish transporting passengers.
3. The interior and exterior of every vehicle is cleaned daily.

### **VEHICLE INVENTORY**

See attached Form B-2.





800-886-1123/785-232-5016 • 534 S. Kansas Avenue, Ste. 600, Topeka, Ks 66603 • [www.tmhcservices.com](http://www.tmhcservices.com)

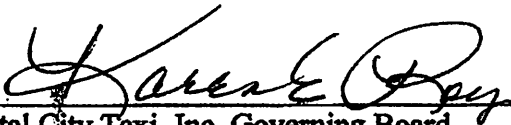
## **CAPITAL CITY TAXI, INC. TOPEKA, KANSAS**

### **Anti-Drug and Alcohol Misuse Prevention Policy (FTA / DOT)**

**Policy Date: Revised Date March 2007  
Revised: June 2013**

## Anti-Drug and Alcohol Misuse Prevention Policy Policy Approval

We have reviewed and concur with the contents of the Capital City Taxi, Inc. Anti-Drug and Alcohol Misuse Prevention Policy. Our signatures indicate approval of the policy and its contents.



Capital City Taxi, Inc. Governing Board

8-18-13

Date

 MANAGER

Capital City Taxi, Inc. Governing Board

8-18-13

Date

Capital City Taxi, Inc. Governing Board

Date

## **TABLE OF CONTENTS**

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I	GENERAL.....	1
II	PROHIBITIONS.....	2
III	TESTS REQUIRED.....	3
IV	HANDLING OF TEST RESULTS, CONFIDENTIALLY.....	6
V	CONSEQUENCES OF FAILING OR REFUSING A DRUG TEST.....	6
VI	CONSEQUENCES OF FAILING OR REFUSING AN ALCOHOL TEST...	7

### **APPENDIX**

A. INFORMATION CONCERNING THE EFFECTS OF ALCOHOL

B. DER AND SERVICE AGENTS

C. JOB CLASSIFICATION

D. EMPLOYEE AFFIRMATION OF DRUG & ALCOHOL TESTING POLICY

E. DILUTE NEGATIVE DRUG TEST RESULTS

## I. GENERAL

### A. Purpose

1. Capital City Taxi, Inc. has a long-standing commitment to maintaining the highest standards for employee safety and health. The use of controlled substances and the misuse of alcohol are contrary to these high standards. The purpose of this policy is to bring Capital City Taxi, Inc. into compliance with all DOT regulations that require affirmative actions to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace. The purpose of this anti-drug and alcohol misuse prevention policy is to reduce accidents that result from the use of controlled substances and misuse of alcohol, thereby reducing fatalities, injuries, and property damage.
2. **This policy does not create any contractual rights in favor of employees to whom the Policy is applicable. Nor does this Policy in any way alter the at-will nature of employment or imply that discharge will occur only "for cause".**
3. Title 49 Code of Federal Regulations (CFR) Part 655.3 requires any recipient of Federal financial assistance under Sections 5307, 5309, or 5311 of the Federal Transit Act, as amended and any contractor to comply with these regulations, and submit to drug and alcohol testing administered in accordance with part 655. Recipients of these funds and their subcontractors must test their employees for prohibited drugs and misuse of alcohol under the following work-related conditions:

#### DRUG TESTING

- a. Pre-employment
- b. Random
- c. Post-accident
- d. Reasonable cause
- e. Return-to-duty
- f. Follow-up

#### ALCOHOL TESTING

- a. Random
- b. Post-accident
- c. Reasonable cause
- d. Return-to-duty
- e. Follow-up

4. **Those areas of the policy printed in bold and underlined text reflect Capital City Taxi, Inc.'s independent authority to require additional provisions with regard to the drug and alcohol testing procedures.**
5. **The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on Capital City Taxi, Inc. property, or in any Capital City Taxi, Inc. vehicle, or on duty, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.**
6. **Drug and Alcohol Program Manager:** Appendix B contains the name, address, and telephone number of the responsible individual(s). The DAPM shall be responsible for providing oversight and evaluation on the policy; providing guidance and counseling; reviewing of all discipline applied under this policy for consistency and conformance to human resources policies and procedures; scheduling drug and alcohol tests for random, return-to-duty and follow-up testing; maintaining a locked file system with limited access to all test results; and promotion of the employee assistance program (EAP). Capital City Taxi, Inc. shall ensure that all covered employees are aware of the provisions and coverage of Capital City Taxi, Inc.'s anti-drug and alcohol misuse policy.
7. **Designated Employer Representative:** Appendix B contains the name, address, and telephone number of the Designated Employer Representative (DER). The DER is authorized by Capital City Taxi, Inc. to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR Part 40.

1. Capital City Tax has a long-standing commitment to maintaining the highest standards for employee safety and health. The use of controlled substances and the misuse of alcohol are contrary to these high standards. The purpose of this policy is to bring Capital City Tax into compliance with 44 DCF regulations that require affirmative action to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace. The purpose of this anti drug and alcohol misuse prevention policy is to reduce accidents that result from the use of controlled substances and misuse of alcohol, thereby reducing potential injuries and property damage.

2. This policy does not create any contractual rights in favor of employees to whom the policy is applicable. Nor does this policy in any way alter the at-will nature of employment or imply that discipline will occur only for cause.

3. Title 46 Code of Federal Regulations (CFR) Part 822.3 requires any recipient of Federal financial assistance under Sections 2302, 2309, or 2311 of the Federal Transit Act, as amended and any contractor to comply with these regulations and submit to drug and alcohol testing administered in accordance with Part 822.3. Recipients of these funds and their subcontractors must take their employees off the prohibition drugs and misuse of alcohol under the following work-related conditions:

DRUG TESTING	ALCOHOL TESTING
a. Pre-employment	a. Random
b. Random	b. Post-accident
c. Post-accident	c. Reasonable cause
d. Reasonable cause	d. Return-to-duty
e. Return-to-duty	e. Follow-up

4. These means of the policy stated in bold and underlined text are not independent. The policy is a complete and enforceable provision with regard to the drug and alcohol testing procedures.

5. The presence of controlled substances in the body as well as the use or possession of controlled substances while on duty, or while performing any job function, is prohibited by Capital City Tax, Inc. Violation of this policy is cause for immediate termination.

6. Drug and Alcohol Testing Manager: Appendix B contains the name, address and telephone number of the responsible individual(s). The DAFM shall be responsible for providing oversight and evaluation on the policy; providing guidance and counseling; reviewing of all discipline applied under this policy for consistency and compliance to human resources policies and procedures; scheduling drug and alcohol tests for random, return-to-duty and follow-up testing; maintaining a locked file system with linked notes to all test results; and promotion of the employee assistance program (EAP). Capital City Tax, Inc. shall ensure that all covered employees are aware of the provisions and coverage of Capital City Tax, Inc. anti drug and alcohol misuse policy.

7. Designated Employee Representative (DER): Appendix B contains the name, address and telephone number of the Designated Employee Representative (DER). The DER is authorized by Capital City Tax, Inc. to take immediate action(s) to remove employees from safety-sensitive duties or cause employees to be removed from those covered duties and to make reported decisions in the testing and evaluation process. The DER also receives test results and other information for the employee consistent with the regulation 44 DCF Part 40.

## B. Applicability

1. This policy applies to any employee of Capital City Taxi, Inc. who perform safety-sensitive functions.
2. The FTA has determined that "safety-sensitive" functions are performed by those who (49 CFR Part 655.4):
  - a. Operate revenue service vehicles including when not in revenue service.
  - b. Operate non-revenue service vehicles that require drivers to hold a CDL.
  - c. Dispatch or control revenue service vehicles.
  - d. Performing maintenance function including repairing, overhauling, and rebuilding revenue service vehicles or equipment used in revenue service;
  - e. Provide security and carry a firearm.
  - f. These categories include supervisors who perform these functions. Supervisors of employees in these categories who do not themselves perform these functions, are excluded.
  - g. Volunteers required to hold a commercial driver's license to operate the vehicle; or perform a safety-sensitive function for any entity subject to this part.
  - h. Contractor employees that stand in the shoes of Transit System employees.
  - i. A list of safety-sensitive positions that perform one of the above-mentioned duties is found in Appendix C.

## C. Testing Procedures

It is a condition of employment that all safety-sensitive employees submit to drug and alcohol testing. All testing conducted under this policy will follow the procedures as set forth in 49 CFR Part 40. The procedures have been developed to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to ensure that the test results are attributed to the correct employee.

## D. Definitions

Words and phrases used in this policy are as defined and found in 49 CFR Part 40.3 and 655.4.

# II. PROHIBITIONS

Capital City Taxi, Inc. shall test each covered employee who performs a safety-sensitive function for evidence of the following substances: Alcohol, Marijuana, Cocaine, Opiates, Phencyclidine, Amphetamines, Heroin (6-acetylmorphine), and MDMA (Ecstasy).

## A. Alcohol

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No employee shall use alcohol 4 hours prior, on call, or while performing a safety-sensitive function. This includes beverages containing alcohol or substances containing alcohol including any medication, mouthwash, food, candy, or any other substance that would cause alcohol to be present in the body.
3. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until a post-accident alcohol test has been administered, whichever occurs first.

## B. Controlled Substances

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance.

1. ILLEGAL DRUGS: The use of any illegal drug or any substance (identified in Schedules I through V of the Controlled Substance Act) is prohibited at all times unless a legal prescription has been written for the substance. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
2. LEGAL DRUGS: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor. In addition, the employee must obtain a written release from the attending physician

releasing the person to perform their job duties any time they obtain a performance-altering prescription.

3. **PRESCRIPTION DRUGS: A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.**

**C. Refusal to Submit to a Required Alcohol or Controlled Substances Test**

No employee shall refuse to submit to an alcohol or controlled substance test required by 49 CFR Part 40 and 655.

**1. As an employee, you have refused to take a drug test if you:**

- a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- b. Fail to remain at the testing site until the testing process is complete.
- c. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations.
- d. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of the provision of a specimen.
- e. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- f. Fail or decline to take an additional drug test the employer or collector has directed you to take.
- g. Failing to undergo a medical examination when required.
- h. Failing to cooperate with any part of the testing process.
- i. For an observed collection, fail to follow the observer's instructions to raise and lower clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have a type of prosthetic or other device that could be used to interfere with the collection process.
- j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- k. Admit to the collector or MRO that you adulterated or substituted the specimen.
- l. As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- m. Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations.
- n. Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- o. Failing to sign Step 2 of the alcohol test form.

**2. For Pre-employment Tests the Following are NOT Refusals (Once the donor has received the specimen collection cup from the collector the test has commenced.)**

- a. Failure to appear for the test.
- b. Failure to remain at the site prior to the commencement of the test
- c. Failure to provide a specimen before the test commences.

**III. TESTS REQUIRED (DOT PANEL)**

**A. Pre-employment or Transfer Testing**

The following conditions establish who may be screened and under what circumstances the drug and alcohol screening may occur. All testing will comply with 49 CFR Part 40 and Part 655.

All applicants for employment in a safety-sensitive position with Capital City Taxi, Inc. will undergo urine drug testing immediately following the offer of employment. All current employees who are requesting transfer to a position covered in this policy are also subject to this policy. This policy covers applicants for, or requests for transfer to, full-time or part-time employment and applicants for regular or temporary employment.

Testing involves the following situations:

1. Prior to the first time an employee or applicant performs any safety-sensitive functions, the employee will undergo pre-employment testing. If the employee has a verified negative result, no further immediate action is necessary. (§655.41(a)(1))
2. When a covered employee or applicant has previously failed or refused a pre-employment drug test, the employee must provide proof to the Director of Capital City Taxi, Inc. of having completed a referral, evaluation, and treatment plan as described in section 655.62 of subpart G. (§655.41(a)(2))
3. Prior to transferring an employee from a Non safety-sensitive function to a safety-sensitive function, the employee must undergo a pre-employment drug test and have a verified negative result. (§655.41(b))
4. If a pre-employment drug test is canceled, the employee or applicant is required to schedule another pre-employment drug test and have a verified negative result. (§655.41(c))
5. When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days, and the employee has not been in the random selection pool during that time, the employee is subject to a pre-employment test which produces verified negative results. (§655.41(d))

#### B. Post-accident Testing

1. Post-accident testing is required for prohibited drugs and alcohol in the case of certain transit accidents:
  - a. Fatal Accident: Whenever there is a loss of human life, each surviving safety-sensitive employee operating the transit vehicle at the time of the accident must be tested. Capital City Taxi, Inc. will also determine using the best information available at the time of the decision whether to test any other safety-sensitive employees (e.g., maintenance personnel) whose performance could have contributed to the accident.
  - b. Non-fatal Accident: Whenever an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or vehicles incur disabling damage as a result of the occurrence and vehicles are transported away from the scene by a tow truck or other vehicle, Capital City Taxi, Inc. shall test each safety-sensitive employee operating the transit vehicle at the time of the accident, unless their behavior can be completely discounted as a contributing factor to the accident. Capital City Taxi, Inc. shall test any other safety-sensitive employee, whose performance could have contributed to the accident, using the best information available at the time of the accident.
  - c. Post-accident drug and alcohol tests must be performed as soon as possible: Drug tests must be performed as soon as possible but within 32 hours following the accident. Alcohol tests must be performed as soon as possible, within 2 hours following the accident. If the alcohol test is not administered within 2 hours following the accident, Capital City Taxi, Inc. must still attempt to administer the test, and must also prepare and maintain on file, a record stating the reason(s) the test was not promptly administered. If the alcohol test is still not administered within 8 hours following the accident, Capital City Taxi, Inc. shall cease attempts to administer the test, and must also prepare and maintain on file, a record stating the reason the test was not completed.
  - d. The requirement to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the safety-sensitive employee must remain readily available, which means the transit agency knows the location of the safety-sensitive employee. If he or she leaves the scene of the accident prior to submission to such test, employee may be deemed by the employer to have refused to submit to testing.

#### C. Random Testing

Random testing of safety-sensitive employees will be conducted in a manner consistent with the requirements of 49 CFR Part 655 (Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations) and 49 CFR Part 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs).



The Capital City Taxi, Inc. participates in a statewide rural transit consortium; therefore, all employees performing safety-sensitive functions are placed in a statewide pool and will have an equal chance of being selected for testing and will remain in the pool, even after being tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.

Random testing will meet the following criteria:

1. The random alcohol testing will be conducted using the current applicable rates required by KDOT which meets or exceeds FTA requirements. Safety-sensitive positions in the testing pool are tested on a random basis annually under the drug and alcohol testing requirement for alcohol.
2. The random drug testing will be conducted using the current applicable rates required by KDOT which meets or exceeds FTA requirements. Safety-sensitive positions in the testing pool are tested on a random basis annually under the drug and alcohol testing requirement for drugs.
3. Random selection is made through a scientifically valid computerized random number generator program matched with employees' social security number. This program is provided by a contracted, third party administrator for the drug program. (§655.45(e))
4. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year. Testing must be unannounced, unpredictable and will be conducted at all times of the day when safety-sensitive functions are performed. (§655.45(g))
5. A covered employee will only be randomly tested for alcohol just prior to, during or just after performing a safety-sensitive function. (§655.45(i)) The Capital City Taxi, Inc. will ensure that the employee stops performing the safety-sensitive function and proceeds to the testing site immediately. (§655.45(h))
6. Random tests for drugs can be conducted at any time during an employee's shift. Testing can occur during the beginning, middle or end of an employee's shift. (§655.45(i))

#### D. Reasonable Suspicion Testing

1. A safety-sensitive employee is required to submit to a drug and/or alcohol test when the employer has reasonable suspicion that the employee has used a prohibited drug or has misused alcohol as defined in the regulations.
2. A trained supervisor's determination that reasonable suspicion exists will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.
3. Under this policy drug testing can occur anytime the employee is on duty. Alcohol testing will only occur during, just preceding, or just after the employee has performed a safety-sensitive function.
  - a. An employer shall conduct a drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and /or engaged in alcohol misuse.
  - b. An employer's determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor (s), or other company official (s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.
  - c. Alcohol testing is authorized under this section only if the observations required by paragraph (b) of this section are made during, just preceding, or just after the period of the workday that the covered employee is required to be in compliance with this part. An employer may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to performing safety-sensitive functions; or just after the employee has ceased performing such functions.

- d. If an alcohol test required by this section is not administered within two hours following the determination under paragraph (b) of this section, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination under paragraph (b) of this section, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Details of the reasonable suspicion testing process can be found in 49 CFR Part 40, subpart E.

**B. Return-to-duty Testing**

Details of the return-to-duty testing process can be found in 49 CFR Part 40, subpart O.

**F. Follow-up Testing**

Details of the follow-up testing process can be found in 49 CFR Part 40, subpart O.

#### **IV. HANDLING OF TEST RESULTS, CONFIDENTIALITY**

**A. Access to Records**

1. Except as required by law or expressly authorized by release by an employee, Capital City Taxi, Inc. will not release information that is contained in records required to be maintained under 49 CFR Part 40 and 655.
2. An employee is entitled, upon written request, to obtain copies of any records pertaining to the use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. An employee's testing records will be made available to a subsequent employer upon receipt of a written request from the employee.
4. Capital City Taxi, Inc. may disclose information required to be maintained pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test result), (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee).

#### **V. CONSEQUENCES OF FAILING OR REFUSING A DRUG TEST**

- A. General.** Compliance with this drug testing policy is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing covered functions. Additional disciplinary action up to and including termination may result.
- B. Refusal and Prohibited Conduct Prohibitions**
1. Capital City Taxi, Inc. shall not permit any employee, who fails a drug test as verified by the Medical Review Officer (MRO), as described in Part 655, to perform covered functions or continue to perform covered functions.
  2. A covered employee who refuses to submit to a random, post-accident, reasonable suspicion or follow-up drug test shall result in the covered employee not being allowed to perform or to continue to perform any covered functions.
- C. Required Referrals and Evaluation.** An employee will be given an opportunity to retain his or her employment, provided they first do the following:
1. Have been evaluated by a Substance Abuse Professional (SAP)
  2. Have completed the recommendations of a qualified SAP on the appropriate evaluation/rehabilitation program.
  3. Pass a return-to-duty drug test.

If an employee refuses to report for assessment, evaluation, and/or referral for treatment with a substance abuse professional, he/she will be terminated.

If an employee, after assessment, is referred for rehabilitation and the employee refuses to enter or successfully complete such a rehabilitation assessment program, he/she will be terminated.

All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.

Employees should consult their insurance policy for extent of nervous, mental and substance abuse coverage.

On duty use or possession of drugs on company time or on company premises will result in termination from Capital City Taxi, Inc.,

A second positive drug test or the equivalent will result in immediate termination of employment.

A covered employee who engages in prohibited conduct shall be advised of available resources to evaluate and resolve problems associated with substance abuse misuse.

#### D. Retesting of Drug Positive Samples

1. General. An applicant/employee may verbally request a retest of a positive sample by contacting the MRO by phone, within 72 hours of notification of the positive test result from the MRO.
2. Retest Provisions. The retest will be conducted at a different SAMHSA certified laboratory. The test will be conducted on the split sample that was provided by the applicant/employee at the same time as the original sample. All costs for such testing are to be reimbursed to Capital City Taxi, Inc. by the applicant/employee unless the result of the split sample test invalidates the result of the original test. The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40.
3. Detection Levels. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

### VI. CONSEQUENCES OF FAILING OR REFUSING AN ALCOHOL TEST

- A. General. Compliance with this alcohol testing policy is a condition of employment. Refusal to take a required alcohol test or failure of an alcohol test shall result in removal from performing covered safety-sensitive functions. Additional disciplinary action up to and including termination may result.
- B. Refusal and Prohibited Conduct.
  1. A covered employee who has engaged in prohibited conduct as described in Part 655 shall not be permitted to perform covered functions or continue to perform covered functions.
  2. A covered employee who refuses to submit to a random, post-accident, reasonable suspicion or follow-up alcohol test shall result in the covered employee not being allowed to perform or to continue to perform any covered functions.
- C. Alcohol Concentration. A covered employee shall be prohibited from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater.
  1. On-Duty Use: A covered employee shall be prohibited from using alcohol while performing covered functions.
  2. Pre-Duty Use: A covered employee that is on call shall be prohibited from performing a covered function, if the employee has consumed alcohol within four hours of being called to duty.
- D. Required Referrals and Evaluation. An employee will be given an opportunity to retain his or her employment, provided they first do the following:
  1. Have been evaluated by a Substance Abuse Professional (SAP),
  2. Have completed the company approved evaluation/rehabilitation program successfully,
  3. Pass a return-to-duty alcohol test.

If an employee refuses to report for assessment, evaluation, and/or referral for treatment with a substance abuse professional, he/she will be terminated.

If an employee, after assessment, is referred for rehabilitation and the employee refuses to enter or successfully complete such a rehabilitation assessment program, he/she will be terminated.

All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.

In all cases of an employee having an alcohol concentration of 0.04 or greater, and who has tested a second time at an alcohol concentration of 0.04 or greater, will be terminated.

An employee who refuses to provide an adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement to be tested in accordance with the requirements of the DAPM, or who engages in conduct that clearly obstructs the testing procedure, will be terminated from Capital City Taxi, Inc..

On duty use or possession of alcohol on company time or on company premises will result in termination from Capital City Taxi, Inc..

A covered employee who engages in prohibited conduct shall be advised of available resources to evaluate and resolve problems associated with alcohol misuse.

E. Retesting of Covered Employees for Alcohol

1. A covered employee tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform or continue to perform covered functions until:
  - a. The employee's alcohol concentration measures less than 0.02 in another alcohol test administered in compliance with this policy; or
  - b. The start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the alcohol test.

F. Results of a second confirmed alcohol test (in the following twelve month period) indicating an alcohol concentration of 0.02 or greater, but less than 0.04: When an employee has an alcohol test conducted and the alcohol concentration is 0.02 or greater, but less than 0.04, on a second confirmed test, the employee will be removed from performing covered functions and shall be referred to a substance abuse professional, and must follow all the recommendations of the assessment. Any subsequent test at 0.02 or greater will result in termination from Capital City Taxi, Inc..

G. Results of a second confirmed alcohol test (in the following twelve-month period) indicating an alcohol concentration 0.02 or greater, but less than 0.04 after a prior alcohol test which had produced an alcohol concentration of 0.04 or greater: When an employee has an alcohol test conducted and the alcohol concentration is 0.02 or greater, but less than 0.04 after having had a prior alcohol concentration 0.04 or greater, then that employee will be removed from performing covered functions and referred to the substance abuse professional and any subsequent alcohol concentration 0.02 or greater will result in immediate termination.

**CAPITAL CITY TAXI, INC.**  
2050 SE 30th  
Topeka, Kansas 66605

## **APPENDIX A**

### **ALCOHOL SUPPLEMENT**

#### **A. Why you should get involved:**

1. Although Capital City Taxi, Inc. has no history of substance abuse problems, we recognize that alcoholism and alcohol misuse are problems throughout America.
2. There are three good reasons why you should be concerned if any of your co-workers are using drugs or alcohol on the job.
  - a. Your health and safety may be at risk.
  - b. Alcohol misuse costs you money.
  - c. Alcohol creates a negative work environment.
3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
4. Absenteeism among problem drinkers or alcoholics is 3.9 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
5. Workers who misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of people, alcohol misuse is an especially serious issue.
6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any misuse puts you, this company, and the public at risk.

#### **B. Effects of alcohol misuse on an individual's health, work, and personal life:**

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with being drunk, but also adversely affects your judgment, ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.
4. Workers who use alcohol (and other drugs) affect everyone. Studies show that compared to alcohol-and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers compensation claims.
5. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to company's public image means that workplace substance abuse can further cut profits and competitiveness.
6. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
7. If drinking affects your work life, it could lead to job loss and all the financial problems that would follow.

**C. Signs and symptoms of alcohol misuse - Any one or more of the following signs may indicate a drinking problem:**

- Family or social problems caused by drinking
- Job or financial difficulties related to drinking
- Loss of a consistent ability to control drinking
- "Blackouts" or the inability to remember what happened while drinking
- Distressing physical and/or psychological reactions if you try to stop drinking
- A need to drink increasing amounts of alcohol to get the desired effect
- Marked changes in behavior or personality when drinking
- Getting drunk frequently
- Injuring yourself - or someone else while intoxicated
- Breaking the law while intoxicated
- Starting the day with a drink

**D. Available methods of evaluating and resolving problems associated with the misuse of alcohol.**

**1. Outpatient programs exist in a variety of settings:**

- a. Community mental health centers
- b. Full service agencies
- c. Private physicians' and therapists' offices
- d. Occupational settings
- e. Specialized alcoholism treatment facilities

**2. Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.**

**3. Your local telephone directory will list helpful referral organizations such as:**

- a. Local council on alcoholism
- b. Alcoholics Anonymous
- c. Community alcoholism or mental health clinic
- d. Social services or human resources department
- e. County medical society

**4. The SAP will perform an initial evaluation, recommend any additional treatment if necessary, and will refer employees needing assistance for treatment covered under our health insurance program.**

CAPITAL CITY TAXI, INC.  
2050 SE 30th  
Topeka, Kansas 66605

**APPENDIX B**  
**CAPITAL CITY TAXI, INC.**

**DRUG AND ALCOHOL TESTING PROGRAM**  
**PERSONNEL AND SERVICES**

**1. DESIGNATED EMPLOYER REPRESENTATION (DER)/DRUG AND ALCOHOL PROGRAM MANAGER**

**Primary Contact**

Manager  
Kevin Moten  
2050 SE 30th  
Topeka, Kansas 66605  
785-267-3777

**Secondary Contact**

Owner  
Karen Roy  
2050 SE 30th  
Topeka, Kansas 66605  
785-267-3777

**2. LOCAL COLLECTION SITE**

S.A.S.S.  
1100 SW Wanamaker, Ste 105  
Topeka, Kansas 66604  
785-266-0484

In most instances the TMHC Services, Inc. mobile collector can do your collections on site. However, a local collection site has been set up for use when the on-site collector is unavailable.

**3. MEDICAL REVIEW OFFICER (MRO)**

Sanford B. Pomerantz, M.D.  
534 South Kansas Ave, Suite 600  
Topeka, Kansas 66603  
Local (785) 291-9162  
Toll Free (1-888-842-0348)

**4. CERTIFIED LABORATORY**

Clinical Reference Laboratory  
8433 Quivira  
Lenexa, Kansas 66215  
Toll-Free: 1-800-445-6917

**5. EMPLOYEE ASSISTANCE PROGRAM (EAP)**  
**REFERRAL FOR SUBSTANCE ABUSE PROFESSIONAL (SAP)**

Employee Assistance Program  
Local 785-575-9343  
Toll Free 1-800-999-1196

**CAPITAL CITY TAXI, INC.**  
2050 SE 30th  
Topeka, Kansas 66605

## **APPENDIX C**

### **EMPLOYEE/SUPERVISORY POSITIONS SUBJECT TO DRUG AND ALCOHOL TESTING**

#### **(JOB CLASSIFICATIONS/TITLES)**

##### **SAFETY –SENSITIVE FUNCTIONS**

A safety-sensitive function, as defined by FTA 49 CFR Part 655, is any specified duty performed by Capital City Taxi, Inc. employees related to the safe operation of mass transit service.

These duties include the following activities:

1. Operating a revenue service vehicle, including when not in revenue service;
2. Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License (CDL);
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for security purposes.

The following specific job titles identify those employees who perform safety-sensitive job functions at Capital City Taxi, Inc.:

- a.
- b.
- c.
- d.
- e.



CAPITAL CITY TAXI, INC.  
2050 SE 30th  
Topeka, Kansas 66605

**EMPLOYEE AFFIRMATION OF  
DRUG AND ALCOHOL TESTING POLICY**

As an employee in a safety-sensitive position, I affirm that I have received, read and understand Capital City Taxi, Inc.'s Drug and Alcohol Testing Policy and educational materials. I am aware that I may be required to undergo a drug and/or alcohol screen as outlined by Capital City Taxi, Inc.'s policy requirements and that I will be informed prior to the drug/alcohol screen; and, that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the company.

---

Employee Name (Please Print)

---

Employee Signature

Date

---

Capital City Taxi, Inc. Representative

Date

**SUPPLEMENT  
DILUTE NEGATIVE DRUG TEST RESULTS**

*(This supplement explains what happens when an employer receives a report from the MRO of a negative dilute specimen and employer options)*

**Capital City Taxi, Inc.**

A negative dilute specimen (Creatinine 5mg/dl to <20 mg/dl, Specific gravity between 1.001 & 1.003) is a specimen that contains an unusually high level of water concentration. Some of the ways this can occur are outlined below:

1. Donor may consume large amounts of water as part of their regular routine.
2. In the case of "shy bladder" collector may offer extra fluids in order to obtain a specimen.
3. Donor may consume large amounts of water in an effort to intentionally dilute the specimen causing drug concentrations to fall below the cutoff levels.
4. Donor may conceal additional water on their person and add to the specimen in an effort to deliberately dilute the sample.

As an employer you may establish different policies regarding dilute negative specimens based on different types of tests. Under 49 CFR Part 40 Section 40.197, you have the following options:

- a. Accept a negative dilute specimen as a valid drug test.
- b. Require one recollection of the specimen.

Please mark the different types of tests in which your company will accept a negative dilute specimen or require a repeat test to be performed.

Pre-Employment	_____	Accept Test	_____	Repeat Test
Post-Accident	_____	Accept Test	_____	Repeat Test
Reasonable Cause	_____	Accept Test	_____	Repeat Test
Return to Duty	_____	Accept Test	_____	Repeat Test
Follow-Up	_____	Accept Test	_____	Repeat Test
Random	_____	Accept Test	_____	Repeat Test

- 1) You must treat all employees the same for this purpose. For example, you must not retest some employees and not others for each test type. Retests should be done as soon as possible and within the same selection quarter.
- 2) You are required to inform your employees in advance of your decisions on these matters.
- 3) You must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.
- 4) You must treat the result of the recollected test as the test result of record.
- 5) You are required to follow the provisions regarding negative dilute specimens as outlined under Section 40.197 of 49 CFR Part 40.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Capitol City Taxi, Inc  
2050 SE 30th St  
Topeka, KS 66605



800-886-1123/785-232-5016•515 S. Kansas Avenue, Ste. 301, Topeka, Ks 66603-3715•www.tmhcservices.com

## Drug & Alcohol Testing & Employee Assistance Programs Contact Directory

### Employee Assistance Program Services Toll-Free: 1-800-999-1196

Post-Accident Reporting / Testing..... 1-800-999-1196  
Reasonable Suspicion Reporting / Testing..... 1-800-999-1196

#### Manager

Annette McNaul..... Toll-Free: 1-800-886-1123  
E-mail: [amcnaul@tmhcservices.com](mailto:amcnaul@tmhcservices.com)..... Direct: 1-785-291-9124

#### Drug Test Result Information

Jacque Kelly – Ext. 143..... Toll-Free: 1-888-842-0348  
E-mail: [jkelly@tmhcservices.com](mailto:jkelly@tmhcservices.com)..... Local: 1-785-291-9143  
Fax: 1-785-232-5159

Amy Reynolds – Ext. 628..... Toll-Free: 1-888-842-0348  
E-mail: [areynolds@tmhcservices.com](mailto:areynolds@tmhcservices.com)..... Local: 1-785-291-9628  
Fax: 1-785-232-5159

#### Policy & Contract Information

Roxanne Hanner – Ext. 122..... Toll-Free: 1-800-886-1123  
E-mail: [rhanner@tmhcservices.com](mailto:rhanner@tmhcservices.com)..... Local: 1-785-291-9122  
Fax: 1-785-232-5016

#### Business Services Information

Lisa Hickey – Ext. 141..... Toll-Free: 1-800-886-1123  
E-mail: [lhickey@tmhcservices.com](mailto:lhickey@tmhcservices.com)..... Local: 1-785-291-9141  
Fax: 1-785-232-5016

#### Training (For Employees, Supervisors, DERs and Collectors)

Brad Woltje – Ext. 129..... Toll-Free: 1-800-886-1123  
E-mail: [bwoltje@tmhcservices.com](mailto:bwoltje@tmhcservices.com)..... Local: 1-785-291-9129  
Fax: 1-785-232-5016

#### Roster Changes & Supply Ordering

Linda Flanagan – Ext. 123..... Toll-Free: 1-800-886-1123  
E-mail: [lflanagan@tmhcservices.com](mailto:lflanagan@tmhcservices.com)..... Local: 1-785-291-9123  
Fax: 1-785-232-5016

## **EMERGENCY COLLISION PROCEDURE**

- 1. Remain calm and assess the situation.**
  - a. Determine if there are any injuries
  - b. Check for fire hazards
  - c. Check for danger from traffic.
- 2. Protect the Scene**
  - a. Do not move your vehicle and ask the other drivers not to move their vehicles
  - b. Gather information for the dispatcher
- 3. Call dispatch/obtain help**
  - a. Give information concerning location of the collision and direction of travel
  - b. Taxi number
  - c. Brief description of the collision
- 4. Gather information**
  - a. Get information from customers, police officers, witnesses, other drivers, and emergency medical personnel
  - b. Request that passengers and others fill out the courtesy information card
  - c. Request that customer complete and sign the medical refusal form if such customer does not wish to seek medical treatment at that time.
  - d. If the other driver admits fault, request that they complete the Acceptance of Fault form
- 5. Do not admit liability, but provide the other driver with the Claimant Information Form.**
- 6. Complete a Collision Report and give it to your supervisor as soon as possible.**

**ACKNOWLEDGEMENT**

**Corporation**

STATE OF Kansas )  
COUNTY OF Shawnee )

I, Brandy R Harding a Notary Public in and for said County, in the State aforesaid, do  
hereby certify that Kevin Moten, and  
Capitol City Taxi Inc,  
(a corporation)

who <sup>is</sup> each personally known to me, appeared before me this day in person and severally acknowledged  
that <sup>he</sup> they signed, sealed and delivered the foregoing instrument as their free and voluntary act as officers of  
the corporation identified above as the Proposer, and as the free and voluntary act of said corporation, for  
the uses and purposes therein set forth.

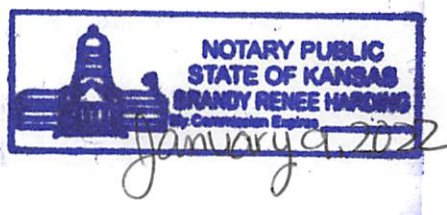
Given under my hand and notary seal, this 1 day of June, 2020

My Commission Expires:

January 9, 2022

Brandy Renee Harding  
Notary Public

(SEAL)



**ACKNOWLEDGEMENT**

Corporation

STATE OF Kansas  
COUNTY OF Shawnee

I, Brandy Renee Harding, a Notary Public in and for said County, in the State aforesaid, do  
hereby certify that Kevin R. Rosten  
of Topoka Metro Demand Response Service  
(a corporation)

who has each personally known to me, appeared before me this day in person and severally acknowledged  
that they signed, sealed and delivered the foregoing instrument as their free and voluntary act as officers of  
the corporation identified above as the Proposer, and as the free and voluntary act of said corporation, for  
the uses and purposes therein set forth.

Given under my hand and notary seal, this 1 day of June, 2020

My Commission Expires

Brandy Renee Harding  
Notary Public



(SEAL)

**ACKNOWLEDGEMENT OF ADDENDA**

The following form shall be completed and included in the proposal. Failure to acknowledge receipt of all addenda may cause the proposal to be considered unresponsive to the solicitation. Acknowledged receipt of each addendum must be clearly established and included with the Proposal. Make copies of this form if more than five (5) addenda were issued.

**ACKNOWLEDGEMENT OF ADDENDA**

The undersigned acknowledges receipt of the following addenda to RFP TM-20-02:

Addendum Number \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum Number \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum Number \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum Number \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum Number \_\_\_\_\_ Dated: \_\_\_\_\_

Proposer Capitol City Taxi Inc

Street Address 2050 SE 30th

Street Address \_\_\_\_\_

City, State, Zip Code Topeka KS 66605

Authorized Signature K. Moten

Name Kevin Moten

Title Manager

Telephone Number 785-267-3777

Facsimile Number (FAX) 785-267-9707

E-Mail Address capitolcitytaxi@yahoo.com

**CHARTER CERTIFICATION**

The contractor agrees to comply with 49 USC 5323(d) and 49 CFR Part 604, which provides that recipients and sub-recipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR Part 604. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

Signature: Kevin Moten  
Name and Title: Kevin Moten / Manager  
Company Name: Capitol City Taxi Inc  
Date: 6/1/2020



**DISADVANTAGED BUSINESS ENTERPRISES (DBE) CERTIFICATION**

This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. Metro's overall 2019-2021 goal for DBE participation is 2.00%; the race neutral goal is 1.12%, and the race conscious goal is 0.88%. There is no contract goal for this procurement.

The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Metro deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from Metro.

The contractor may not hold retainage from its subcontractors.

The contractor must promptly notify Metro, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of Metro.

Signature: Kevin Moten  
Name and Title: Kevin Moten / Manager  
Company Name: Capitol City Taxi Inc  
Date: 6/11/2020

**FLY AMERICA CERTIFICATION**

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and sub-recipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

Signature: Kevin Moten

Name and Title: Kevin Moten / Manager

Company Name: Capitol City Taxi Inc

Date: 6/11/2020

**LOBBYING CERTIFICATION**

The undersigned contractor certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. See 49 CFR 20.100.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. [Note: Pursuant to 31 USC 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure. See 49 CFR 20.400.]

The undersigned contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 USC 3801, et seq, apply to this certification and disclosure, if any.

Signature: Kevin Moten  
Name and Title: Kevin Moten / Manager  
Company Name: Capitol City Taxi Inc.  
Date: 6/1/2020

**NON-COLLUSION CERTIFICATION**

This is my sworn statement to certify that this proposal was not made in the interest of or on behalf of any undisclosed entity. This proposal is not collusive.

This proposer has not been a party to any agreement or collusion in restraint of freedom of competition by agreement to bid a fixed price, to refrain from bidding, or otherwise. This proposer has not, directly or indirectly, by agreement, communication or conference with anyone, attempted to induce action prejudicial to the interest of Topeka Metropolitan Transit Authority, or of any proposer, or anyone else interested in the proposed contract.

Signature:

Kevin Moten

Name and Title:

Kevin Moten / Manager

Company Name:

Capitol City Taxi Inc.

Date:

6/11/2020

**POWER OF EXECUTION**

Authorization of Bidder

The undersigned, an manager of  
(officer, partner, proprietor, etc.)

Capitol City Taxi Inc.  
(name of company)

a corporation  
(corporation, partnership, proprietorship)

having its principal office or registered agent at 2050 SE 30th,  
hereby certifies that the Company has duly authorized by appropriate action and/or hereby does

nominate, constitute, appoint and authorize Kevin Moten  
(name of individual signing document)

with full power to act alone, on behalf of  
(alone or in conjunction with another person)

Capitol City Taxi Inc.  
(name of company)

and thereby to make, execute, seal and deliver on its behalf as CONTRACTOR and as its act and deed any and all proposals, contract proposals, contracts, change orders, monthly and final payment certificates and other like instruments. Such proposals, contract proposals, contracts, change orders, monthly and final payment certificates and other like instruments shall be binding upon said company as fully and to all intents and purposes as if such instruments had been duly executed, acknowledged and delivered by the authorized officers of the company when executed, by the aforementioned person(s).

Capitol City Taxi Inc  
Company

Kevin Moten MANAGER  
Signature, Title

6/11/2020  
Date

ATTEST:

Karen C. Pop Secretary  
Notary Public (if proprietorship)  
Secretary of Corporation (if corporation)  
Partner (if Partnership)

**PRICE QUOTE**

Quote the entire cost of the ride for one trip one way for (both Passenger and Metro shares). The quoted price would remain the same regardless of the passenger share and regardless of the trip length. Provide a quote for an Ambulatory passenger, Wheelchair passenger, and a No-Show passenger. You may provide a set price for each year of the contract, or you can provide a price for Year 1 and a maximum percentage increase for each subsequent year of the contract.

DEMAND RESPONSE SERVICES			
Year	Ambulatory	Wheelchair	No-Show
Year 1	\$11.50	\$11.50 <del>#</del>	\$5.00
Year 2	\$12.00	\$12.00 <del>#</del>	\$5.00
Year 3	\$12.50	\$12.50 <del>#</del>	\$5.00
Year 4	\$12.50	\$12.50 <del>#</del>	\$5.00
Year 5	\$12.50	\$12.50 <del>#</del>	\$5.00

Maximum Percentage Increase

Year 2 \_\_\_\_\_

Year 3 \_\_\_\_\_

Year 4 \_\_\_\_\_

Year 5 \_\_\_\_\_

~~##~~ Current arrangement prices if leasing one vehicle from Topeka Metro with Topeka Metro being responsible for insurance and maintenance. If current arrangement changes these wheelchair prices will be re-negotiated, ~~##~~

**PROPOSAL CHANGE REQUEST**

Complete this form for each condition, exception, reservation, or understanding (i.e., change) in the proposal. See PROPOSAL SCHEDULE, page 5 of this RFP, for the due date of all requested Proposal Changes.

Change Number \_\_\_\_\_

Proposer \_\_\_\_\_

RFP Number – TM-20-02                      Page: \_\_\_\_\_                      Section: \_\_\_\_\_

Metro's Current Requirement:

Proposer's Requested Change:

**SUSPENSION / DEBARMENT CERTIFICATION**

**In regard to 2 CFR Parts 180 and 1200**

In accordance with 2 CFR Parts 180 and 1200, the contractor is required to verify that none of its principals or affiliates:

- 1) is included on the federal government's suspended and debarred list;
- 2) is proposed for debarment, declared ineligible, voluntarily excluded or disqualified;
- 3) within three years preceding this proposal, has been convicted of or had a civil judgment rendered against them for (a) commission of fraud or criminal offense pertaining to performing a public transaction, (b) violation of any federal or state antitrust statute, or (c) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
- 4) is indicted or charged by a governmental entity for any of the charges in 3) above; and
- 5) has had any public transaction terminated for cause or default within three years preceding this proposal.

The contractor is required to include this requirement in any subcontracts related to this contract.

By signing and submitting its proposal, the proposer certifies that the certification in this clause is a material representation of fact relied upon by Metro. If it is later determined that the proposer knowingly rendered an erroneous certification, in addition to remedies available to Metro, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The proposer agrees to verify that none of its principals or affiliates is included on the federal government's suspended and debarred list at any time throughout the period of this contract. The proposer further agrees to include a provision requiring the same compliance in its subcontracts related to this contract.

Signature:

Kevin Moten

Name and Title:

Kevin Moten / Manager

Company Name:

Capitol City Taxi Inc

Date:

6/1/2020



**FORM B-2**  
**CAPITOL CITY TAXI, INC.,**  
**VEHICLE INVENTORY FORM**

<b>YEAR</b>	<b>MAKE</b>	<b>MODEL</b>	<b>CAPACITY</b>
2005	Dodge	Grand Caravan	7
2006	Honda	Odyssey	7
2006	Toyota	Sienna	7
2005	Honda	Odyssey	7
2008	Toyota	Sienna	7
2004	Honda	Odyssey	7
2006	Honda	Odyssey	7
2006	Toyota	Sienna	7
Lease MV-1 from Topeka Metro			3 people/1 wheelchair