

Drake, Bill

To: [REDACTED]

Cc: Jim Sterk AD, Marcia Saneholtz Sr. AAD, Bill Doba Head Coach, Jerry Pastore CDC, Dr. Garcia Team Physician

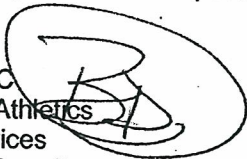
Subject: First Positive Drug Test.

6.6.06

[REDACTED]

I regret to inform you that due to non compliance to follow through with completing your first drug test that by default you have registered a first positive in accordance with our drug testing policy here at Washington State University. You will need to schedule ASAP a follow up appointment with the chemical dependency counselor and then be subject to a follow up drug test to be announced in the near future. Failure to show for this test, counseling appointments or testing positive will result in a second positive and you will not be allowed to participate in athletics practice or competition for the period of one year. If you have any questions please contact me. Thank you.

Bill Drake, M.Ed. ATC
Assistant Director of Athletics
Athletic Training Services
Washington State University
509-335-0238 w.
509-432-6792 c.
509-335-4729 fx



6/6/2006

017



March 29, 2007

Amy-Leigh Fontaine
1900 S. Eads, Apt 1202
Arlington, VA 22202

Dear Ms. Fontaine,

You requested information concerning drug testing of Virginia Tech athletes in your letter dated February 21, 2007. I am responding to the best of my ability however not all of the information that you requested is available. By that I mean there are some things that you request that do not exist.

Enclosed you will find hard copy and electronic information as follows:

- Request of purchase, 8/1/2006, describing the terms of the contract provide urine drug screen services in accordance with NCAA recommendation for student athletes.
- Contract modification 9/27/06.
- Contract with Aegis Labs 7/25/06.

Additionally enclosed is a 3 1/2" compact disk with excel files as follows:

- 1) "Virginia Tech.xls" represents five years of test data by the NCAA's contract laboratory Aegis Labs. In addition to our own random drug testing, the NCAA also conducts random test and that information is enclosed therein on tables and graphs. They are segregated by fiscal year.
- 2) The file, "drug test reportfnl.xls" was prepared by the athletics trainer. This report explains in more detail the summary results seen in the Aegis report. For example, the positive tests for amphetamines were fully explained because the students had prescriptions. That shows up in the column on "positive test explained".
- 3) You asked for records related to punishments levied for positive test. Enclosed please find a copy of the student athlete handbook identifying test that could be levied for violations. However, those violations, since they are ascribed to an individual, are considered part of a student's protected university student record and, therefore, are not disclosable.
- 4) You asked for audits or reports discussing the drug testing of athletes. The university has no audits or reports.

This information comprises everything on record with the university procurement office or the university trainer and I trust this satisfies your request.

Sincerely,

Lawrence G. Hincker,
Associate Vice President
University Relations

LGH/se

Invent the Future



2006-2007

**Virginia Tech
Student Athlete
Handbook
and Planner**

ACC
ATLANTIC COAST CONFERENCE

 Virginia Tech

VT in the ACC

The Atlantic Coast Conference is composed of the following institutions: Boston College, Clemson University, Duke University, Florida State University, Georgia Tech, North Carolina State University, University of Maryland, University of North Carolina, University of Virginia and Wake Forest University.

In the summer of 2003, Virginia Tech and the University of Miami were invited to become members of the Atlantic Coast Conference. Together these schools make up the 12-member conference. Virginia Tech officially joined the ACC on July 1, 2004 and began play in all 21-varsity sports during the 2004-2005 academic year.

Role of a Student-Athlete

A. General Responsibilities as a Student-Athlete

You have been admitted as a student into the academic programs at Virginia Tech. In addition, you have been admitted as a student-athlete into our athletic programs. It is a privilege, and not a right, to participate in intercollegiate athletics. As a student-athlete who participates in intercollegiate athletics, you become a member of a team. When you accept the privileges of being a Virginia Tech team member, you also accept all of the responsibilities of representing the university as a student-athlete. This section of the Handbook explains some of those obligations and the penalties you may incur for failure to meet them.

B. Responsibilities as a Community Member

You are expected to conduct yourself, both on and off-campus, in a manner, which respectfully represents you, your family, your team and Virginia Tech. Your personal conduct is an important aspect of how other people, your fellow students and administrators, will interact with you. You should do your best at all times to demonstrate good judgment and ethical behavior. Remember you are highly visible members of the university community.

Students penalized for violating laws are not exempt from additional penalties by the university if their actions also violate institutional rules. Student misconduct includes but is not limited to:

1. Lying and fraud
2. Abuse of property
3. Disturbing the peace or possessing firearms
4. Abuse of alcohol
5. Stealing, accessory to theft, unauthorized entry and accessory to unauthorized entry
6. Gambling and bribery
7. Drug Abuse

Some areas of misconduct may directly affect your status as a student-athlete. Therefore it is important that you become familiar with the Comprehensive Action Plan (see page 15).

Alcohol, Tobacco and Other Drug Use

The Virginia Tech Athletic Department condemns the use of any illegal chemicals by anyone including student-athletes. We condemn the abuse of alcohol by anyone including student-athletes and we further condemn the use of alcohol by individuals under the age of 21. We maintain a substance abuse program as in effort to:

- Assist student-athletes in avoiding improper involvement with drugs or alcohol
- Detect possible use of prohibited drugs
- Aid in rehabilitation of student-athletes who are misusing drugs
- Remove from our athletic programs any student-athletes who have violated the law, the NCAA regulations, the policies of this department and/or the policies of their team

The Virginia Tech Office of Judicial Affairs Policy on Alcohol

While not all cases involve violations of the VT alcohol policy, a large percentage of the cases do. If your case involves an alleged alcohol violation, the following statement on the VT alcohol policy may help answer some of your questions about your case.

Here are The Rules

- If you are under 21, it is illegal for you to drink.
- It is illegal for anyone to buy alcohol for someone under 21.
- It is illegal for anyone to be drunk in public or to drive while drunk.
- It is a violation of university policy for your drunken behavior to disturb someone else's ability to sleep, study, or live

peacefully. (This also means that other people's drunken behavior should not disturb your studies or sleep.)

- It is a violation of university policy for you to hurt or endanger yourself or someone else through drinking.

Here are Likely Sanctions:

- If you are found guilty of an alcohol offense that does not affect the health, safety, or welfare of yourself or others, you are likely to receive:
- Probation and an educational experience for the first offense
- Deferred suspension and an educational experience for a second offense
- Suspension for the third offense.

(Examples: possession or limited consumption)

If you are found guilty of an alcohol-related offense in which your own health or safety is affected, or in which you disturb, hurt or endanger others through your drinking, you are likely to receive:

- Deferred suspension and an educational experience for first offense
- Suspension for a second offense

(Examples: distribution of alcohol, alcohol-related fights, serious noise violation, or getting so drunk that you become seriously ill or unconscious)

If you are removed from an athletic event for alcohol-related problems, your privilege to attend events may be suspended.

NOTE: A sanction of deferred suspension or higher also results in denial of on-campus housing for the next academic year.

The Virginia Tech Office of Judicial Affairs Policy on Drugs

Here is the Rule

Virginia Tech has a "zero tolerance" policy with respect to illegal drugs (e.g. marijuana, LSD, ecstasy, rohypnol, cocaine, heroin, etc.). Possessing, using, making, growing, giving, selling, or distributing any illegal drug or controlled substance is forbidden.

Here is the Likely Sanction

If you are found responsible for a violation of the VT drug policy (even simple possession), you will almost certainly be suspended from the university.

Sexual Assault

Sexual assault is defined as any forcible sexual activity that occurs without the victim's consent. You must have the consent of your partner before you engage in any sexual activity. You must also realize that someone who is under the influence of alcohol or drugs is considered incapable of giving consent. Sex under such circumstances is not only wrong, it may be a criminal offense. Be very sure that you are not misreading signals. Silence does not mean that you have consent to be sexual with that person. Do not try to "force" someone to consent by using physical, verbal or emotional tactics. If you have any doubt, it is always best to just walk away from the situation.

The best decision is to be clear about your boundaries and express them to your partner. Always communicate what behaviors you find appropriate or inappropriate. Always use your best judgment and avoid situations that feel unsafe.

Sexual Harassment Policy

Sex discrimination in the form of sexual harassment is considered a violation of the university's human rights policy. Sexual harassment is defined as the use of one's authority or power, either explicitly or implicitly, to coerce another into unwanted sexual relationships, to punish another for his or her refusal, or as the creation by a member of the university community of an intimidating, or hostile or offensive working or educational environment through verbal or physical conduct of a sexual nature. While most harassment involves men harassing women, members of the same or opposite sex can harass both men and women. If you believe you are being harassed, seek help – the earlier the better. The university has designated special services to you in a confidential manner. After discussing the case, the support services can provide you with options, ranging from suggestions to discourage the harasser yourself to filing a formal complaint.

The Virginia Tech Office of Judicial Affairs Policy on Sexual Misconduct

Here are the Rules:

It is a violation of university policy and state law to force sexual activity on another person. This includes anything from forced kissing or touching to forced intercourse.

Force includes more than the use of weapons. It also includes physical force and physical or mental intimidation or pressure.

Consent means that your partner has freely agreed to sexual activity.

The best way to know if your partner consents is to ask. No means no.

It is a violation of university policy and state law to have any sexual activity with someone who is unable to give consent because of alcohol or drugs or other impairment. If your partner is very drunk, you may be guilty of sexual misconduct EVEN IF YOUR PARTNER SAID YES.

Here are the Sanctions:

If you are found guilty of sexual misconduct, you may receive a sanction ranging from formal warning to permanent dismissal, depending on the type of sexual misconduct.

In the case of sexual misconduct involving penetration (rape), the minimum likely sanction is suspension from the university for two semesters. This sanction is equally applicable for acquaintance rape as for stranger rape. Criminal and civil prosecution is also a possibility in cases of sexual misconduct.

For complaints against faculty and staff members, call the Equal Opportunity Office at 231-7500. Students can also contact the Women's Center at 231-7806.

If you feel you have been compromised in any way please contact the Virginia Tech Athletics Director of Student Life, Megan Armbruster, at 231-1252 or at marmbrus@vt.edu.

Gambling

Gambling is a big business in this country and in the past, student-athletes have occasionally become involved in organized gambling operations. When this happens, everybody loses: the student-athletes, the fans, the alumni and the entire intercollegiate athletics program.

At the beginning of your season, the head coach should speak to you about gambling and bribery in intercollegiate athletics. Remember, the gambling industry is always looking for information. In this regard, you may be approached or questioned about the condition and attitude

of your fellow student-athletes. You may be offered gifts or other favors to affect the outcome of the game. If this occurs, it is your responsibility to report the incident to your coach or an administrator immediately. Both Virginia Tech and the Athletic Department are committed to fighting all forms of gambling and bribery.

Remember your involvement in any form of gambling or bribery, even in the most minor fashion, will jeopardize your athletic career per NCAA regulations.

C. Responsibilities as a Student

The time commitments of a student-athlete are extremely demanding, but your first and foremost commitment must be to complete your education and to receive a degree. You must not only seek academic success, but you must also maintain proper conduct throughout your career. There are many things you will need to do in order to succeed academically including following the Virginia Tech Code of Student Conduct.

Be particularly mindful of the following:

- Obey all residence hall policies and regulation
- Maintain academic eligibility
- Attend class
- Inform professors of expected absences
- Follow the directives of your college advisor
- Regularly meet with your athletic academic advisor in the Student-Athlete Academic Support Services

Scholastic Integrity

The Virginia Tech Honor System provides standards that prohibit all forms of scholastic dishonesty, including cheating, plagiarism, collusion, and falsification or misrepresentation of data. The Honor Pledge, which states that, "I have neither given nor received unauthorized assistance on this assignment," is written out on all graded assignments and is to be signed by the student. *However, even in the absence of a written honor pledge, it is important to remember that the honor code will still apply to all grade assignments.* Cheating and plagiarism are regarded as serious academic offences and may result in expulsion from the university.

REQUISITION FOR PURCHASE

Virginia Polytechnic Institute and State University

DATE: April 12, 2006

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
 SHIP Athletics Training Room
 IP 160 Jamerson Athletic Center
 m/c 0502
 TO Blacksburg, VA 24061

ATTENTION: Mike Goforth
 TELEPHONE: 231-7742

SUGGESTED VENDOR
 VENDOR F.I.N. OR S.S. NUMBER 90-4033561
 Aegis Analytical Laboratories
 345 Hill Avenue
 Nashville, TN 37210

DEPARTMENT'S CUSTOMER ACCOUNT NUMBER
 VENDOR TELEPHONE: 800-533-7052 ext 613

INVOICE TO
 VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
 as above

CONTRACT NUMBER		DATE P.O. PREPARED		P.O. NUMBER	
BID OPENING DATE		REQUISITION NUMBER 647944		PAYMENT TERMS	
SHIP VIA			DELIVERY DATE		
RETURN DATE			FOB TERMS		
SB <input type="checkbox"/>	UB <input type="checkbox"/>	CC <input type="checkbox"/>	NC <input type="checkbox"/>	RFP <input type="checkbox"/>	
PQ <input type="checkbox"/>	SS <input type="checkbox"/>	PP <input type="checkbox"/>	EM <input type="checkbox"/>	AO <input type="checkbox"/>	
HR <input type="checkbox"/>	CI <input type="checkbox"/>	PR <input type="checkbox"/>	CW <input type="checkbox"/>		
PLACEMENT CODE		Confirming telephone order on _____			
VENDOR NUMBER		to _____			
		from _____			
PURCHASE APPROVAL		BUYER	ASSOC. DIR.	DIR.	
Date goods/services needed: 8/1/2006					
Estimated cost for this purchase \$20,000.00					
INSTRUCTIONS: FILL IN THIS FORM AS COMPLETELY AS POSSIBLE. ACCOUNTING VOUCHER AND LETTER OF JUSTIFICATION MUST ACCOMPANY CONFIRMING INVOICES. SEE BACK FOR REQUIRED EQUIPMENT SCREENING CERTIFICATION.					

ITEM NO.	COMMODITY CODE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
		To establish a term contract to provide urine drug screening services in accordance with NCAA recommendations for student athletes				

LISTING SHEETS (ORIGINAL AND ONE COPY) ARE REQUIRED FOR ALL COPIER MAINTENANCE AND WHEN THE REQUISITION CONTAINS MORE THAN THREE (3) ITEMS OR FIVE (5) TYPEWRITTEN LINES

Trans Code: _____

Index.	Orgn	Account	Amount
082500	655206	12361	20,000.00

SIGNATURE OF PERSON AUTHORIZED TO SIGN REQUISITIONS:

Name	Title
Name	Title

NCAA Banned-Drug Classes

2005-2006

The NCAA list of banned-drug classes is subject to change by the NCAA Executive Committee. Contact NCAA education services or www.ncaa.org/health-safety for the current list. The term "related compounds" comprises substances that are included in the class by their pharmacological action and/or chemical structure. **No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed as an example.**

Many nutritional/dietary supplements contain NCAA banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry; therefore purity and safety of nutritional dietary supplements cannot be guaranteed. Impure supplements may lead to a positive NCAA drug test. The use of supplements is at the student-athlete's own risk. Student-athletes should contact their institution's team physician or athletic trainer for further information.

Bylaw 31.2.3. Banned Drugs

The following is a list of banned-drug classes, with examples of substances under each class:

(a) Stimulants:

amiphenazole	methylenedioxymethamphetamine
amphetamine	(MDMA, ecstasy)
bemigride	methylphenidate
benzphetamine	nikethamide
bromantan	pemoline
caffeine ¹ (guarana)	pentetrazol
chlorphentermine	phendimetrazine
cocaine	phenmetrazine
cropropamide	phentermine
crothetamide	
diethylpropion	phenylpropanolamine (ppa)
dimethylamphetamine	picrotoxin
doxapram	pipradol
ephedrine	prolintane
(ephedra, ma huang)	strychnine
ethamivan	synephrine
ethylamphetamine	(citrus aurantium, zhi shi, bitter orange)
fencamfamine	
meclofenoxate	and related compounds
methamphetamine	

(b) Anabolic Agents:

anabolic steroids

androstenediol	methyltestosterone
androstenedione	nandrolone
boldenone	norandrostenediol
clostebol	norandrostenedione
dehydrochlormethyltestosterone	norethandrolone
dehydroepiandrosterone (DHEA)	oxandrolone
dihydrotestosterone (DHT)	oxymesterone
dromostanolone	oxymetholone
epitrenbolone	stanozolol
fluoxymesterone	testosterone ²
gestrinone	tetrahydrogestrinone (THG)
mesterolone	trenbolone
methandienone	and related compounds
methenolone	other anabolic agents
	clenbuterol

(c) Substances Banned for Specific Sports:

Rifle:

alcohol	pindolol
atenolol	propranolol
metoprolol	timolol
nadolol	and related compounds

(d) Diuretics:

acetazolamide	hydrochlorothiazide
bendroflumethiazide	hydroflumethiazide
benzhiazine	methyclothiazide
bumetanide	metolazone
chlorothiazide	polythiazide
chlorthalidone	quinethazone
ethacrynic acid	spironolactone
flumethiazide	triamterene
furosemide	trichlormethiazide
	and related compounds

(e) Street Drugs:

heroin	tetrahydrocannabinol
marijuana ³	(THC) ³

(f) Peptide Hormones and Analogues:

corticotrophin (ACTH)
human chorionic gonadotrophin (hCG)
leutenizing hormone (LH)
growth hormone (HGH, somatotrophin)
insulin like growth hormone (IGF-1)

All the respective releasing factors of the above-mentioned substances also are banned:

erythropoietin (EPO) sermorelin
darbypoetin

(g) Definitions of positive depends on the following:

¹for caffeine—if the concentration in urine exceeds 15 micrograms/ml.

²for testosterone—if the administration of testosterone or use of any other manipulation has the result of increasing the ratio of the total concentration of testosterone to that of epitestosterone in the urine to greater than 6:1, unless there is evidence that this ratio is due to a physiological or pathological condition.

³for marijuana and THC—if the concentration in the urine of THC metabolite exceeds 15 nanograms/ml.

Year Around Drug Testing Program

I. NCAA Drug Testing Program

The NCAA requires student-athletes competing in NCAA championships to be drug-free. Effective since August 1, 1990, a student-athlete who is found to have utilized a drug from the NCAA Banned Drug List is to be declared ineligible for all regular season and postseason competition through the time period ending one calendar year after the positive drug test. Also, effective since August 1, 1990, testing for steroid use has been conducted on a year-round basis.

The NCAA drug-testing program involves urine collection on specific occasions (usually, NCAA championships, on-campus previous to football bowl games, or on other occasions for selected football and track athletes. The urine samples undergo laboratory analyses for substances on a list of banned drug classes developed by the NCAA Executive Committee*. This list consists of substances generally purported to be performance enhancing and/or potentially harmful to the health and safety of the student-athlete. The drug classes specifically include stimulants (such as amphetamines and cocaine) and anabolic steroids, as well as other drugs.

A consent form, prescribed by the NCAA Management Council, is administered individually to student-athletes each academic year at the time that the squad first meets. Failure to sign the consent form shall result in the student-athlete's ineligibility for practice or competition. The consent form is kept on file in the Compliance Office for the Director of Athletics. Detailed information on the NCAA Drug Testing Program is on file in the office of the Director of Athletic Training.

***This list is available in Appendix A on page 50 of this document**

II. Virginia Tech Athletic Department Year - Around Drug Testing Program

Virginia Tech and the Department of Athletics believe that alcohol and drugs have no place in intercollegiate athletics participation. The Department of Athletics has developed the Substance Abuse Program, which is designed to promote the physical and mental health of its student-athletes while protecting their individual rights to privacy. The program is administered by the Substance Abuse Committee, which is composed of representatives from the Cook Counseling Center and athletic department personnel.

The comprehensive year around program consists of random testing as well as for improper drug use on the basis of reasonable suspicion or in response to a voluntary request from a student-athlete or a request by the coach. In addition, the program emphasizes education and preventative programs and counseling.

The policies and procedures for the testing are reviewed and revised yearly by the Substance Abuse Committee and approved by the University Legal Counsel. They are distributed to all coaches and athletes.

Each student-athlete will be made aware of the consequences involved if he/she violates the rules established by the Committee and abuses chemical substances. All coaches are responsible for knowing the policies and procedures and for educating the student-athletes regarding the disciplinary actions that will be taken if they test positive.

Each head coach is responsible for distributing the "drug testing cards" for random testing. (The head coach may appoint another staff member for actual distribution, but the head coach is ultimately responsible.)

Each fall, all student-athletes attend a mandatory meeting, which reviews current drug testing policies and procedures and culminates in the signing of the Consent to Testing Form (different from the NCAA form).

This form is kept on file in the Compliance Office. According to Athletic Department policy, a student-athlete cannot practice or compete if they fail to sign the form.

All coaches involved in recruiting should advise the prospective student-athlete of our drug-testing program during the recruiting process and are expected to support the efforts of the Department of Athletics to insure that the athletics program is drug-free, and Virginia Tech student-athletes are informed of the risks involved in drug use. Coaches regular contact with the student-athletes provides an excellent opportunity to counsel and educate along with the assistance of other departmental and university staff members.

Virginia Tech Year Around Substance Abuse Program Policy

The Virginia Tech Department of Athletics is concerned about the use and abuse of drugs and alcohol. The abuse of chemical substances (including diuretics and masking agents) is not permitted. This includes the misuse of prescription and over the counter drugs, the use of androgenic anabolic steroids, and the use of alcohol, the use of drugs that are not medically indicated and the use of illegal drugs. These pose a serious threat to the growth, development and overall physical and mental well being of our student-athletes.

The Department of Athletics is concerned that direct drug side effects (e.g. the drug might cause a heart attack if used during the time of training) may cause serious injury to student-athletes and, in team sports, to their teammates and opponents. It is our philosophy and policy to help student-athletes help themselves with regard to the use of illicit drugs, prescription medication, and inappropriate use of over the counter drugs (e.g. medication should be taken as prescribed and directed). The Department of Athletics is also concerned about overuse or abuse of alcohol. In order to address these concerns, the Substance Abuse Committee has been established. The Committee is appointed by the Director of Athletics. The Office of Student Life is responsible for providing substance abuse education.

Problematic Drug Use and Drug Abuse

The Virginia Tech Department of Athletics does not approve of, excuse, or condone the use and/or abuse of illegal drugs (e.g., marijuana, speed, LSD, barbiturates, cocaine, ecstasy, heroin, PCP, GHB, etc.) by student-athletes. The use of such drugs can (1) be harmful to the individual; (2) affect athletic performance; (3) negatively affect the performance of the team; and, (4) put the individual and members of the individual's team in danger. The use of drugs can, among other things, lead to problems in many areas of ones life: poor academic performance; poor athletic performance; relationship problems, etc. Some of the signs of problematic drug use include: lack of motivation (especially with marijuana), lethargy, not going to class regularly, agitation or nervousness, short temper, difficulty with sleep, loss of appetite, violence, loss of friendships, decline in grades or athletic performance. Another sign of problematic drug use is the need to do the drug on a frequent or regular basis (e.g., using marijuana daily) and/or not being able to do without it. Such "addiction" may be due to physical reasons, psychological reasons, or both.

Student-athletes who use drugs often do not fit the stereotype of a "drug abuser" or "addict". However, all student-athletes, even if not "addicted", have experienced or will experience problems in their lives due to drug use. It is important for student-athletes to know the signs of problematic drug use and to realize that the use of any illegal or the abuse of any drug is considered a violation of the drug policy.

Substance Abuse Education

Education is the most valuable tool in the life long prevention of substance abuse. The Office of Student Life is committed to their responsibility in the area of education. Examples include but are not limited to:

1. Arranging speakers and seminars for coaches and staff in order for them to be more familiar with areas of drug abuse, such as how to identify an abuser, how to help an abuser, and risks of drug abuse.

2. Programs provided for student-athletes, such as educational and motivational speakers that will provide the necessary information to enable student-athletes to make decisions that will enhance a healthy lifestyle.
3. Disseminating information and materials available from NCAA, campus, and community resources in the areas of drugs, including alcohol, tobacco, as well as materials related to general health, and well-being.
4. Providing opportunities for student-athletes to discuss health, legal, and ethical risks of alcohol and other drug use during preseason meetings.

Drug Testing

This program is required of all student-athletes including scholarship/non-scholarship student-athletes. All student-athletes are required to participate in the year around drug testing program as long as they are associated with the athletic department.

Substance Abuse Committee

The Substance Abuse Committee is responsible for implementing all drug testing policies. The substance Abuse Committee is appointed by the Virginia Tech Director of Athletics.

Drug Testing Procedure

Testing will be conducted throughout the year (in season, out of season, and summer school). Testing takes a variety of forms:

1. Random individual test – student-athletes names are computer generated and each receives a card which requires him/her to be tested with the day and time noted on the card;
2. Team testing – a team may be immediately tested before or after a workout or practice without notice;
3. Testing for reasonable suspicion – can be with or without notice;
4. Coach may request an individual or team test with or without notice when there is reasonable suspicion.

The testing site is 160 Jamerson Center. The site is open from 6:30 a.m. - 9:00 a.m. to allow time to report without interfering with classes or other scheduled activities.. Each student-athlete must produce a minimum 25 ml of urine for a routine test and 50 ml for a steroid test. All individuals taking prescribed or over the counter medications have the responsibility of notifying the crew chief at the testing site.

The computer generates the names of student-athletes to be tested. The Director of Athletic Training completes an appointment card for each student-athlete and delivers them to the head coach to be distributed to the student-athletes. Upon receiving the appointment card the athlete will be asked to sign a notification acknowledgement form. (Appendix B and C)

Failure to show up, being late or not giving a sample will be treated as a positive test result and the individual may receive sanctions and penalties at the discretion of the Committee.

To ensure validity, each specimen will be obtained under direct supervision. Security of the specimen (chain of custody) will be implemented from the moment the student-athlete signs in until final completion of analysis of the specimen at the laboratory. Positive results, whether they are positive urine test or no-shows/no-voids, are communicated from the testing agency to the Chair of the Substance Abuse Committee. The Director of Athletic Training will also be copied by the testing company.

In cases where student-athletes are found to be using drugs or are in non-compliance with collection procedures, a letter will be sent notifying them of the specific problem and informing the student-athlete of a meeting with the Substance Abuse Committee. Copies of the letter are sent to the head coach. In any and all cases, the individual must appear before representatives of the Substance Abuse Committee for the purpose of answering questions and presenting additional information. The student-athlete may request the presence of his/her coach. After the meeting between the student-athlete and the Substance Abuse Committee, the student-athlete will be placed in Phase 1, 2, 3, or 4 and notified of such by letter. In cases such as no-shows or no-voids, the Substance Abuse Committee may or may not place the student-athlete in any of the four phases of sanctions. In any case, the Committee will require more frequent future testing. Sanction procedures (Phases 1 through 4) are described in the section entitled Recommended Guidelines. A chart summarizing the penalties is shown in Appendix D. Sanctions or Phases range from regular counseling to loss of participation.

Drugs Subject to Testing

The Virginia Tech Department of Athletics program tests for substances on a list of banned-drug classes developed by the department and the NCAA. A sample list is included in Appendix A and a detailed list is available upon request from the Sports Medicine Staff, the Office of Student Life Staff or the Chair of the Substance Abuse Committee. This list consists of substances generally purported to be performance enhancing and/or potentially harmful to the health and safety of the student-athlete. The drug classes specifically include stimulants (such as amphetamines, ecstasy, and cocaine), halucinogenic (such as LSD), anabolic steroids (such as Anavar and Dianabol), diuretics, masking agents, marijuana, as well as any other drugs not prescribed for the athlete.

Counseling

Counseling is required for each student-athlete whose drug test is positive. Counseling, especially for drug related problems is coordinated by the Substance Abuse Committee. Counseling continues until the counselor releases the student-athlete. Failure to attend could result in further loss of competitions. If continued counseling is recommended, various counseling options are available. Mental health professionals are utilized.

Under no circumstances will the counselor release information without prior consent of the student-athlete. The counselor only reports to the Substance Abuse Committee if the student-athlete does not attend the counseling sessions. Counseling is available to any student-athlete who feels it would be beneficial.

Appeal Process

If a student-athlete believes the facts on which the Substance Abuse Committee's decision is based are erroneous or that the sanction(s) should not be imposed, the student-athlete may file a written appeal with the Director of Athletics within 15 days after receipt of the letter from the Chair of the Committee notifying the student-athlete of the Committee's action. The appeal must include any information which might change the factual findings of the Committee or the sanction(s) if the Director of Athletics believes a basis exists for the appeal. The Director of Athletics shall make the final decision regarding the appeal and will notify the student-athlete in writing of the decision.

IMPORTANT NOTE: In cases where a student-athlete is deemed to have a positive drug test and such test results in sanctions affecting his or her ability to compete, and the student-athlete is scheduled to engage in competition before a determination can be made by the Substance Abuse Committee or the conclusion of any appeal under the standard review and appeal procedures, the student-athlete will be suspended from that competition pending a final decision. Time permitting, the student-athlete can request an expedited meeting of the Substance Abuse Committee and an expedited appeal to the Director of Athletics. The appeal must include any information which might change the factual findings of the Committee or the sanction(s). By selecting the expedited process, the student-athlete waives the right to the standard review and appeal procedures. Under the expedited process, the Committee will meet, by telephone if not in person, and in consultation with the Director of Athletics will render a decision before

the competition. If the Committee is unable to meet or the Director of Athletics cannot render a decision before the competition, the student-athlete will not be permitted to participate in the competition.

Penalties and Requirements when Failing to Pass a Drug Test

The Substance Abuse Committee believes that it is in the best health interest of student-athletes to follow these policies and adhere to the rules outline regarding drug use. However, in those cases where individuals engage in drug behaviors that violate the rules set forth, it is important that there is a clear understanding of the potential consequences. These are outlined in the following section which describes procedures that will be implemented when a student-athlete is placed in Phase 1, 2, 3, or 4. Please note that Phase 1 is for a first positive for marijuana. **The first positive for all other drugs will place the student-athlete in Phase 2.** The chart in Appendix A and Appendix D summarizes the penalties for positive tests.

“A positive is a positive.” Defenses such as **passive inhalation** or being in the company of people who are smoking marijuana will not be accepted by the Committee. If an athlete is positive for a prescription medicine, it will be considered a positive unless the athlete has a doctor’s prescription in their own name. The Committee will not accept the excuse for a positive that “someone else put **“something in my drink”**”.

The Substance Abuse Committee cannot determine how a student-athlete became positive for a drug. The Committee recommends to all student-athletes that they be careful of their association with people that are involved with drug use.

Recommended Guidelines

PHASE I (First Positive for Marijuana)

- A. The student-athlete meets with the Substance Abuse Committee, and if the positive test is upheld, the student-athlete is to be suspended immediately from competition.
 1. The length of the suspension is equal to 10% of the team’s season competition schedule where the student-athlete represents Virginia Tech (for the number of events, please see Appendix D).
The suspended events will be the next consecutive events in the schedule. Post-season events are also included in the suspension (e.g. ACC Championships, NCAA Championships, Bowl Games, Post Season Invitational events). The suspension includes not allowing an athlete to dress for a game, be in the team area, and/or attend a pre-game meal.
- B. The Chair of the Substance Abuse Committee will notify the following individuals in writing of the recommended plan and sanctions:
 1. Student-athlete and his/her parent or guardian
 2. Head Coach
 3. Associate Athletics Director for that sport
 4. Counselor
 5. Director of Athletics
- C. The student-athlete must appear before the Substance Abuse Committee on additional occasions as requested.
- D. Counseling is mandatory and attendance will be monitored by the Substance Abuse Committee. The student-athlete must attend a counseling session within two weeks of the meeting with the Substance Abuse Committee (allowances can be made when there is a conflict with the university calendar). If the student-athlete fails to attend this meeting or subsequent sessions, there can be an additional 10% game suspension assessed by the Substance Abuse Committee.

- E. Follow-up drug testing may occur over a period of six months.
- F. If a team completes its competition schedule while a student-athlete is under Phase 1 sanctions, the student-athlete's suspension will be carried over into next season's competition. If an individual is positive during a red shirt year, the student's suspension will begin during next season's competition (game suspension will not be applied during a red shirt season or during a medical hardship).
- G. When a student-athlete tests positive for marijuana outside the traditional playing season special dispensation will be considered. The opportunity to suspend the penalty phase will be considered by a sub committee reporting to the Substance Abuse Committee. The sub-committee will consist of: the Team Physician, department Sport Psychologist, and Addiction Medicine specialist. After the student completes counseling sessions with each professional, the sub committee will recommend to the whole Substance Abuse Committee whether the student is a candidate for the suspension of penalty phase I.

If it is determined by the substance abuse committee to offer the student the option to suspend penalty phase 1, the student will still be required to follow through on steps B through E described above.

Items for consideration when determining the option to suspend phase 1 penalty.

- 1. The student must be in the non-traditional segment of their primary sport and at least 60 days from the start of the pre-season practice segment of the traditional playing season.
- 2. This option cannot use this option if you have self reported previously, likewise, you cannot self report after having used this option.
- 3. If the student ever tests positive again he or she will serve both penalty phase 1 and 2 consecutively.

PHASE 2 RECOMMENDED GUIDELINES

- A. The student-athlete meets with the Substance Abuse Committee, and if the positive test is upheld, the student-athlete is to be suspended immediately from competition.
 - 1. The length of the suspension is equal to 33% of the team's season competition schedule where the student-athlete represents Virginia Tech. The suspended events will be the next consecutive events in the schedule. Post season events are also included in the suspension (e.g. ACC Championships, NCAA Championships, Bowl Games, and Post Season Invitational events). The suspension includes not allowing an athlete to dress for a game, be in the team area, and/or attend a pre-game meal
- B. The Chair of the Substance Abuse Committee will notify the following individuals in writing of the recommended plan and sanctions:
 - a. Student-athlete and his/her parent or guardian
 - b. Head Coach
 - c. Associate Athletics Director for that sport
 - d. Counselor
 - e. Director of Athletics
- C. The student-athlete must appear before the Substance Abuse Committee on additional occasions as requested.

- D. Counseling is mandatory and attendance will be monitored by the Substance Abuse Committee. The student-athlete must attend a counseling session within two weeks of the meeting with the Substance Abuse Committee (allowances can be made when there is a conflict with the university calendar). If the student-athlete fails to attend this meeting or subsequent sessions, there can be an additional 10% game suspension assessed by the Substance Abuse Committee.
- E. Follow-up drug testing may occur over a period of six months.
- F. If a team completes its competition schedule while a student-athlete is under Phase 2 sanctions, the student-athlete's suspension will be carried over into next season's competition. If an individual is positive during a red shirt year, the student's suspension will begin during next season's competition (game suspension will not be applied during a red shirt season or during a medical hardship).

PLEASE NOTE: When an athlete is positive for the first time and the sample contains more than one drug, the more severe sanctions will be applied.

PHASE 3 RECOMMENDED GUIDELINES

- A. The student-athlete meets with the Substance Abuse Committee, and if the positive test is upheld, the student-athlete is to be suspended immediately from competition.
 - 1. The length of the suspension is equal to one calendar year from the finding of a positive drug test. The suspended events will be the next consecutive events in the schedule. Post-season events are also included in the suspension (e.g. ACC Championships, NCAA Championships, Bowl Games, Post Season Invitational events).
 - 2. The student-athlete will be charged with the loss of one season of competition; a red shirt season or medical hardship cannot be used to substitute for the loss of the season of competition.

- B. The Chair of the Substance Abuse Committee will notify the following individuals in writing of the recommended plan and sanctions:
 - 1. Student-athlete and his/her parent or guardian
 - 2. Head Coach
 - 3. Associate Athletics Director for that sport
 - 4. Counselor
 - 5. Director of Athletics
- C. The student- athlete must appear before the Substance Abuse Committee on additional occasions as requested.
- D. Counseling is mandatory and the Substance Abuse Committee will monitor attendance. An assessment will be made to determine the student-athletes desire for more aggressive treatment.
- E. Follow-up drug testing will be mandatory.
- F. If a team completes its competition schedule while a student-athlete is under Phase 3 sanctions, the student-athlete's suspension will be carried over into next season's competition. If an individual is positive during a red shirt year, the student's suspension will begin during next season's competition (game suspension will begin during next season's competition (game suspension will not be applied during a red shirt season or during a medical hardship).

PHASE 4 RECOMMENDED GUIDELINES

- A. The student-athlete is immediately suspended and the Department of Athletics revokes all privileges of participating in athletic activities or of using athletic facilities.
- B. The Chair of the Substance Abuse Committee will notify the following individuals in writing of the recommended plan and sanctions:
 - 1. Student-athlete and his/her parents or guardian
 - 2. Head coach
 - 3. Associate Athletic Director for that sport
 - 4. Counselor
 - 5. Director of Athletics
- C. The student-athlete must appear before the Substance Abuse Committee on additional occasions as requested.
- D. Follow up drug testing may be mandatory.
- E. Evaluation for further services will be conducted by the Substance Abuse Committee. Further counseling and/or treatment sessions may be required for the student-athlete on an individual basis, including the possibility of inpatient treatment.
 - 1. The offer to coordinate inpatient or outpatient treatment will be extended to the student-athlete under the clinical supervision of the Department of Athletics. "Clinical supervision" means, that in some cases, an alternative treatment is preferable to or needs to precede inpatient treatment. In these cases, the treatment is supervised by appropriate athletics department medical or mental health professionals.

F. Financial aid will not be renewed beyond the term of the current financial aid contract.

Other Positive Drug Tests

Documentation of a "positive" drug test from a recognized National or International Sports Governing Body, will be considered as a "positive" drug test performed by our laboratory and will place the student-athlete in the appropriate phase. If a student-athlete has tested "positive" for drugs by the NCAA, he/she must abide by the NCAA policy. The NCAA requires a one calendar year minimum suspension. If a student-athlete transfers, an NCAA positive test result must be reported to the new school. A positive drug test by the NCAA will also be treated as a positive drug test by the Department of Athletics. The NCAA sanction and the departmental sanction will be imposed at the same time. The more severe sanction of the two will be enforced.

Self-Voluntary Referrals

A student-athlete who voluntarily approaches the Athletic Director or Sport Administrator for help with his/her drug problem, prior to a university request for the student-athlete to be available for testing, will be accorded confidentiality and professional help. A voluntary request for assistance will result in therapeutic treatment without loss of scholarship aid or participation on the team provided the student-athlete agrees to the terms of his/her rehabilitation.

An athlete, who voluntarily asks for assistance but does not follow the terms of his/her rehabilitation, will be sanctioned according to post-test procedures for positive results. A student will serve both penalty phases if a second positive occurs in any future testing. Drug usage by a Virginia Tech student-athlete, which is discovered independently by university authorities, will be subject to the drug policy as outlined herein.

Drugs Tested & Penalty Summary

DRUGS INCLUDED IN THE TESTING AS WELL AS ASSOCIATED PENALTIES						
DRUG	SCREENING SENSITIVITY	CONFIRMATION SENSITIVITY	*FIRST OFFENSE	*SECOND OFFENSE	*THIRD OFFENSE	*FOURTH OFFENSE
Marijuana	20ng/mL	5ng/mL	10%	33%	1 yr	Loss of Eligibility
Amphetamines/ Ecstasy	300ng/mL	100ng/mL	33%	1 yr	Loss of Eligibility	N/A
LSD	.5ng/mL	.2ng/mL	33%	1 yr	Loss of Eligibility	N/A
Anabolic Steroids	10ng/mL	1ng/mL	33%	1 yr	Loss of Eligibility	N/A
Barbituates	200ng/mL	100ng/mL	33%	1 yr	Loss of Eligibility	N/A
Benzodiazepines	200ng/mL	100ng/mL	33%	1 yr	Loss of Eligibility	N/A
Cocaine	100ng/mL	50ng/mL	33%	1 yr	Loss of Eligibility	N/A
Nitrates	200mcg/mL	200mcg/mL	33%	1 yr	Loss of Eligibility	N/A
Opiates	100ng/mL	50ng/mL	33%	1 yr	Loss of Eligibility	N/A
PCP/Angel Dust	20ng/mL	10ng/mL	33%	1 yr	Loss of Eligibility	N/A

* Percentages represent amount of contests lost due to a positive drug

PENALTY SUMMARY			
SPORT	# OF EVENTS	10%	33%
BASEBALL	56 CONTESTS	5 CONTESTS	18 CONTESTS
BASKETBALL	27 CONTESTS	2 CONTESTS	8 CONTESTS
CROSS COUNTRY	7 DATES	1 DATE	2 DATES
FOOTBALL	11 CONTESTS	1 CONTEST	3 CONTESTS
GOLF	24 DATES	2 DATES	7 DATES
INDOOR OUTDOOR TRACK	18 DATES	1 DATES	5 DATES
LACROSSE	16 DATES	1 DATES	5 DATES
SOCCER	20 DATES	2 DATES	6 DATES
SOFTBALL	56 DATES	5 CONTESTS	18 CONTESTS
SWIMMING DIVING	20 DATES	2 DATES	6 DATES
TENNIS	25 DATES	2 DATES	8 DATES
VOLLEYBALL	28 DATES	2 DATES	9 DATES
WRESTLING	17 DATES	1 DATE	5 DATES

CHEERLEADING CORRESPONDS WITH THE SAME % THEY ARE PERFORMING

HIGH TECHS CORRESPONDS WITH THE SAME % THEY ARE PERFORMING



VIRGINIA POLYTECHNIC INSTITUTE
AND STATE UNIVERSITY

Purchasing Department (0333)

270 Southgate Center, Blacksburg, VA 24061
(540) 231-6221 Fax (540) 231-9628

MEMORANDUM

June 30, 2006

TO: Mike Goforth
FROM: Patricia Mullins
SUBJECT: Contract For Urine Drug Screening

Enclosed is your copy of the subject contract.

Following is a summary of pertinent information related to this contract:

Contractor FIN/SS Number: 880241758

Contractor Business Address:
Aegis Sciences Corporation
dba Aegis Labs
345 Hill Avenue
Nashville, TN 37210

Payment Address
Aegis Sciences Corporation
dba Aegis Labs
345 Hill Avenue
Nashville, TN 37210

Contact Person: Frank Moser
E-Mail Address: fmoser@aegislabs.com
Telephone Number: 800-533-7052
Fax Number: 615-255-3030
Contract Number: UCP-TS-002-07
Contract Period: August 1, 2006 to July 31, 2007
Payment Terms: Net 30 days
F.O.B.: Destination
Prices: See contract for details (section IX)

This will serve as your authority to make purchases against this contract.

If the need arises to modify the contract, please complete the attached Request For Contract Modification form and return it to me.

Also enclosed is a blanket purchase order.

If you should have questions, please contact me at 1-9129.



VIRGINIA POLYTECHNIC INSTITUTE
AND STATE UNIVERSITY
Blacksburg, Virginia 24061
PURCHASE ORDER

eVA Order # A208-TS00207

Requisitioning Department

CONTRACT NUMBER SB	DATE P.O. PREPARED July 05, 2006	P.O. NUMBER TS00207
FOB Destination-FRT Included in Cost		BID REF/REQ NUMBER R047944
MUST BE DELIVERED BY	PAYMENT TERMS Net 30	INSIDE DELIVERY <input type="checkbox"/> YES (IF CHECKED)

AGENCY NAME/DELIVERY ADDRESS:
**Virginia Polytechnic Institute and State University
Athletics Department
Eddie Ferrell Training Room
160 Jamerson Athletic Center
Blacksburg, VA 24061**

UNIVERSITY DEPARTMENT CONTACT: _____ TELEPHONE: _____

VENDOR NAME AND ADDRESS: _____ VENDOR I.D. NUMBER:
904033561

**Aegis Labs
345 Hill Ave
Nashville, TN 37210**

INVOICE TO ADDRESS:
Virginia Polytechnic Institute and State University

SAME AS DELIVERY ADDRESS

PURCHASE ORDER

SEE INSTRUCTIONS, ATTACHED TERMS AND CONDITIONS, WHICH ARE INCORPORATED INTO AND CONTROL THIS PURCHASE ORDER.
ADDRESS ALL INQUIRIES AND CORRESPONDENCE TO THE BUYER.

PURCHASE AUTHORIZED BY:

BUYER: **Patricia Mullins**

TELEPHONE NUMBER: **(540) 231-9129**
after hours number: **(540) 231-6221**

FACSIMILE NUMBER: **(540) 231-9628**

1099 Code _____ Customer Account No. _____ AP Reviewer's Initials _____ Date _____

Index	Orgn	Account	Activity	Banner Invoice Number	Vendor Invoice Number	Invoice Date Mo/Da/Yr	Due Date Mo/Da/Yr	Amount	P/F
TOTAL VOUCHER									

DELIVER THE FOLLOWING:

ITEM NO.	COMMODITY	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
		Blanket order for urine drug screening for student athletes to be provided in accordance with Virginia Tech contract UCP-TS-002-07 beginning August 1, 2006. This blanket order will remain in effect during the initial contract period and subsequent contract renewals unless the contract expires, is terminated, or cancelled. Note: 1. Orders against this blanket order will be placed only by Virginia Tech employees. 2. The Purchase Order number shown above must appear on each invoice submitted to Virginia Tech against this blanket order.				
END OF ORDER						TOTAL AMOUNT

Requisitioning Department

COMMONWEALTH OF VIRGINIA

STANDARD CONTRACT

Contract Number: UCP-TS-002-07

This contract entered into this 26th day of June 2006, by Aegis Sciences Corporation, hereinafter called the "Contractor" and Commonwealth of Virginia, Virginia Polytechnic Institute and State University called "Virginia Tech".

WITNESSETH that the Contractor and Virginia Tech, in consideration of the mutual covenants, promises and agreements herein contained, agrees as follows:

SCOPE OF CONTRACT: The Contractor shall provide the Urine Drug Screening to Virginia Tech as set forth in the Contract Documents.

PERIOD OF CONTRACT: From August 1, 2006 through July 31, 2007.

COMPENSATION AND METHOD OF PAYMENT: The Contractor shall be paid by Virginia Tech in accordance with the contract documents.

CONTRACT DOCUMENT: The contract documents shall consist of this signed contract, Invitation For Bid Number 647944 dated May 17, 2006 and the bid submitted by the Contractor dated May 22, 2006, all of which contract documents are incorporated herein.

In WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

Contractor:

Virginia Tech

By: Beth Sweaney

By: James E. Dunlap

Title: Inside Sales Manager

James E. Dunlap
Associate Director and Contracts Manager

INVITATION FOR SEALED BID # 647944 THIS IS NOT AN ORDER

**VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
PURCHASING DEPARTMENT (0333)
270 SOUTHGATE CENTER
BLACKSBURG, VA 24061**

DATE May 17, 2006	BID RETURN DATE AND HOUR	BID OPENING DATE AND HOUR June 14, 2006 3PM
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BIDDERS ADDRESS

Aegis Labs
345 Hill Avenue
Nashville, TN 37210


ADDRESS ALL INQUIRIES AND CORRESPONDENCE TO:
Patricia Mullins, CPPO, VCO
E-MAIL ADDRESS: mullinsp@vt.edu
TELEPHONE NUMBER (540) 231-9129
FAX NUMBER (540) 231-9628
AFTER HOUR MESSAGES (540) 231-6221

COMMODITY: Urine Drug Screening SEE ATTACHED

SPECIAL INSTRUCTIONS

1. **SEALED BID** responses should be returned in the furnished envelope.
2. Faxed responses to Sealed Bids cannot be sent directly to the Purchasing Department, see Number 14. "Facsimile Bids" of the attached General Terms and Conditions.
3. Responses must be submitted on this form and the attachment (s) provided.
4. Responses should be signed below.
5. Responses will be received in the Virginia Polytechnic Institute and State University, Purchasing Department (0333), 270 Southgate Center, Blacksburg, VA 24061 until the bid opening date and hour or, if specified, the bid return date and hour shown above.
6. Contact the buyer listed above for bid award information. Enclose a self-addressed stamped envelope if you wish to obtain price information.
7. **DELIVERY IS F.O.B. DESTINATION UNLESS OTHERWISE NOTED IN THE BODY OF THE BID.**
8. Any **ADDENDUM** issued for this solicitation may be accessed at <http://www.purch.vt.edu/html.docs/bids.html>. Since a paper copy of the addendum will not be mailed to you, we encourage you to check the web site regularly.
9. **Bidders must take cognizance of the fees associated with the eVA Business-To-Government Vendor Registration requirement described herein and at <http://www.eva.state.va.us/> and submit prices accordingly.**

CERTIFICATION: IN ACCORDANCE WITH THIS INVITATION FOR SEALED BID AND SUBJECT TO ALL TERMS AND CONDITIONS CONTAINED HEREIN INCLUDING THE GENERAL TERMS AND CONDITIONS SHOWN AT http://www.purch.vt.edu/html.docs/terms/gtc_bid_022106.pdf THE UNDERSIGNED OFFERS AND AGREES TO FURNISH THE GOODS OR SERVICES FOR THE PRICE(S) OFFERED.

FULL LEGAL NAME (PRINT) <small>(Company name as it appears with your Federal Taxpayer Number)</small> Aegis Sciences Corporation		FEDERAL TAXPAYER NUMBER (ID#) 880241758	DELIVERY DATE ASAP
BUSINESS NAME/DBA NAME/TA NAME <small>(If different than the Full Legal Name)</small> Aegis Labs		FEDERAL TAXPAYER NUMBER <small>(If different than ID# above)</small>	
BILLING NAME <small>(Company name as it appears on your invoice)</small> Aegis Sciences Corporation		FEDERAL TAXPAYER NUMBER <small>(If different than ID# above)</small>	
CONTACT NAME/TITLE (PRINT) Frank Moser		SIGNATURE (IN INK) 	DATE 5-22-2006
E-MAIL ADDRESS fmoser@aegislabs	TELEPHONE NUMBER 800.533.7052	TOLL FREE TELEPHONE NUMBER 800.533.7052	FAX NUMBER 615.255.3030
*BUSINESS CLASSIFICATION	<input checked="" type="checkbox"/> LARGE	<input type="checkbox"/> SMALL	<input type="checkbox"/> MINORITY-OWNED <input type="checkbox"/> WOMEN-OWNED

*Business Classification definitions can be viewed at <http://www.purch.vt.edu/html.docs/class.html>

THIS IS NOT AN ORDER Revised 02/22/06

Rsweeney@aegislabs.com

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY(VIRGINIA TECH)

INVITATION FOR SEALED BID NUMBER 647944

I. PURPOSE:

The intent and purpose of this Invitation For Sealed Bid is to establish a term contract with one qualified source that can provide urine drug screen services for Virginia Polytechnic Institute and State University (Virginia Tech), an agency of the Commonwealth of Virginia.

II. BACKGROUND:

To comply with an NCAA recommendation, Virginia Tech has developed a drug testing, counseling and education program for its student athletes. A part of this program will consist of urine drug screening.

III. EVA BUSINESS-TO-GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM:

The eVA Internet electronic procurement solution streamlines and automates government purchasing activities within the Commonwealth of Virginia. Virginia Tech, and other state agencies and institutions, have been directed by the Governor to maximize the use of this system in the procurement of goods and services. *We are, therefore, requesting that your firm register as a trading partner within the eVA system.*

There are registration fees and transaction fees involved with the use of eVA. These fees must be considered in the provision of quotes, bids and price proposals offered to Virginia Tech. Failure to register within the eVA system may result in the quote, bid or proposal from your firm being rejected and the award made to another vendor who is registered in the eVA system.

Registration in the eVA system is accomplished on-line. Your firm must provide the necessary information. Please visit the eVA website portal at www.eva.state.va.us and complete the Ariba Commerce Services Network registration. *This process needs to be completed before Virginia Tech can issue your firm a Purchase Order or contract.* If your company conducts business from multiple geographic locations, please register these locations in your initial registration.

For registration and technical assistance, reference the eVA website at: eVAcustomer@dcgs.virginia.gov, or call 866-289-7367.

IV. CONTRACT PARTICIPATION:

Under the authority of the Code of Virginia 2.2-4304. Cooperative Procurement, it is the intent of this solicitation and resulting contract(s) to allow for cooperative purchasing by only the Virginia Association of State College and University Purchasing Professionals (VASCUPP) and all other Commonwealth of Virginia public institutions of higher education (to include four-year, two-year and community colleges). Current VASCUPP institutions include: College of William and Mary, University of Virginia, George Mason University, Virginia Military Institute, James Madison University, Old Dominion University, Virginia Tech, Radford University and Virginia Commonwealth University. A list of all other Virginia Public Colleges and Universities is available at <http://www.ExploreVirginiaColleges.com/>. In addition, the lead-issuing institution may allow local governments, school boards and other agencies serving local governments in their region access to this contract(s).

Participation in this cooperative procurement is strictly voluntary. If authorized by the Contractor(s), the resultant contract(s) will be extended to the public bodies indicated above to purchase at contract prices in accordance with contract terms. The Contractor shall notify the lead-issuing institution in writing of any such institutions accessing the contract. No modification of this contract or execution of a separate contract is required to participate. The Contractor will provide semi-annual usage reports for all VASCUPP members and public institutions accessing the Contract. Participating public bodies shall place their own orders directly with the Contractor(s) and shall fully and independently administer their use of the contract(s) to include contractual disputes, invoicing and payments without direct administration from the lead-issuing institution. The lead-issuing institution shall not be held liable for any costs or damages incurred by any other participating public body as a result of any authorization by the Contractor to extend the contract. It is understood and agreed that the lead-issuing institution is not responsible for the acts or omissions of any VASCUPP member, or public body and will not be considered in default of the Agreement no matter the circumstances.

Use of this contract(s) does not preclude any participating public body from using other contracts or competitive processes as required by law.

V. SCOPE OF SERVICE:

A. The contractor shall provide non-steroid drugs of abuse screening performed by immunoassay for the following:

	<u>Screening Sensitivity</u>	<u>Confirmation Sensitivity</u>
1. Amphetamines/Ecstasy	300ng/mL	100ng/mL
2. Barbiturates	200ng/mL	100ng/mL
3. Phencyclidine (PCP)	20ng/mL	10ng/mL
4. Cocaine	100ng/mL	50ng/mL
5. Nitrates	200mcg/mL	200mcg/mL
6. Opiates	100ng/mL	50ng/mL
7. Benzodiazepines	200ng/mL	100ng/mL
8. Cannabinoids	20ng/mL	5ng/mL
9. LSD	.5ng/mL	.2ng/mL

B. The contractor shall provide anabolic steroid screening for the following:

Screening Sensitivity: 10ng/mL
Confirmation Sensitivity: 1ng/mL

Epitestosterone	19-Nortestosterone
Fluoxymesterone	Oxandrolone
Mesterolone	Oxymesterone
Methandienone	Oxymetholone
Methenolone	Stanozolol
Norethandrolone	Testosterone
	Testosterone/Epitestosterone Ratio

C. All positive tests shall be confirmed and performed by gas chromatography mass spectrometry upon request by Virginia Tech. The price of this service shall be billed separately and shall not be included in the price for drugs of abuse screening or anabolic steroid screening.

D. Collection of samples shall follow the "Chain of Custody" collection technique.

E. Urine samples will be collected by Virginia Tech Athletic Department personnel.

F. Virginia Tech Athletic Department personnel will designate individuals to assist with paper work:

1. Signing consent forms
2. Initialing urine bottles
3. Indicating any prescription/nonprescription medication taken within the last 30 days

G. Results of tests shall be faxed to Michael Goforth, Director of Athletic Training, Virginia Tech Sports Medicine,(0502), Attn: Michael Goforth, 113 Merryman Center, Blacksburg, VA 24061, at (540) 231-7335 within 48 hours for drugs of abuse screening and one week for anabolic steroid screening after sample pickup by the contractor.

- H. The schedule for testing will be established by the Virginia Tech Athletic Department. This may require service from the contractor within 24 hours after notification.
- I. All supplies required for administering tests shall be supplied by the contractor and shall be included in the bid prices listed in Section IX, Price Schedule.
- J. Labor and transportation for the sample pickup shall be provided by the contractor and shall be included in the prices listed in Section IX, Price Schedule.

VI. METHOD OF PAYMENT:

Virginia Tech shall authorize payment to the contractor after each satisfactory delivery of services and receipt of the contractor's invoice.

VII. INVOICES:

Invoices for goods or services provided under any contract resulting from this solicitation shall be submitted to:

Virginia Tech Sports Medicine (0502)
Attn: Michael Goforth
113 Merryman Center
Blacksburg, VA 24061

VIII. CONTRACT ADMINISTRATION:

- A. Michael Goforth, Director of Athletic Training, Athletics Department at Virginia Tech or his designee, shall be identified as the Contract Administrator and shall use all powers under the contract to enforce its faithful performance.
- B. The Contract Administrator, or his/her designee, shall determine the amount, quantity, acceptability, fitness of all aspects of the services and shall decide all other questions in connection with the services. The Contract Administrator, or his/her designee, shall not have authority to approve changes in the services which alter the concept or which call for an extension of time for this contract. Any modifications made must be authorized by the Virginia Tech Purchasing Department through a written amendment to the contract.

IX. PRICE SCHEDULE: (TO BE COMPLETED BY BIDDER):

The bidder agrees to provide the services described herein and in accordance with all terms and conditions contained herein for the following prices:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>ESTIMATED ANNUAL QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
A.	Drugs of Abuse Screening	500	each	<u>\$28.00</u> each	<u>\$14,000.00</u>
B.	Anabolic Steroid Screening	50	each	<u>\$95.00</u> each	<u>\$ 4,750.00</u>
C.	Confirmation of Positive Test Results	25	each	<u>\$ 0.00</u> each	<u>\$ _____ 0.00</u>
GRAND TOTAL					<u>\$18,750.00</u>

X. TERMS AND CONDITIONS

This solicitation and any resulting contract/purchase order shall be governed by the attached terms and conditions.

XI. ATTACHMENTS:

Attachment A - Terms and Conditions
Attachment B - Standard Contract Form

ATTACHMENT A

TERMS AND CONDITIONS

Bid General Terms and Conditions

See http://www.purch.vt.edu/html.docs/terms/etc_bid_022106.pdf

Special Terms and Conditions

1. **AWARD OF CONTRACT:** Virginia Tech will make the award on a GRAND TOTAL basis to the lowest responsive and responsible bidder. The Virginia Tech Purchasing Department also reserves the right to reject any or all bids, in whole or in part, to waive informalities and to delete items prior to making the award, whenever it is deemed in the sole opinion of Virginia Tech to be in its best interest.
2. **AUDIT:** The Contractor hereby agrees to retain all books, records, and other documents relative to this contract for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. Virginia Tech, its authorized agents, and/or State auditors shall have full access to and the right to examine any of said materials during said period.
2. **AVAILABILITY OF FUNDS:** It is understood and agreed between the parties herein that Virginia Tech shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement.
4. **BID ACCEPTANCE PERIOD:** Any bid received in response to this solicitation shall be valid for (60) days. At the end of the (60) days the bid may be withdrawn at the written request of the Bidder. If the bid is not withdrawn at that time it remains in effect until an award is made or the solicitation is cancelled.
5. **BID PRICES:** Bid shall be in the form of a firm unit price for each item during the contract period.
6. **CANCELLATION OF CONTRACT:** Virginia Tech reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to the Contractor. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation notice shall not relieve the Contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.
7. **CONTRACT PERIOD:** The contract shall be for a period of one (1) year.
8. **INDEPENDENT CONTRACTOR:** The contractor shall not be an employee of Virginia Tech, but shall be an independent contractor. Nothing in this agreement shall be construed as authority for the contractor to make commitments which shall bind Virginia Tech, or to otherwise act on behalf of Virginia Tech, except as Virginia Tech may expressly authorize in writing.
9. **INSURANCE:** By signing and submitting a bid under this solicitation, the Bidder certifies that if awarded the contract, it will have the following insurance coverages at the time the work commences. Additionally, it will maintain these during the entire term of the contract and that all insurance coverages will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission.
During the period of the contract, Virginia Tech reserves the right to require the Contractor to furnish certificates of insurance for the coverage required.
INSURANCE COVERAGES AND LIMITS REQUIRED:
 - A. Worker's Compensation - Statutory requirements and benefits.
 - B. Employers Liability - \$100,000.00
 - C. General Liability - \$500,000.00 combined single limit. Virginia Tech and the Commonwealth of Virginia shall be named as an additional insured with respect to goods/services being procured. This coverage is to include Premises/Operations Liability, Products and Completed Operations Coverage, Independent Contractor's Liability, Owner's and Contractor's Protective Liability and Personal Injury Liability.
 - D. Automobile Liability - \$500,000.00
 - E. Builders Risk - For all renovation and new construction projects under \$100,000 Virginia Tech will provide All Risk - Builders Risk Insurance. For all renovation contracts, and new construction from \$100,000 up to \$500,000 the contractor will be required to provide All Risk - Builders Risk Insurance in the amount of the contract and name Virginia

Tech as additional insured. All insurance verifications of insurance will be through a valid insurance certificate. The contractor agrees to be responsible for, indemnify, defend and hold harmless Virginia Tech, its officers, agents and employees from the payment of all sums of money by reason of any claim against them arising out of any and all occurrences resulting in bodily or mental injury or property damage that may happen to occur in connection with and during the performance of the contract, including but not limited to claims under the Worker's Compensation Act. The contractor agrees that it will, at all times, after the completion of the work, be responsible for, indemnify, defend and hold harmless Virginia Tech, its officers, agents and employees from all liabilities resulting from bodily or mental injury or property damage directly or indirectly arising out of the performance or nonperformance of the contract.

10. **PRICE ESCALATION/DEESCALATION:** Price adjustments for changes in the contractor's price of materials, labor, and transportation may be permitted. Request for price adjustments for any other reasons will not be granted. No price increases will be authorized for 365 calendar days after the effective date of the contract. Upward price adjustments may be permitted only at the end of this period and each 365 days thereafter and only where verified to the satisfaction of the Virginia Tech Purchasing Department. However, "across the board" price decreases are subject to implementation at any time and shall be immediately conveyed to Virginia Tech. Contractor shall give not less than 30 days advance notice of any desired price increase to the Virginia Tech Purchasing Department. Any approved price changes will be effective only at the beginning of the calendar month following the end of the full 30 day notification period. The Contractor shall document the amount and proposed effective date of any general change in the price of materials, labor, and transportation. Only general "across the board" price increases will be considered and must affect all suppliers of the commodities or goods. Documentation shall be supplied with the Contractor's request for increase which will: (1) verify that the requested price increase is general in scope and not applicable just to Virginia Tech; and (2) verify the amount or percentage of increase which is being passed on to the Contractor by the Contractor's suppliers. Failure by the Contractor to supply the aforementioned verification with the request for price increase will result in a delay of the effective date of such increase. The Virginia Tech Purchasing Department may verify such change in price independently. The Virginia Tech Purchasing Department may make such verification as it deems adequate. However, any increase which the Virginia Tech Purchasing Department determines is excessive, regardless of any documentation supplied by the Contractor, may be cause for cancellation of the contract by the Virginia Tech Purchasing Department. The Virginia Tech Purchasing Department will notify the contractor in writing of the effective date of any increase which is approved. However, the Contractor shall fill all purchase orders received prior to the effective date of the price adjustment at the old contract prices. The contractor is further advised that price decreases which affect the price of materials, labor, and transportation are required to be passed on to Virginia Tech immediately. Failure to do so will result in action to recoup such amounts.
11. **REFERENCES:** Bidders shall provide a list of at least three (3) references where similar goods and/or services have been provided. Each reference shall include the name of the organization, the complete mailing address, the name of the contact person and telephone number.
12. **RENEWAL OF CONTRACT:** This contract may be renewed by Virginia Tech upon written agreement of both parties for four (4) successive one year periods, under the terms of the current contract, and at a reasonable time (approximately 90 days) prior to the expiration.
13. **SEVERAL LIABILITY:** Virginia Tech will be severally liable to the extent of its purchases made against any contract resulting from this solicitation. Applicable departments, institutions, agencies and Public Bodies of the Commonwealth of Virginia will be severally liable to the extent of their purchases made against any contract resulting from this solicitation.

REQUEST FOR CONTRACT MODIFICATION

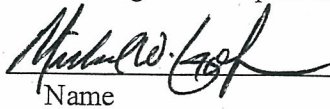
Virginia Polytechnic Institute and State University - Purchasing Department

Please retain a copy of this form for your files.

Date 9/27/04 Department Athletic Department

Contract Number VCP-TS-002-07 Contractor Aegis Sciences Corporation (880 241758)

Signature of person authorized to sign requisitions:


Name

Dir. of Athletic Training
Title

I. DESCRIPTION OF MODIFICATION

A. Add To Contract:

see attached sheet

B. Delete From Contract:

C. Other:

II. REASON FOR MODIFICATION:

see attached sheet

Modification to Contract with *AEGIS Sciences Corporation* (88024175)
Contract Number UCP-TS-002-07

I. DESCRIPTION OF MODIFICATION:

A. Add to Contract

Increase the cost of each drug test from \$28 to \$38.

II. REASON FOR MODIFICATION:

Virginia Tech Sports Medicine is planning on streamlining the drug testing process by giving the 15 athletes selected for random drug testing an appointment time for their drug test. This time will be on one day of the week between 6am and 7:30am so as not to interfere with any of the student athletes' classes. All 15 of the athletes will be tested on the same day.

With this modification to the current drug testing process, we will now be paying the collectors for obtaining the specimens, removing the burden from the Sports Medicine Staff. The additional money that the proposed contract modification will cost Virginia Tech will be reimbursed back to the Sports Medicine budget up to \$4000/year by the ACC.



Aegis Preferred Client Service Agreement/Quote Sheet

Aegis Preferred Client: Virginia Tech University Client Account #: 2713
 Address: Jamerson Athletic Center Account Update
112 Merryman New Account
Blacksburg, VA 24061
 Phone: 1-540-231-6410
 Fax: 1-540-231-7335

Date: September 25, 2006
 Payment Terms: Net 30 Days

<u>Code #</u>	<u>Test/Service</u>	<u>Regular Fee</u>	<u>Aegis Preferred Client Fee</u>
00304	Profile ZTDT 4	\$34.00	\$28.00
50253	Forensic Collection	\$10.00	\$10.00

Aegis Preferred Client will be given a minimum of sixty- (60) days notice prior to any changes in pricing and terms taking effect.

In the event of non-payment, Aegis reserves the right to charge client late fees and collection costs, including Attorney's fees and court costs.

Agreed to and Accepted on: _____
 Date

 Client Authorized Printed Name

 Client Signature

Please sign, date, and mail or fax to Aegis @ (615) 255-3030