23.504 Policy.

(a) No *offeror* other than an individual *shall* be considered a responsible source (see 9.104-1(g) and 19.602-1(a)(2)(i)) for a contract that exceeds the *simplified acquisition threshold*, unless it agrees that it will provide a *drug-free workplace* by-

(1) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor's workplace, and specifying the actions that will be taken against employees for violations of such prohibition;

(2) Establishing an ongoing drug-free awareness program to inform its employees about-

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

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

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

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

(3) Providing all employees engaged in performance of the contract with a copy of the statement required by paragraph (a)(1) of this section;

(4) Notifying all employees *in writing* in the statement required by paragraph (a)(1) of this section, that as a condition of employment on a covered contract, the employee will-

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

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

(5) Notifying the *contracting officer in writing* within 10 days after receiving notice under subdivision (a)(4)(ii) of this section, from an employee or otherwise receiving actual notice of such *conviction*. The notice *shall* include the position title of the employee;

(6) Within 30 days after receiving notice under paragraph (a)(4) of this section of a *conviction*, taking one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

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

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

(7) Making a good faith effort to maintain a *drug-free workplace* through implementation of paragraphs (a)(1) through (a)(6) of this section.

(b) No individual *shall* be awarded a contract of any dollar value unless that individual agrees not to engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while performing the contract.

(c) For a contract of 30 days or more performance duration, the contractor *shall* comply with the provisions of paragraph (a) of this section within 30 days after contract award, unless the *contracting officer* agrees *in writing* that circumstances warrant a longer period of time to comply. Before granting such an extension, the *contracting officer shall* consider such factors as the number of contractor employees at the worksite, whether the contractor has or *must* develop a *drug-free workplace* program, and the number of contractor worksites. For contracts of less than 30 days performance duration, the contractor *shall* comply with the provisions of paragraph (a) of this section as soon as possible, but in any case, by a date prior to when performance is expected to be completed.

Parent topic: Subpart 23.5 - Drug-Free Workplace