



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET

July 11, 2018

TO: ALL OFFERORS

FROM: COURTNEY MCCARTY  
STATE CONTRACT PROCUREMENT SUPERVISOR

SUBJECT: ADDENDUM TO REQUEST FOR PROPOSAL NO.: GSS18836-FRNSC\_TST,  
Forensic Testing Support

**ADDENDUM # 1**

The purpose of this Addendum is to answer questions received regarding the solicitation.

Q1. If the State of Delaware is unable to locate and approve an ISO 17025 Accredited laboratory within the state of Delaware or close by, would the State of Delaware be interested in a proposal from a company who can provide all of the services covered under the RFP at the client's laboratory, utilizing a cadre of certified forensic experts who are currently working in ISO 17025 Accredited laboratories?

A1. The RFP is part of our Continuity of Operations Plan in the event of a lab shut down and as such, the proposal to have outside services work in our building is not a viable option.

Q2. The RFP indicates that the cost proposal should be submitted electronically in excel format. Do you have a excel template for this? Also, the cost proposal is to be submitted separately. For paper copies, should this just be in a separate envelope? For electronic copies, can this be in separate files on the same CD?

A2. References to excel format may be disregarded. The template provided in the solicitation is to be used. Yes, to both questions regarding copies.

Q3. Page 9, Section IV, Part B, # 13: Multi-Vendor Solutions. Can vendors submit individual responses to the individual sections (Appendices A, B, C, D) and no-bid other sections or must they be a part of a multivendor solution that incorporates all forensic services?

A3. Vendors are not required to bid on all forensic services in order to be considered.

Q4. Page 16, Section V, # 3a: General Information. The term of the contract is 3 years with two 1-year options. Are price increases allowed during the original 3 years and/or the option years?

A4. Pricing will be firm for the initial term with increases considered at extension.



Q5. Page 19, Section V, #7c: ACA Safe Harbor. The Common-law Employer Safe Harbor Exception under the ACA requires that an Additional Fee must be charged to those employees who obtain health coverage from the Vendor, but does not state the required amount of the fee. Are bidders required to provide any information regarding Section 7.c. ACA Safe Harbor?

A5. As services will not be performed within State facilities, ACA will not apply.

Q6. Page 22, Section V, #7k: Vendor Emergency Response Point of Contact “The awarded vendor(s) shall provide the name(s), telephone, or cell phone number(s) of those individuals who can be contacted twenty four (24) hours a day, seven (7) days a week where there is a critical need for commodities or services when the Governor of the State of Delaware declares a state of emergency under the Delaware Emergency Operations Plan or in the event of a local emergency or disaster where a state governmental entity requires the services of the vendor.” Additionally.... “Failure to provide this information could render the proposal as non-responsive.” Please clarify if we can provide titles of positions and a general number or if the names and numbers of specific individuals are required.

A6. Phone numbers to specific individuals are not required; however, we do want an individual as a primary point of contact.

Q7. Page 22, Section V, #7m: Costs and Payment Schedules. “The State of Delaware will require a payment schedule based on defined and measurable milestones. Payments for services will not be made in advance of work performed. The State of Delaware may require holdback of contract monies until acceptable performance is demonstrated (as much as 25%).” If payment will be based on completion of milestones please confirm that the milestones will be defined as the completion of testing?

A7. As this is not an IT project, this section will not apply.

Q8. Page 28, Section V, #7gg5: Other General Conditions, Status Reporting. “The selected vendor will be required to lead and/or participate in status meetings and submit status reports covering such items as progress of work being performed, milestones attained, resources expended, problems encountered and corrective action taken, until final system acceptance.” What is the expected frequency of when these reports would be due and will a format be provided? Please also clarify what is the anticipated frequency of the meetings and is the expectation that these meetings will be in person?

A8. As this is not an IT project, this section will not apply.

Q9. Page 44, Appendix B, Section C, # 3 and 4: In # 3, contractor shall bear all costs and expenses associated with subpoenas and other legal process...for any required appearances for testimony/disposition. This is understood; however, in # 4 litigation packets do not have a stipulation for contractor bearing costs. Please confirm the billing structure for this agreement. Will the agreement be billed upon completion of milestones/testing or monthly? Is it acceptable to assess fees for litigation packets outside of the final report?

A9. The fee structure (including when billing will occur and if litigation packets are billed outside of the final report) will be determined after discussion with the winning bidder, however, in the proposal it must be clear how much the costs associated with subpoenas and other legal processes (including litigation packets) will be.

Q10. Page 45, Appendix B, section E: Technical Requirements. Will the state of Delaware be submitting cases only for drug panel screens and subsequent confirmations, or will direct esoteric testing requests be included?

A10. The majority of testing would be submitted only for drug panel screens and/or ethanol testing, with subsequent confirmations. There may be occasion for a direct esoteric testing request, but it would be unusual.

Q11. Page 47, Appendix D, Section C, # 3 and 4: In # 3, contractor shall bear all costs and expenses associated with subpoenas and other legal process...for any required appearances for testimony/disposition. This is understood; however, in # 4 litigation packets do not have a stipulation for contractor bearing costs. Please confirm the billing structure for this agreement. Will the agreement be billed upon completion of milestones/testing or monthly? Is it acceptable to assess fees for litigation packets outside of the final report?

A11. The fee structure (including when billing will occur and if litigation packets are billed outside of the final report) will be determined after discussion with the winning bidder, however, in the proposal it must be clear how much the costs associated with subpoenas and other legal processes (including litigation packets) will be.

Q12. Page 48, Appendix D, Section E: Technical Requirements. Will hypergeometric sampling (HGS) be the norm for all controlled substance testing?

A12. Yes.

Q13. Page 49, Appendix E Cost Proposal: Cost proposal requests service rates for testimony and litigation packet for individual services (DNA, Toxicology, Fire debris and Controlled substance), however, in the individual appendices of each, # 3 of Sections C indicate that contractor should bear all costs, at least for testimony. Previous questions above (7 and 9) relate to litigation packets. Is it acceptable to quote a daily and/or hourly rate for testimony?

A13. Yes, it is acceptable to quote a daily and/or hourly rate for testimony.

Q14. Professional Services Agreement, page 2, Section 2.2: Service subscription license costs. Please confirm that this section is not applicable to this RFP.

A14. As this is not an IT project, this section will not apply.

Q15. Professional Services Agreement, page 4, Section 3.6: "Vendor shall furnish to Delaware's designated representative copies of all correspondence to regulatory agencies for review prior to mailing such correspondence." Can we limit the regulatory agency correspondence that has to be sent to DE for review to correspondence that is directly related to testing under this RFP?

A15. Yes

Q16. Overview, page 1: Please confirm that we are correct in our understand that Offerors may submit proposals that provide back-up services for less than the four (4) areas as listed on page 1 of the RFP.

A16. Vendors are not required to bid on all forensic services in order to be considered.

Q17. Appendix A, Section B (4 bullet point #1): "Potential # of cases per week: ~12 cases" Does the agency foresee submitting cases during the first 3-6 months of the project and if so approximately how many cases or submissions will there be for each category of testing?

A17. Yes. Most of cases will be STR and would require body fluid id. Offenders will be sent ~once a month.

Q18. Appendix A, Section A (2 bullet point #4): "Body Fluid Identification" Will sexual assault kits or evidence requiring differential extract be submitted?

A18. Yes

Q19. Appendix A, Section A (2 bullet point #1-6): "Disciplines and categories of biological testing must include and meet the technical requirements outlined:" Please describe the kinds of cases that will be submitted for DNA analysis and the approximate number of reference and evidence samples in each case?

A19. Types of cases: homicides, sexual assaults, robbery, burglary, gun possession, misc. Approximate number of references=3; Approximate number of evidence=8 or what the DOJ requests.

Q20. Appendix A, Section A (2 bullet point #4): "Body Fluid Identification" What percentage of cases will require screening?

A20. Approximately 60% of cases will need body fluid ID.

Q21. Appendix A, Section D: "1.Contract laboratory shall issue a signed court-ready report to the DFS or the police agency that includes the DFS case number (if applicable), items tested, analysis results, and conclusions with statistical analysis when appropriate. 2.The court-ready report shall be well organized and comprehensible and be accompanied by the chain of custody." Will the agency accept all deliverables/reports via a secure FTP site?

A21.Yes, the use of a secure FTP site is acceptable.

Q22. Section 7.g: "The State of Delaware shall not be named as an additional insured." Please confirm the State will not need to be listed as additional insured?

A22. Correct.

Q23. Overview (page 2): Are we correct in our understanding that, in addition to the required transmittal letter and standard forms, a technical proposal that addresses the points outlined in section 4 Discussion on pg 3-4 and section III Required Information pg 4 and Attachment 10 on pg 41 will be deemed responsive?

A23. Correct.

Q24. Appendix E, Service Rates: Is it acceptable for Offerors to modify the pricing categories listed in Appendix E-Cost Proposal or offer supplemental pricing on an attachment, for example rush testing or for each category of biological testing as listed in Appendix A section A.2 as follows?

- a) Collection
- b) DNA-STR
- c) DNA-YSTR
- d) Body Fluid Identification
- e) Relationship Testing
- f) Individual Characteristic Database (CODIS)

A24. Yes

Q25. Has the State of Delaware outsourced prior to this bid? If so, what was the average volume of casework per month?

A25. The various labs (DNA, Toxicology, Fire Debris, and Controlled Substances) have all had occasion to outsource with varying degrees of casework volume. The approximate volumes listed for each category of testing are based on current caseloads in the various laboratories and are the approximate volume of testing that would need to be completed if all cases were sent out for the given laboratory. Situations may arise where only a portion of casework would need to be sent out.

Q26. Section VII., "Appendix A – DNA Technical Requirements", Page 1: Would it be allowed for us to exclusively bid on only Appendix A and be exempt from the requirements for B, C, and D?

A26. Vendors are not required to bid on all forensic services in order to be considered.

Q27. Section 2., "Due to Chain of Custody requirements, testing laboratories shall be in Delaware and/or close enough that evidence can be hand-delivered to and hand-retrieved from the testing laboratory.", Page 3: If the hand delivery to your facility is not feasible, would the bidding lab be disqualified from submitting a bid response? As an alternative, would it be acceptable to schedule UPS pick-ups on behalf of the State of Delaware to complete chain of custody requirements?

A27. No, the bidding lab would not be disqualified, but location is a factor in the decision. UPS pick-ups, while not ideal, may be a viable alternative if necessary.

Q28. Section 7.d., second Paragraph, "Prior to receiving an award, the successful vendor shall either furnish the State of Delaware with proof of State of Delaware Business Licensure or initiate the process of application where required.", Page 19: Can the testing laboratory be exempt from this if no work is performed in the state of Delaware?

A28. This is not due at proposal submission and exempt of license requirement is issued only by the Division of Revenue.

Q29. Section A.2., fifth bulletin, "Relationship Testing", Page 42: Is this referring to basic paternity/maternity calculations only, or would other types of relationship calculations be needed?

A29. Mostly maternity/paternity.

Q30. Section E.7.b, "Profiles generated pursuant to this contract cannot be searched against or maintained in a local database.", Page 43: Can case profiles be searched against the vendors database, for quality control purposes only?

A30. Yes

Q31. Section C.2., "Contractor must provide timely assistance, as requested, to the DFS and DOJ with discovery requests and/or expert testimony for trial.", Page 44: How often does the State of Delaware Department of Forensic Science testify on serology and DNA cases?

A31. ~10-15 per year

All other terms and conditions remain the same.