



*Delaware Health
And Social Services*

DIVISION OF MANAGEMENT SERVICES

PROCUREMENT

DATE: April 19, 2018

HSS-18003 GENETIC TEST
GENETIC TESTING LABORATORY SERVICES

For

Division of Child Support Services

Date Due: May 18, 2018
By 11:00 AM Local Time

ADDENDUM # 3 – QUESTIONS AND ANSWERS

THE ATTACHED SHEETS HEREBY BECOME A PART OF THE ABOVE MENTIONED RFP. ALL OTHER TERMS AND CONDITIONS REMAIN THE SAME.

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RFP for Professional Services
Genetic Testing Laboratory Services Questions
 Contract # HSS-18-003

	Reference Section	Text of Passage being Questioned	Question	Answer
1	I. Overview Mandatory Pre-bid Meeting	A mandatory pre-bid meeting has been scheduled for April 12, 2018 2:00 p.m. at Division of Child Support Services, Churchman's Corporate Center, 84A Christiana Road, New Castle, DE 19720.	Can the State of Delaware describe the information that will be discussed at the Mandatory Pre-bid Meeting? Will the State accept additional questions at that time?	The State will provide instructions for submitting a proposal, an overview of the agency, and provide information regarding the current genetic testing process. Yes, the State will accept additional questions.
2	III. Required Information A. Minimum Requirements B. General Evaluation Requirements Pages 2-3	Format of bid	Please confirm the bidder's understanding that the State of Delaware would like a point-by-point response to the Scope of Work provided within Section 2 of the proposal. Additionally, should the vendor respond to all points under B1-B8?	Yes, a point-by-point response will allow the state to ensure all requirements are met. Yes, the bidder should respond to all points under B1-B8.
3	B. RFP Submissions 2. Proposals Page 5	Please provide a separate electronic pricing file from the rest of the RFP proposal responses.	Please confirm how many copies of the pricing file, electronic and paper, should be provided.	The bidder should provide six (6) paper copies and four (4) electronic copies.
4	B. RFP Submissions 2. Proposals Page 5 & B. RFP Submissions 6. Late Proposals Page 6	Vendors are directed to clearly print "BID ENCLOSED" and "CONTRACT NO. HSS-18-003" on the outside of the bid submission package. & "To guard against premature opening, sealed proposals shall be submitted, plainly marked with the proposal title, vendor name, and time and date of the proposal opening"	Please confirm which information should be on the outside of the bid package.	The bidders are to include the following on the label: <ul style="list-style-type: none"> • BID ENCLOSED • Contract No. HSS-18-003 • proposal title • bidder/vendor name • time and date of the proposal opening
5	Section IV. Professional Services RFP Administrative Information C. RFP Evaluation Process Criteria Weight Page 13	ACA Safe Harbor Additional Fee	How does the State of Delaware grade conformance with ACA Safe Harbor Additional Fee?	ACA Safe Harbor Additional Fee does not apply to this contract. As such, all bidders will be given the full 10 points.

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6	<p>Section V. Contract Terms and Conditions f. Indemnification 1. General Indemnification</p>	<p>By submitting a proposal, the proposing vendor agrees that in the event it is awarded a contract, it will indemnify and otherwise hold harmless the State of Delaware, its agents and employees from any and all liability, suits, actions, or third party claims, together with all costs, expenses for reasonable attorney's fees, arising out of the vendor's, its agents and employees' performance work or services in connection with the contract.</p>	<p>Will the State of Delaware consider adding the language in red to this section?</p>	<p>Requested changes to the RFP requirements must be submitted on the Exception Form (Attachment 3). All exceptions will be addressed as part of contract negotiations.</p>
7	<p>Section V. Contract Terms and Conditions 2. Proprietary Rights Indemnification Page 19</p>	<p>Vendor shall warrant that all elements of its solution, including all equipment, software, documentation, services and deliverables, do not and will not infringe upon or violate any patent, copyright, trade secret or other proprietary rights of any third party. In the event of any claim, suit or action by any third party against the State of Delaware, the State of Delaware shall promptly notify the vendor in writing and vendor shall defend such claim, suit or action at vendor's expense, and vendor shall indemnify the State of Delaware against any loss, cost, damage, expense or liability arising out of such claim, suit or action (including, without limitation, litigation costs, lost employee time, and reasonable counsel fees) whether or not such claim, suit or action is successful.</p>	<p>Will the State of Delaware consider adding the language in red to this section?</p>	<p>Requested changes to the RFP requirements must be submitted on the Exception Form (Attachment 3). All exceptions will be addressed as part of contract negotiations.</p>

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8	Section V. Contract Terms and Conditions g. Insurance 1. Page 19	Vendor recognizes that it is operating as an independent contractor and that it is liable for any and all losses, penalties, damages, expenses, reasonable attorney's fees, judgments, and/or settlements incurred by reason of injury to or death of any and all persons, or injury to any and all property, of any nature, arising out of the vendor's negligent performance under this contract, and particularly without limiting the foregoing, caused by, resulting from, or arising out of any act of omission on the part of the vendor in their negligent performance under this contract.	Will the State of Delaware consider adding the language in red to this section?	Requested changes to the RFP requirements must be submitted on the Exception Form (Attachment 3). All exceptions will be addressed as part of contract negotiations.
9	Section V. Contract Terms and Conditions n. Liquidated Damages Page 21	The State of Delaware may include in the final contract liquidated damages provisions for non-performance.	Will liquidated damages be included in the final contract for genetic testing services?	A damage provision for non-performance will be addressed in negotiations.
10	Section V. Contract Terms and Conditions s. Vendor Activity Page 23	No activity under this Agreement is to be executed in an off shore facility, either by a subcontracted firm or a foreign office or division of the vendor. The vendor must attest to the fact that no activity will take place outside of the United States in its transmittal letter. Failure to adhere to this requirement is cause for elimination from future consideration.	The Vendor is an international company. All the testing will be conducted in its DNA testing laboratory, which is located within the United States. Will the State consider adding the language in red?	Requested changes to the RFP requirements must be submitted on the Exception Form (Attachment 3). All exceptions will be addressed as part of contract negotiations. It is not the State's intent to preclude a bidder from international business activities.
11	Section V. Contract Terms and Conditions w. Vendor Background Check Requirements Page 24	Vendor(s) selected for an award that access state property or come in contact with vulnerable populations, including children and youth, shall be required to complete back checks on employees serving the State's on premises contracts.	The vendor performs pre-employment background checks on all employees. Will the State accept these in place of the background checks mentioned in Section w.	Yes, the State will accept pre-employment background checks.

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12	Section V. Contract Terms and Conditions cc. Assignment of Antitrust Claims Page 26	As consideration for the award and execution of this contract by the State, the Vendor hereby grants, conveys, sells, assigns, and transfers to the State of Delaware all of its right, title and interest in and to all known or unknown causes of action it presently has or may now or hereafter acquire under the antitrust laws of the United States and the State of Delaware, regarding the specific goods or services purchased or acquired for the State pursuant to this contract. Upon either the State's or the Vendor notice of the filing of or reasonable likelihood of filing of an action under the antitrust laws of the United States or the State of Delaware, the State and Vendor shall meet and confer about coordination of representation in such action.	Would the State of Delaware consider striking this entire section? If not, can the State provide information on how this is relevant to lab testing services?	Requested changes to the RFP requirements must be submitted on the Exception Form (Attachment 3). All exceptions will be addressed as part of contract negotiations.
13	Section V. Contract Terms and Conditions ee. Affirmation Page 26	The Vendor must affirm that within the past five (5) years the firm or any officer, controlling stockholder, partner, principal or other person substantially involved in the contracting activities of the business is not currently suspended or debarred and is not a successor, subsidiary, or affiliate of a suspended or debarred business.	How should the vendor provide this affirmation? Is this required post award or should it be submitted with the bid?	Bidder is to provide a letter affirming to the requirement as part of the proposal submission.
14	Section V. Contract Terms and Conditions ff. Audit Access to Records	The Vendor shall maintain books, records, documents, and other evidence pertaining to this Contract to the extent and in such detail as shall adequately reflect performance hereunder. The Vendor agrees to preserve and make available to the State, upon written request, such	Would the State of Delaware consider adding the language in red to this section?	Requested changes to the RFP requirements must be submitted on the Exception Form (Attachment 3). All exceptions will be addressed as part of contract negotiations.

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		<p>records for a period of five (5) years from the date services were rendered by the Vendor. Records involving matters in litigation shall be retained for one (1) year following the termination of such litigation. The Vendor agrees to make such records reasonably available for inspection, audit, or reproduction to any official State representative in the performance of their duties under the Contract. Upon written notice given to the Vendor, representatives of the State or other duly authorized State or Federal agency may inspect, monitor, and/or evaluate the cost and billing records or other material relative to this Contract. The cost of any Contract audit disallowances resulting from the examination of the Vendor's financial records will be borne by the Vendor. Reimbursement to the State for disallowances shall be drawn from the Vendor's own resources and not charged to Contract cost or cost pools indirectly charging Contract costs.</p>		
<p>15</p>	<p>Section VI. RFP Miscellaneous Information 1. No Press Releases or Public Disclosure Page 28</p>	<p>The State of Delaware reserves the right to pre-approve any news or broadcast advertising releases concerning this solicitation, the resulting contract, the work performed, or any reference to the State of Delaware with regard to any project or contract performance. Any such news or advertising releases pertaining to this solicitation or resulting contract shall require the prior express written permission of the State of Delaware.</p>	<p>The vendor agrees to these terms, but would like to request that these terms are mutual.</p>	<p>Requested changes to the RFP requirements must be submitted on the Exception Form (Attachment 3). All exceptions will be addressed as part of contract negotiations.</p>

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		The State will not prohibit or otherwise prevent the awarded vendor(s) from direct marketing to the State of Delaware agencies, departments, municipalities, and/or any other political subdivisions, however, the Vendor shall not use the State's seal or imply preference for the solution or goods provided.		
16	Appendix B – Scope of Work and Technical Requirements Section 11. Page 49	Paternity Testing Lawsuits	Please provide the timeframe that the vendor should provide this information for.	Within the past five (5) years
17	Appendix B – Scope of Work and Technical Requirements Section 12. R Cost and Terms #5 Page 51	The Contractor's agreement to charge only for the lower cost genetic test when that test excluded the putative father.	Please confirm that the vendor is allowed to bill the testing fee per person for excluded putative fathers?	Yes, a bidder is allowed to bill the testing fee per person for excluded putative fathers.
18	Appendix C HSS-18-003 Genetic Testing Laboratory Testing Sheet	DNA Testing Price Per Case	Would the State of Delaware consider setting up the pricing sheet in a per person cost, instead of per case? The current template does not allow for two-party cases such as Mother Not Tested cases.	Yes, a bidder may submit a per person cost and/or a two-party case cost.
19	Appendix C HSS-18-003 Genetic Testing Laboratory Testing Sheet	Interstate Paternity Case	Please clarify if this line item is meant for the testing and collection of interstate parties or for the collection cost of interstate parties.	Interstate Paternity Case costing is for collection and testing costs.
20	Appendix C HSS-18-003 Genetic Testing Laboratory Testing Sheet		If a vendor has additional services to offer, can the remaining lines within Appendix C be used to offer those services and pricing?	Yes. However, these services should be discrete and optional.
21	Section 10, Paragraph 1, Page 48 of RFP		How many times during the last year were the services of an expert witness required? During the last three years?	Expert witness testimony was not needed during the past three (3) years
22	General Question, no RFP reference		Can the vendor charge for partials, samples that have been collected but not tested, and if so, how many days after receipt/collection?	No. A determination of parentage or exclusion of parentage must be made before billing.

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23	Section Q, Item #2, Page 51 of RFP lists the collection volumes for each of the 3 Delaware counties.		Please provide the current collection schedule, including locations, frequency of collections, and scheduled times.	Collection Scheduling is as follows: <ul style="list-style-type: none"> • New Castle County Division of Child Support Services – Wednesday • New Castle County Family Court – Thursday • Kent County Division of Child Support Services – Thursday • Kent County Family Court – Wednesday and Thursday • Sussex County Division of Child Support Services – Monday and Wednesday • Sussex County Family Court – Tuesday and Thursday
24	General Question, no RFP reference		What is the anticipated start date of this contract?	July 1, 2018
25	Section C, Pages 17-18 of the RFP, both paragraphs	Please clarify the ACA Safe Harbor additional fee. On Page 13, the evaluation criteria for the proposal indicate that 10 points are weighted in the total score. However, the description on pages 17-18 of the RFP indicates the fee applies to those vendors that offer health care coverage. DNA testing laboratories that would supply services pursuant to this agreement are not health care coverage suppliers.	Why is this requirement in the RFP?	ACA Safe Harbor Additional Fee does not apply to this contract. As such, all bidders will be given the full 10 points.
26	Section C, Page 18 of the RFP, last sentence of the paragraph	Further to question #5, the RFP states that: "... the Additional Fee shall be separately scored in the proposal to ensure that neither prices charged nor the Additional Fee charged will have a detrimental effect when selecting vendor(s) for award."	This statement contradicts itself. If points will be awarded to a vendor that will include the additional Safe Harbor fee, how can it not be detrimental to a vendor that will not?	ACA Safe Harbor Additional Fee does not apply to this contract. As such, all bidders will be given the full 10 points.

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27	Criteria Weight Table, Page 13 of the RFP, Item #3		Please define the Inclusion Plan/Policy mentioned on Page 13 of the RFP.	Inclusion Plan/Policy is related to having a diverse workforce.
28	General Question, no RFP reference		Do any child support personnel perform specimen collections? If so, what percentage? If not, is the State interested in pursuing this option?	No. Neither Child Support nor Family Court personnel collect specimens for testing. The State is not interested in pursuing this option.
29	Appendix C, Page 53 of the RFP		Please provide the current price being paid by the State for each line item requested in the Pricing Sheet.	The State does not provide specific pricing. However, an annual 2017 spend is referenced in the RFP.
30	Appendix C, Page 53 of the RFP		In how many cases in 2017 were there "Additional Participants?"	We do not track that information.
31	Mandatory pre-bid conference in April.		Is it possible to attend the conference via telephone, or is a vendor's physical presence required?	We are requiring all interested bidders to attend the mandatory pre-bid conference in person. No alternative options will be provided.
32	In regards to the upcoming April 12 th Vendor meeting,		Can you tell me if this is remote or on-site?	We are requiring all interested bidders to attend the mandatory pre-bid conference in person. No alternative options will be provided.
33	Pre-Bid Meeting	Locations	Is there a specific site that each county has or do they just go where the appointment says, whether it is here or at an off-site location? Is it off-site?	Each county (New Castle, Kent and Sussex) has a specific location. Yes, it is off-site.
34	Pre-Bid Meeting	Billing	Is the cost chart for the collection and testing or just the collection cost?	The costs are for testing and collection
35	Pre-Bid Meeting	DNA testing pricing	Would the testing per case price be based per person using 3 participants?	Yes. Generally, testing would include an alleged father, mother, and child.

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			Additional testing needed would be on a per person basis?	Yes. Should another alleged father be named, testing for the subsequent party should be billed at a per person rate.
36	Pre-Bid Meeting	Number of proposals	The pricing, same number of copies as the technical proposal?	Yes. Provide six (6) paper copies of the Business and Technical sections of their proposal and four (4) electronic copies of the complete proposal with the Technical and Business submission clearly named.
37	Pre-Bid Meeting	Submission of the proposal	Are business and technical proposals scanned together?	No. Scan one PDF of business and another of technical proposal. The CD can contain both documents.
38	Pre-Bid Meeting	Providing supplemental information and/or material	Are you going to accept attachments and other kind of documents? How do you want this?	Yes. Supplemental information should be submitted as part of the Technical PDF or as brochures.
39	Pre-Bid Meeting	Business Proposal	Did you say how you wanted this?	The business proposal should be submitted in PDF. If there are caveats in the pricing, they should be noted with an explanation.
40	Pre-Bid Meeting	Exceptions	Are the exceptions considered in the evaluation?	Exceptions may be considered in the evaluation scoring if the exception significantly deviates from the original intent of the RFP, impacts expected service delivery or increases cost. Minor exceptions will not impact the scoring. Regardless of type of exception, the State does not want to receive an excessive amount.