



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET

September 30, 2016

TO: ALL OFFERORS

FROM: TOM CUCCIA
DIRECTOR OF OPERATIONS, DELAWARE DEPT OF JUSTICE

SUBJECT: **ADDENDUM TO REQUEST FOR PROPOSAL**
CONTRACT Number LGL 16101 – DNA_TEST

ADDENDUM #1

This Addendum is issued to answer vendor questions and provide greater contract detail regarding the referenced Request for Proposal.

DNA RFP Questions

- 1) How many items of evidence will be sent annually?
The number of items will vary by based on the number of cases presented to us. Historically the range has been between 28 to 65 case units with up to 5 tests per unit.
- 2) What types of evidentiary items will be sent from what types of crimes? Please explain in as much detail as possible.
Typically evidence samples are sent via a swab, but on occasion actual evidence in its existing form does get sent for various reasons. It can be in the form of shoes, clothing, and any item from the crime scene. However to restate, the typical sample is sent in a swab form.
- 3) How much is the contract per year?
No previous bids.....This is based on respondent's proposals.
- 4) Have you had a contract in the past? If so who was the vendor lab? How much evidence was submitted annually to them?
We have not had a contract previously
- 5) On page 40 Appendix B #1 – after January 2017 the vendor lab has to use the Powerplex Fusion 6C Kit with a 3500. Would they accept Powerplex Fusion 6C from a 3130 XL? Since the lab is currently proficient on a 3130xl now, they should be able to review data moving forward from a 3130xl even with a new kit online after reviewing the validation of a vendor lab.
That would be acceptable.

- 6) On page 41 #11 you state a maximum 6 week turnaround time.
 - a. Is this per case? **Yes**
 - b. How many cases will be submitted at once? **Unknown....depends on caseload at any given moment.**
 - c. How many items per case will be submitted? **Typically 5 but it depends on what is going on for the specific case.** Please explain in more detail if possible.
 - d. Would you be willing to accept a 60 day turnaround time? **No**
- 7) Rates – You asked for a price per DNA test. Will screening of evidence be required? Will you require a separate fee for that? We offer additional new technology that may benefit a case. Would you like us to include that pricing?
Include whatever you feel helps your bid.
- 8) Who is responsible for shipping charges?
The laboratory is responsible
- 9) What are the 3 primary objectives for this DNA testing?
 - a. **Accurate DNA testing for evidentiary purposes**
 - b. **Cost effectiveness**
 - c. **Ease of processing**
- 10) How many estimated tested will be required on a yearly basis?
The number of items will vary by based on the number of cases presented to us. Historically the range has been between 28 to 65 case units with up to 5 tests per unit.
- 11) Under what conditions will the test be requested to be performed?
See Scope of work
- 12) Will onsite collection be required? After-hours and Weekend?
No, all evidence will be collected by law enforcement agencies
- 13) Please provide an estimate of the number and kinds of cases that will be submitted per month or per year and the estimated number of samples in each case submitted?
 - a. **The number of items will vary by based on the number of cases presented to us. Historically, annually the range has been between 28 to 65 case units with up to 5 tests per unit.**
 - b. **Typically evidence samples are sent via a swab, but on occasion actual evidence in its existing form does get sent for various reasons. It can be in the form of shoes, clothing, and any item from the crime scene. However to restate, the typical sample is sent in a swab form.**
- 14) Will any of the cases be prescreened?
We will not prescreen any case.
- 15) Is the agency interested in per sample or per case pricing?
Per Case pricing.
- 16) Would the agency provide a template for Offerors to use in presenting their pricing?
Information on bid template is included in the bid, please refer to back to it for details.
- 17) Will QuantiFiler Trio kits be allowed in place of Plexor HY?
No.
- 18) Will there be any other testing other than STR analysis requested under this RFP? Y-STR? mtDNA? **Yes - Y-STR miniSTR and mtDNA**

- 19) This RFP is for laboratory services for the purpose of DNA analysis of samples for the State of Delaware Department of Justice. This RFP will assist the DDOJ and enhance its ability to have more timely forensic analysis of evidence. Also included is pricing for additional services such as court testimony and litigations packages.
- a. What is the expected annual volume of cases for this RFP?
The number of items will vary by based on the number of cases presented to us. Historically the range has been between 28 to 65 case units with up to 5 tests per unit.
 - b. What type of cases will be outsourced under this contract? Ex. Sexual Assault Backlog, active casework, Offender database etc.
The winning lab will be used for all types of cases requiring forensic analysis.
 - c. What are the expected contents of a Sexual Assault Kit? Ex. Avg. Number of swabs
Swabs, hair combings and pullings. Average number is unknown, will be based on cases.
 - d. Will there need to be a schedule of submissions/expected turnaround time for the backlog, or will the cases be submitted on a case by case basis with no commitment to volume? Case by case submission
 - e. Will cases be submitted through a single agency, or will submissions occur from multiple agencies?
Submissions will potentially be made through all law enforcement agencies in the state.
- 20) Quantification shall occur via real-time PCR using Plexor HY kits.
- a. Our laboratory currently does not employ the Plexor HY chemistry for quantification, but we do offer two other common quant kits. Will this be acceptable?
No.
- 21) Contract Laboratory will issue a signed Court Ready Report....”
- a. Will reporting be limited to one agency, or are multiple reports required?
Case by case basis. Submit pricing for both.
 - b. Is electronic reporting allowed or is reporting expected in paper formats?
Both are expected.
- 22) Cases requiring review by an NDIS laboratory for CODIS Upload”
- a. Is it expected that the State of Delaware will be the designated NDIS laboratory to be used for uploading into CODIS, for this work? Yes.
 - b. What percentages of the total cases are expected to be referred for consideration for CODIS uploading? Unknown, will be based on cases.

Section III.A
Paragraph 1
Page 1

Provide Delaware license(s) and/or certification(s) necessary to perform services as identified in the scope of work.

- 23) Are respondents required to have a State of Delaware Business license even if they will not be performing any services in Delaware?
Yes, all businesses doing business with the State of Delaware are required to have a State of Delaware business license.

Section IV.D.7
Paragraph f.1
Page 17

General Indemnification

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 claims, together with all costs, expenses for attorney's fees, arising out of the vendor's, its agents and employees' performance work or services in connection with the contract, regardless of whether such suits, actions, claims or liabilities are based upon acts or failures to act attributable, whole or part, to the State, its employees or agents.

- 24) The Indemnification terms state we will indemnify the State for all claims regardless of whether they are wholly at fault. Would it be acceptable to propose alternative language that states that we will indemnify them for all claims except for claims based solely on acts of the State?

No. We will not accept any other language.

Section IV.D.7
Paragraph w
Page 23

Drug Testing Requirements for Large Public Works

Pursuant to 29 Del.C. §6908(a)(6), effective as of January 1, 2016, OMB has established regulations that require Contractors and Subcontractors to implement a program of mandatory drug testing for Employees who work on Large Public Works Contracts funded all or in part with public funds. The regulations establish the mechanism, standards and requirements of a Mandatory Drug Testing Program that will be incorporated by reference into all Large Public Works Contracts awarded pursuant to 29 Del.C. §6962.

- 25) Please confirm that this would not be considered a Large Public Works Contract. **That is correct.**

Section Required Reporting
Paragraph 2
Page 28

A complete and accurate Usage Report (Attachment 7) shall be furnished in an **Excel format and submitted electronically**, no later than the 15th (or next business day after the 15th day) of each month, detailing the purchasing of all items on this contract.

- 26) Would a standard invoice be sufficient to address the monthly usage reporting requirement, assuming each submitted case is itemized with specific tests that were performed? **Yes.**

Section Required Reporting
Paragraph 3
Page 28

In accordance with Executive Order 44, the State of Delaware is committed to supporting its diverse business industry and population. The successful Vendor will be required to accurately report on the participation by Diversity Suppliers

- 27) Does the quarterly "Diversity Supplier report" pertain to all of our vendors or just designated sub-contractors under this contract? **Just the sub-contractors under this contract.**

Pricing Response Sheet

Line 20 – “DNA Testing (per test)”

- 28) Can vendors respond with additional line items that reflect different rates for different types of DNA testing? Ex. Different price for Y-STR vs. STR
Yes that would be acceptable.

Line 22 – “Testifying in legal proceedings”

- 29) Is it acceptable to have variable rates for testimony depending on the role of the individual? Ex. Technical Lead vs. Analyst
Yes that would be acceptable as long as it is clearly spelled out.
- 30) Could you please provide clarification as to the type and number of cases to be submitted on a monthly basis as well as the anticipated amount of samples per case needing testing?
a. **The number of items will vary by based on the number of cases presented to us. Historically, annually the range has been between 28 to 65 case units with up to 5 tests per unit.**
b. **The winning lab will be used for all types of cases requiring forensic analysis**
- 31) Would the State of Delaware Department of Justice be interested in pricing for Y-STR testing and serology only screening in addition to the STR pricing?
That would be acceptable. As long as it is in addition to.
- 32) Does the State of Delaware Department of Justice have a history of outsourcing cases? If so, with whom? **We have used various labs for outsourcing prior to this.**
- 33) Would the State of Delaware Department of Justice allow for the use of PowerQuant in place of Plexor HY for Quantification? **No.**
- 34) Samples are routinely uploaded to an in-house database in order to assure that samples have not been contaminated throughout the testing process. Would the State of Delaware Department of Justice allow for generated profiles be uploaded to an in-house database for this purpose? **Yes.**
- 35) Could you please clarify what documents could be required to be included in the Litigation packet? **Copy of chain of custody documents, copy of instrument printouts and all standards and controls run, a summarized result sheet that lists the tests performed, dates of testing, results from testing, underlying data, bench notes, photographs, authentication of analyses.**