First Judicial District of Pennsylvania's ("FJD")

Request for Proposal ("RFP")

For

Drug and DNA Specimen Collection Services

And

Drug Screening Tests Services

Both Dated February 28, 2014

VENDORS' QUESTIONS AND ANSWERS ("Q&A")

http://courts.phila.gov

Please be advised that the deadline for the above RFP has been extended to 3:00 p.m., Friday, April 4, 2014. All other terms and conditions of the RFP shall remain in full force and effect. Please visit the FJD's website at the above link for updates and/or documents related to this solicitation.

Q1. ***Will the FJD publish the previous successful vendors' proposals?***
No.

Q2. ***The RFP specifies that the samples will be collected by an independent vendor. Will the FJD consider a proposal that offers completely integrated services that include all services for Drug and DNA Specimen Collection and Drug Screening Tests (pg. 12, first paragraph)?***
Vendors must submit proposals that comply with all requirements/specifications presented within the RFP document. However, alternative solutions may be presented by way of a separate addendum from an organization's proposal for drug and DNA specimen collection services and/or drug screening tests services.

Q3. ***The RFP specifies the use of gas chromatography/mass spectrometry (GC/MS), a dated technology. May the laboratory use Liquid Chromatography – Double Mass Spectrometry (LC-MS/MS), a technology that is superior to GC/MS, is scientifically valid and forensically defensible, and allows for a broader range of testing (pg. 12, specifications for drug screening tests)?***
Yes.

Q4. ***For the specimens with an alcohol screen, does the FJD require an ethyl alcohol test that has a detection window of eight (8) to twelve (12) hours or an ETG alcohol test that has a detection window of up to eighty (80) hours? The ethyl alcohol test cost less and could be fulfilled via a breath alcohol test, while the ETG alcohol test cost more and can only be completed via a urine test (pg. 12, alcohol screens)?***
ETG is required.

Q5. ***The specifications require the laboratory to have the ability to conduct confirmation of EMIT system test results to be on their premises. May the laboratory use a nationaly certified laboratory to perform these tests when requested (pg. 12, specifications for drug screening tests)?***
No.

Q6. ***The RFP specifies the use of carbonless triplicate test request forms. Will the FJD consider the use of electronic paperless chain of custody forms that reduce check-in time, eliminate hand writing and human error issues common to paper forms, and provide the FJD with real-time donor and specimen tracking for every step in the collection and testing processes from the time a donor checks-in to the time a sample is destroyed (pg. 12, specifications for drug screening tests and pg. 13, #3, urine specimen collection steps)?***
Yes.

Q7. ***How frequently has the FJD required testimony at a court hearing regarding the testing laboratory's activities (pg. 13, specifications for drug screening tests)?***
Based on previous years, projections are less than five (5) in an annual period.

Q8. ***Are individuals assigned to test on a random basis or as directed by probation, sheriff, or court (pg. 13, part 1: specimen collection)?***
As directed by Probation Officers.

Q9. ***If individuals are assigned to test on a random basis, how are individuals notified of the need to test (pg. 13, part 1: specimen collection)?***
N/A.

Q10. ***Does the FJD have an interest in a vendor that can administer a random testing schedule and notification system in accordance with parameters specified by the FJD (pg. 13, part 1: specimen collection)?***
No.

Q11. ***How many incident reports were conducted in the previous year (pg. 13, #14, urine specimen collection steps)?***
Two (2).

Q12. ***What are the required data fields that need to be transferred to the Pennsylvania State Police (pg. 14, #4, DNA specimen collection steps)?***
Name, PP#, DOB, SS#, Date of Arrest, OTN#, SID#, FBI#, Docket#, Sex, Race, Height, Weight.

Q13. ***What does working with Probation and Sheriff Department Staff in assisting to take into custody offenders wanted by Law Enforcement entail (pg. 14, #8, DNA specimen collection steps)?***
The DNA collector is not involved in assisting any law enforcement entity with taking an offender into custody.

Q14. ***Who is/are the incumbent provider(s) of these products/services?***
The current vendors for drug testing services are (Phamatech Laboratories & Diagnostics of San Diego, California) and for drug and DNA specimen collection services (Compliance Oversight Solutions Ideal, LLC).

Q15. ***What does the FJD currently pay for the products/services described in this bid?***

It is not the policy of the FJD to release pricing information at this time. It is the FJD's preference that prospective vendors independently prepare their most competitive cost proposals in accordance with the terms, conditions, and specifications of the RFP.

Q16. ***What is the FJD's current percent positive rate?***
30%.

Q17. ***Will the FJD consider obtaining testing from a laboratory that holds a SAMHSA certificate and Pennsylvania DOH Clinical Lab Permit but would test FJD specimens according to CLIA guidelines? Both SAMHSA and CLIA certifications are provided through the Department of Health and Human Services (federal). However, SAMHSA is specifically intended to regulate federal employee testing. Moreover, SAMHSA only technically provides guidelines for the testing of specimens for 5 basic drug classes (Amphetamines/Methamphetamines/MDMA, Cocaine, THC, Opiates/6-MAM, and PCP), and only in urine. Any other drug (such as Benzodiazepines) or types of specimens (such as oral fluids) are not regulated under SAMHSA. Please refer to page xix of the APPA drug testing guidelines for support of both of these arguments.***
Yes.

Q18. ***Will the FJD allow for confirmation tests to be performed by LC/MS/MS instead of GC/MS for certain tests? LC/MS/MS is not mentioned in the APPA drug testing guidelines because it was not as commonly utilized until after the guidelines were published in 1991; however, now the LC/MS/MS confirmation methodology is considered to be industry standard. Moreover, on page 59 of the APPA Guidelines, they state that "there could be cases where the confirmation of a specific drug may be more thoroughly analyzed by using a methodology other than GC/MS." LC/MS/MS confirmation method is more sensitive and specific than GC/MS, and increases compound identification specificity through the use of two mass spectrometers, versus a single one for GC/MS methods. In Volume 73, No. 228, page 71868 of the Federal Register, the Department of Health & Human Services indicates that LC/MS/MS methodologies have proven to be reliable to test specimens, and produce forensically and scientifically supportable results. LC/MS/MS results have proven to be defensible in courts of law across the country. Please advise as to whether this method would be accepted by the FJD.***
Yes.

Q19. ***EMIT is a trade name for one particular vendor's assay. Please confirm that the FJD will consider companies providing enzyme immunoassay (EIA) screening and not specifically EMIT assay screening. Please see page xvi of the APPA drug testing guidelines for confirmation that enzyme immunoassay (and not specifically EMIT) is the desired methodology for screening.***
Yes.

Q20. ***We seek clarification regarding why <u>double</u>-EMIT (or double-EIA) methodology is necessary. A double EMIT/EIA tests a specimen twice using the same methodology and is not a typical practice under SAMHSA guidelines. As indicated in the APPA guidelines on page 22, "an admission from the offender after confrontation with a positive test result ... simplifies the process; unconfirmed positive results may be used to confront an offender." As such, a single EIA test should do for the screen. Thereafter, the FPD could utilize GC/MS (or LC/MS/MS) in the event of a denial of use or for evidentiary purposes. GC/MS (and LC/MS/MS) confirmations are legally defensible, and the FJD has already indicated interest in this type of confirmation upon request. Would the FJD consider a single EIA methodology test for the screen, with GC/MS (or LC/MS/MS) confirmations available upon request for court purposes? This would save time, money, and resources. Please advise.***
Double Emit is required.

Q21. ***The FJD has indicated that all samples should be retained for 30 days and all positives for 60 days (p. 15). Will the FJD consider storage of specimens for 2 days for negative specimens and for 6 months for positive specimens?***
Yes.

Q22. ***On page 15-16, the FJD indicates that drug screen results will be reported within 48 hours of pickup. However, the APPA drug testing guidelines indicate that standard turn-around time should be 72 hours or less from time the specimen reaches the laboratory. Standard industry practice is 24 hours from arrival at laboratory for the reporting of negative specimens (or positive specimens that do not require confirmation), and up to 72 hours from time the specimen reaches the laboratory for any positive specimens requiring confirmation or any specialty tests. Will the FJD accept this turnaround time frame?***
Yes.

Q23. ***On page 58, APPA Guidelines indicate that, when necessary, witnesses must be available by the laboratory without expense to the agency, to prove that the proper chain of custody procedures were followed. Will the FJD accept free affidavits, litigation packages, and web or phone testimony with fees applied only for in-person appearance and travel expenses?***
No.

Q24. ***Does the FJD have interest in vendors providing pricing for additional tests, such as synthetic cannabinoids (K2/Spice), alcohol metabolite (EtG), designer stimulants (Bath Salts), etc.?***
No.

Q25. ***Regarding section Z, sentence 3, will you also allow Completed Operations Liability insurance to be written on a "claims-made" basis?"***
It is the FJD's policy to require vendors to use the occurrence method.

Q26. ***Our insurers will only provide notice of a change or cancellation in coverage to the primary insured. Will you allow the vendor to assume this notification responsibility in lieu of the insurer?***
The FJD, its officers, employees, and agents, shall be named as additional insureds on the General Liability Insurance policy.

Q27. ***For clarification of terms (regarding the end of the paragraph on page 8), would the FJD affirm that primary and non-contributory endorsement applies to General Liability and Auto Liability only?***
No, the FJD will be primary to any coverage available as stated in the RFP.

Q28. ***For laboratories that are part of a larger corporation, the deductible for their insurance policy may be larger than $10,000 (section 4.i). Would the FJD be able to compromise on this clause as long as the vendor can demonstrate financial viability?***
No, not at this time.

Q29. ***In section 4.ii, would the FJD be willing to delete the phrase "including liability assumed under contract?" Professional Liability policy only covers liability of the vendor caused by our own operations. It does not permit us to assume liability for someone else's operations.***
No, not at this time.

Q30. ***Our insurer strongly advises against providing copies of our policies as they contain much confidential information which the company would not want to disclose unless required by law. Would the FJD be willing to delete this requirement or negotiate the terms of its release in more detail during the award process?***

No, the FJD will not delete this requirement. However, the standard FJD practice is to collect the Certificate of Liability Insurance from the vendor rather than copies of the vendor's policies.

Q31. ***Could you please clarify what the "Pennsylvania Endorsement" is as referenced in section 1.iii on page 9? Our insurers are not familiar with this.***

This language confirms that the selected vendor who is contracting with the FJD, if not domiciled in Pennsylvania, has endorsed its Workers Compensation policy to include Pennsylvania as a covered state.

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