First Judicial District of Pennsylvania's Request for Proposal(s)
For
Drug and DNA Specimen Collection Services
And
Drug Screening Tests Services
Both Dated October 11, 2018

VENDORS' QUESTIONS AND ANSWERS
(COMBINED FOR BOTH ABOVE PROJECTS)
http://courts.phila.gov

PLEASE BE ADVISED THAT THE DEADLINE FOR THE ABOVE REFERENCED RFP HAS BEEN EXTENDED TO DECEMBER 13, 2018, BY 3:00 P.M.

EXCEPT THOSE MODIFICATIONS STATED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE RFP REMAIN IN FULL FORCE AND EFFECT.

Q1. ***Will the FJD accept a vendor that has CAP-FDT accreditation?***
We will consider it.

Q2. ***Can the FJD please provide the positivity rate (%) and/or the approximate annual or monthly number of drug confirmations performed?***
33% positive.

Q3. ***Can the FJD please provide the average monthly number of oral fluid specimens, positivity rate and number of confirmations?***
38% positive.

Q4. ***Who is the current provider of the services?***
The current vendor for drug testing services is Redwood Toxicology Laboratory (now Abbott) of California and Compliance Oversight Solutions Ideal, LLC, of Pennsylvania for drug and DNA specimen collection services.

Q5. ***What are the prices currently being paid for the services?***
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.

Q6. ***Is the current contract available to view? If so, what is the RFP number?***
Notwithstanding availability via Rule 509 requests per the FJD's website at http://courts.phila.gov, see response to Q6 above.

Q7. ***How many sites does the testing laboratory need to ship the supplies to?***
All samples will be shipped to/from 1401 Arch Street, Philadelphia, PA. This will change to 714 Market Street, Philadelphia, PA in 2019.

Q8. ***What is the effective date of the contract for selected vendor?***
Subsequent to bid closing, all bids are evaluated by a Selection Committee comprised of authorized representatives of the FJD. Pending approval of the Committee's recommendation by the Administrative Authority and after a successful negotiation process, contract execution is anticipated as soon as possible.

Q9. ***What is the average number of oral fluid samples annually?***
15,000

Q10. ***Who is the current vendor?***
Please refer to Q5 above.

Q11. ***Will you provide the bidders with the copy of the current contract?***
Please refer to Q7 above.

Q12. ***What are the current prices for the panels/tests listed in the RFP?***
Please refer to Q6 above.

Q13. ***What is the historic positivity rate?***
Please refer to Q2 above.

Q14. ***Do you accept FedEx to transport specimens from the collection sites to the laboratory?***
Yes, if regular pick up time is scheduled after 4:30 pm.

Q15. ***How many sites does the testing laboratory needs to pick up the samples from? Please provide the names and the addresses of the pickup locations.***
Please refer to Q8 above.

Q16. ***Purpose. Ref Pg 1/para 1 of RFP. States that a separate vendor will handle independent drug testing services…..***

- ***Will there be a separate RFP for independent drug testing?***
  Concurrent to this RFP, the supplemental RFP for Drug Screening Test Services was posted on October 11, 2018.

- ***Who is the current vendor in place that is providing the drug and DNA collection services?***
  Please refer to Q5 above.

- ***Who is the current vendor in place that is providing independent drug testing?***
  Please refer to Q5 above.

- ***If the purpose of this RFP is to "only" do collections of specimens, why does Pg 11 of RFP Sec B. bullet 2 require the vendor to have a SAMSHA approved License and the ability to conduct GC/MS on their premises?***
  Not required for collectors.

  Please clarify this criteria in detail because it appears to be included in your RFP to specifically eliminate vendors like ARCPOINT Labs who specialize in Drug and DNA specimen collection services but are not necessarily equipped with GC/MS individual testing. This also conflicts with your requirement for work plan on pg.10 where a work

plan is required for testing of samples. Is that work plan for testing meant to be by GC/MS methods or Instant Test method?
Not required for collectors.

Q17. ***Information required from vendors …Pg 10 bullet C. Personnel***

- ***Based on the guidance provided for approximate number of collections that may have to be performed every month (6800 urine and 115 DNA specimens), the operation would have to be sufficiently staffed with male and female collectors; what is the current level of staffing with respect to males and females?***
  It is the vendor's responsibility to determine the amount of staff needed in regards to the problem indicated in the RFP.

- ***Is the vendor expected to have all the male and female collection staff on their pay roll presently?***
  No, but they must in place on the effective start date of the contract.

- ***Is the vendor allowed to hire additional staff specifically to support this work if they are assigned this RFP?***
  If this means additional staff for collections, yes needed to comply with the contract. If this means additional administrative staff, this will not be an FJD expense.

- ***What number (minimally) of collection staff is the vendor expected show or provide detail information for in this RFP?***
  See Q18, bullet point 1

- ***Is the managerial staff of the vendor expected to be located on your collection site full time?***
  No.

Q18. ***Pricing Form ..pg 15***

- ***Just to clarify, is the expectation to provide the salary for each technician, and supervisor/week?***
  Yes.

- ***Just to clarify, is there any specific method that you can specify for the cost for "on-site" screening?***
  No.

- ***Is the technician expected / responsible for handling any documentation etc. that may be necessary following a "non-positive" result?***
  No.

Q19. ***Other Miscellaneous questions….***

- ***Is this work being conducted internally today or is it outsourced?***
  Outsourced.

- ***What programs are requiring these collections – Drug Court? - Intermediate Punishment? - Pre-Trial Services – Social Services - Other? Please provide details.***
  Adult Probation & Parole, PreTrial Services, & Treatment Court.

- ***Are the urine collections POCT / Instant tests?***

No.

- ***Are saliva collections conducted only when a participant has shy bladder?***
  No. Only when medically necessary and documentation is provided.
- ***If yes, are all the urines/orals packaged for lab testing or just the non-negatives?***
  N/A

- ***How are test results reported to the Parole Officers and individuals providing oversight to the program?***
  Electronically through our department case management system.

- ***What are the normal hours for collection at Arch Street***?
  8:30 am – 5:00 pm

- ***How are the participants notified that they are required to come in for testing?***
  By the Probation Officer or Case Manager.

- ***Do you have a random computer system and call-in number for your program?***
  Yes, but not currently in use.

- ***Would you like us to provide the random system, call-in number, and automated reporting in our submission?***
  No.

- ***In the DNA section, you call out that our employees will be required to work with Probation and Sheriff Staff in assisting to take into custody offenders wanted by Law Enforcement after criminal history checks are completed. Can you explain further exactly what this entails?***
  The DNA collector is not involved in assisting any law enforcement entity with taking an offender into custody.

Q20. ***In order to understand the workflow, can I be allowed to come by (before Nov 14th to see the current operation in action?***
No.

Q21. ***In the past 12 months, how many court hearings has FJD requested laboratory staff to attend?***
2 - 4

Q22. ***Will FJD need Medical Review Officer (MRO) review on any GCMS confirmation reports from lab?***
No.

Q23. ***Among the approx 6800 specimens a month, how many are oral fluid test?***
1300

Q24. ***Will vendor be responsible for suppling oral fluid collection kits?***
The testing vendor will have this responsibility

Q25. ***Are there any bond requirements on this RFP?***
A surety will not be required at this time; however, the FJD reserves the right to require a surety at a later time.

Q26. ***Who is the current vendor for these services?***
Please refer to Q5 above.

Q27. ***Can FJD provide an image of the current test request form?***
No. Proprietary to current vendor.

Q28. ***Is a registered agent required in the state of Pennsylvania?***
Yes, please refer to Provision K, Paragraph 2.

Q29. ***Who is the current vendor being utilized for this service?***
Please refer to Q5 above.

Q30. ***What is the current cost of the 6 panel EMIT test?***
Please refer to Q6 above.

Q31. ***Please clarify, are presumptive positive results to be automatically sent to GC/MS or LC/MS after the second EMIT screen?***
No.

Q32. ***Page 2 section D1 indicates the agency must be authorized to do business in Pennsylvania, will agencies who apply and their application is still pending be considered if application is approved prior to award?***
Yes

Q33. ***On page 10 Section II A., the state requires terms of understanding of the problem and the service required. Can you please elaborate on what is required?***
No.

Q34. ***On page 12, Attachment 1 Part 1, you state that all drugs should be subject to Automated Multi Channel analysis, please define this method.***
No.

Q35. ***Are GC/MS or LC/MS reports to include a qualitative or a quantitative result on Urine samples?***
Both.

Q36. ***Will additional drugs be added to the panel or requested on a non-routine basis?***
Occasionally.

Q37. ***On page 13, you mention a sample volume of 6800 per month. Can you indicate if the majority of these samples will be urine or saliva?***
Urine.

Q38. ***On page 13, you list that a fixed format text file is required. Does PDF meet this requirement?***
No.

Q39. ***SAMHSA is utilized for DOT regulated analysis. In the case of Pennsylvania, are offenders being collected or staff members?***
Both.

Q40. ***Will you accept CLIA, which is also a certification under the Department of Health and Human Services, if these are samples collected from offenders?***
Yes.

Q41. ***How many locations will be sending and receiving supplies?***
Please refer to Q8 above.

Q42. ***Is a surety required for this proposal?***
Please refer to Q26 above.

Q43. ***Please confirm that all testing is for forensic purposes (as opposed to clinical).***
Forensic only.

Q44. ***Please confirm that no billing to third party payers (such as Medicaid) will be required--i.e. all payment to the vendor will come from the FJD.***
Confirmed.

Q45. ***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. SAMHSA regulations require review of all positives by a Medical Review Officer (MRO) and automatic confirmation of all positives by GC-MS or LC-MS/MS, both of which result in additional time and expense. Please advise as to whether the FJD would accept CLIA processing of specimens.***
Yes.

Q46. ***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.

Q47. ***Would the FJD consider moving from a double EMIT/EIA process to a single EMIT/EIA process? 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 seems to be acceptable. 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.
No.

Q48. ***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, not at this time.

Q49. ***Does the FJD have interest in vendors providing pricing for additional tests, such as synthetic cannabinoids (K2/Spice), fentanyl, designer stimulants, etc.?***
Yes.

Q50. ***Is the oral fluid testing to be performed on oral fluid rapid test devices or to be collected by a collection device (such as a Quantisal collector) and sent to a laboratory for testing?***
Collection device and sent to lab for testing.

Q51. ***Please confirm that the alcohol needed upon request is Ethyl Glucuronide.***
Yes.

Q52. ***Regarding supplies, would the FJD consider a wide-mouth beaker with temp strip and flip-top containers for collections?***
Yes.

Q53. ***The RFP specifies the use of carbonless triplicate test request forms. Would 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 donor and specimen tracking for every step in the collection and testing process? This would also allow for a scanned copy to be kept and made available to the FJD alongside their results.***
Yes.

Q54. ***How many staff members are used currently to conduct drug and DNA testing?***
Please refer to Q18 above.

Q55. ***Can you please post instructions on DNA testing?***
See RFP Page 14.

Q56. ***What is the cost per test FJD is currently paying?***
Please refer to Q6 above.

Q57. ***Who is the incumbent provider of these services?***
Please refer to Q5 above.

Q58. ***Page 1, paragraph A states: "The samples taken will be subject to independent testing not included in this RFP". Page 11, Paragraph B, #2 states: "The vendor must also have a SAMHSA approved license, the ability to conduct GC/MS on their premises, and perform EMIT and GC/MS on oral drug devices." May we assume that this item on Page 11 was inadvertently included in this bid and meant for the laboratory analysis bid?***
Yes.

Q59. ***Regarding section Z. Insurance, our general liability insurance is written on a claims made basis. Is this acceptable to the County?***
No. Refer to Provision Z.

Q60. ***Regarding section Z. Insurance, please note that our insurers will not provide notice of cancellation to anyone but the primary insured. Will the County allow the vendor to be responsible for this cancellation notice instead?***
No, as stated in Provision Z, the FJD, its officers, employees, and agents, must be listed as additional insureds on the selected vendor's applicable policy documents.

Q61. ***Regarding section Z.1.iii, could the County please provide a copy of the Pennsylvania Endorsement that is required?***
Please confer with your insurance agency referencing the stated requirements of Provision Z.

Q62. ***Regarding section Z.2.ii, the employee exclusion cannot be deleted from Personal and Advertising Injury. Is this acceptable to the County?***
No.

Q63. ***Also regarding section Z.2.iii, Broad Form Property Damage is an obsolete form and not included on our policy. Would the County consider removing this requirement from the specifications?***
No, not at this time.

Q64. ***Regarding section Z.4.i, our deductible exceeds $10,000. As large, publicly-traded companies have financial strength to assume large deductibles, would the County consider removing this specification if the vendor provides access to financial statements proving this strength?***
No, not at this time.

Q65. ***Who currently provides the FJD Drug Testing lab services and collection services?***
Please refer to Q5 above.

Q66. ***What are the costs per sample that FJD currently pays for urine and oral fluid?***
Please refer to Q6 above.

Q67. ***How much does FJD currently pay for collection services?***
Please refer to Q6 above.

Q68. ***Could FJD please provide the current contract(s)?***
Please refer to Q7 above.

Q69. ***How is the random selection process conducted currently?***

Probation Officers & Case Managers determine when an offender is to be tested.

Q70. ***How are clients notified of the need to test currently?***
By the PO or Case Manager.

Q71. ***Does FJD send all presumptive positives for confirmation?***
No.

Q72. ***What is the cost FJD currently pay for confirmations?***
Please refer to Q6 above.

Q73. ***What is FJD's positive rate?***
33% urine; 38% oral.

Q74. ***What is FJD's historic average number of expert testimonies per year?***
2-4/year.

Q75. ***Does FJD plan to conduct vendor interviews after bids are submitted, prior to award notification?***
No.

Q76. ***Can we combine lab & collection services pricing into one price?***
No.

Q77. ***Are you requesting EtG testing for identified specimens or ethanol alcohol? What price does FJD currently pay for alcohol testing?***
ETG. See Q6.

Q78. ***Will Loryx Systems, Inc. work with awarded vendor to create a bi-directional interface?***
No.

Q79. ***In reference to page 13 on the collections bid document, is the offsite location of the collections bid the vendor owned location or a county owned location?***
County.

Q80. ***Does FJD accept or require CAP-FDT accreditation in lieu of SAMSHA? The College of American Pathologists Forensic Drug Testing (CAP-FDT) accreditation, establishes scientific, technical and legal standards for laboratories serving justice involved clients to ensure the protection of individual rights and legal defensibility. CAP-FDT specifications, include: i) rigorous chain-of-custody for the collection, testing, and storage of specimens; ii) strict laboratory security with restricted laboratory access and locked specimen storage; iii) precise requirements for quality assurance; iv) performance testing specifications applicable to all specimens and tests; and v) specific educational requirements for laboratory personnel to ensure credibility as forensic drug testing experts.***
Please refer to Q1 above.

~ End ~