



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER
EHS11080

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
ROBERTA WAGNER 304-558-0067

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Charlotte-Mecklenburg Utilities-  
 Laboratory Services  
 Attn: Emily Ryback  
 4222 Westmont Drive  
 Charlotte, NC 28217

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HEALTH AND HUMAN RESOURCES  
 EPH ENVIRO HLTH SERVICES  
 350 CAPITOL STREET, ROOM 313  
 CHARLESTON, WV  
 25301-1757 304-558-8582

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
11/10/2010				

BID OPENING DATE: 12/08/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
001	600	EA	962-22			
<p>TO PROVIDE CRYPTOSPORIDIUM TESTING</p> <p>REQUEST FOR QUOTATION</p> <p>TO PROVIDE ASSISTANCE TO WATER SYSTEMS WITH THE FIRST ROUND OF CRYPTOSPORIDIUM TESTING TO IMPROVE TECHNICAL CAPABILITIES, PER THE ATTACHED SPECIFICATIONS.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AWARD..... AND EXTENDS UNTIL MARCH 2012 OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p>						

RECEIVED  
 2010 DEC -3 AM 10:36  
 W. W. ELLISON

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TITLE	FEIN	DATE
	Laboratory Manager	521333483	12/2/2010
TELEPHONE	ADDRESS CHANGES TO BE NOTED ABOVE		
704-336-3684			

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

**GENERAL TERMS & CONDITIONS**  
**REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
  2. The State may accept or reject in part, or in whole, any bid.
  3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
  4. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
  5. Payment may only be made after the delivery and acceptance of goods or services.
  6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
  7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
  8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
  9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
  10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
  11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
  12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
  13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at [www.state.wv.us/admin/purchase/vrc/hipaa.htm](http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
  14. **CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
  15. **LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, and the West Virginia Insurance Commission. The vendor must provide all necessary releases to obtain information to enable the director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
  16. **ANTITRUST:** In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.
- I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
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EHS11080

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ADDRESS CORRESPONDENCE TO ATTENTION OF
ROBERTA WAGNER 304-558-0067

VENDOR

RFQ COPY

TYPE NAME/ADDRESS HERE

Charlotte-Mecklenburg Utilities-  
 Laboratory Services  
 Attn: Emily Ryback  
 4222 Westmont Drive  
 Charlotte, NC 28217

VENDOR

HEALTH AND HUMAN RESOURCES  
 WPH ENVIRO HLTH SERVICES  
 1350 CAPITOL STREET, ROOM 313  
 CHARLESTON, WV  
 25301-1757 304-558-8582

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
11/10/2010				

BID OPENING DATE: 12/08/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE 704-336-3684	DATE 12/2/2010
TITLE Laboratory Manager FEIN 521333483	ADDRESS CHANGES TO BE NOTED ABOVE	

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
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# Request for Quotation

RFQ NUMBER:  
**EHS11080**

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ADDRESS CORRESPONDENCE TO ATTENTION OF:  
**ROBERTA WAGNER**  
**304-558-0067**

VENDOR

RFQ COPY

TYPE NAME/ADDRESS HERE

Charlotte-Mecklenburg Utilities-  
 Laboratory Services  
 Attn: Emily Ryback  
 4222 Westmont Drive  
 Charlotte, NC 28217

SHIP TO

HEALTH AND HUMAN RESOURCES  
 BPH ENVIRO HLTH SERVICES  
 350 CAPITOL STREET, ROOM 313  
 CHARLESTON, WV  
 25301-1757 304-558-8582

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
11/10/2010				

BID OPENING DATE: **12/08/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>REV. 05/26/2009</p> <p>INQUIRIES:            WRITTEN QUESTIONS SHALL BE ACCEPTED THROUGH CLOSE OF BUSINESS ON 11/22/2010. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER OR E-MAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, E-MAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRIES TO:</p> <p>ROBERTA WAGNER            DEPARTMENT OF ADMINISTRATION            PURCHASING DIVISION            2019 WASHINGTON STREET, EAST            CHARLESTON, WV 25311</p> <p>FAX: 304-558-4115            E-MAIL: ROBERTA.A.WAGNER@WV.GOV</p> <p>EXHIBIT 4</p> <p>LOCAL GOVERNMENT BODIES UNLESS THE VENDOR INDICATES IN THE BID HIS REFUSAL TO EXTEND THE PRICES, TERMS, ALL CONDITIONS OF THE BID TO COUNTY, SCHOOL, MUNICIPAL AND OTHER LOCAL GOVERNMENT BODIES, THE BID SHALL EXTEND TO POLITICAL SUBDIVISIONS OF THE STATE OF WEST VIRGINIA. IF THE VENDOR DOES NOT WISH TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO ALL POLITICAL SUBDIVISIONS OF THE STATE, THE VENDOR MUST CLEARLY INDICATE SUCH REFUSAL IN HIS BID. SUCH REFUSA</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 704-330-3684	DATE 12/2/2010
TITLE Laboratory Manager	FEIN 521333483	ADDRESS CHANGES TO BE NOTED ABOVE

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State of West Virginia  
 Department of Administration  
 Purchasing Division  
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# Request for Quotation

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 EHS11080

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ADDRESS CORRESPONDENCE TO ATTENTION OF  
 ROBERTA WAGNER  
 304-558-0067

RFQ COPY

TYPE NAME/ADDRESS HERE

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Charlotte-Mecklenburg Utilities-  
 Laboratory Services  
 Attn: Emily Ryback  
 4222 Westmont Drive  
 Charlotte, NC 28217

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HEALTH AND HUMAN RESOURCES  
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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY MANNER.</p> <p>REV. 3/88            PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY AS A CONDITION OF AWARD.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>THIS TEAM EXHIBIT HAS BEEN REPLACED BY THE ONLINE VERSION WHICH IS AVAILABLE HERE:  <a href="http://www.state.wv.us/admin/purchase/vrc/venpref.pdf">HTTP://WWW.STATE.WV.US/ADMIN/PURCHASE/VRC/VENPREF.PDF</a></p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION            PURCHASING DIVISION            BUILDING 15            2019 WASHINGTON STREET, EAST            CHARLESTON, WV 25305-0130</p> <p>PLEASE NOTE: A CONVENIENCE COPY WOULD BE APPRECIATED.</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE 704-336-3684	DATE 12/2/2010
TITLE Laboratory Manager	FEIN 521333483	ADDRESS CHANGES TO BE NOTED ABOVE

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 EHS11080

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ADDRESS CORRESPONDENCE TO ATTENTION OF:  
 ROBERTA WAGNER  
 304-558-0067

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
 VENDOR  
 Charlotte-Mecklenburg Utilities-  
 Laboratory Services  
 Attn: Emily Ryback  
 4222 Westmont Drive  
 Charlotte, NC 28217

HEALTH AND HUMAN RESOURCES  
 WASH  
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 1350 CAPITOL STREET, ROOM 313  
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BID OPENING DATE: 12/08/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
BUYER:-----RW/FILE 22-----						
RFQ. NO.:-----EHS11080-----						
BID OPENING DATE:-----12/8/2010-----						
BID OPENING TIME:-----1:30 PM-----						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
-----704-632-8404-----						
CONTACT PERSON (PLEASE PRINT CLEARLY):						
-----Emily Ryback-----						
***** THIS IS THE END OF RFQ EHS11080 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *[Signature]* TELEPHONE 704-336-3684 DATE 12/2/2010

TITLE Laboratory Manager FEIN 521333483 ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

### **SPECIFICATIONS**

The State of West Virginia, Department of Health and Human Resources (DHHR), Bureau for Public Health (BPH), Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED) is seeking vendor quotations for conducting Cryptosporidium testing in compliance with Environmental Protection Agency (EPA) standards as required pursuant to the Long Term 2 (LT2) Rule. EPA is allowing set-aside funds to be used for the first round of Cryptosporidium testing and all testing must be completed by March 2012. The successful certified lab (s) will receive reimbursement for each Cryptosporidium test (including shipping costs and anything incidental for the provision of the tests) conducted on a qualified system. An award will be made up to the top ten (10) vendors with the lowest bids. Water systems will be notified of the programs as soon as it is approved by letter, telephone, or direct contact. Information regarding the LT2 Rule can be obtained at the following link: <http://water.epa.gov/lawsregs/rulesregs/sdwa/lt2/index.cfm>

### **OEHS OBJECTIVE:**

The Safe Drinking Water Act Amendments of 1996 (the Amendments) adopted significant changes in the Safe Drinking Water Act (SDWA). Of particular importance here, the Amendments require States to adopt and implement programs to ensure water systems have the capability to comply with existing and anticipated drinking water regulations. These new provisions, known as Capacity Development, mark the first time the Federal government has explicitly required States to take actions to ensure water systems will have the financial, technical and managerial resources required to provide safe and reliable water service to the public. Essentially, this capacity or capability will help assure better infrastructure stewardship.

### **VENDOR REQUIREMENTS:**

Vendor agrees to meet all requirements stated below:

- Vendor (s) shall be a lab approved by EPA to perform Cryptosporidium testing in compliance with EPA standards using EPA Method 1622 and/or EPA Method 1623, these methods can be found via the application process for the lab from EPA standards and provide results to water system via e-mail or mail, which is required to supply test results to OEHS. Once the invoice is received from the lab it will be compared to information on file for the water system to verify that the test was conducted in order to process payment.

### **OEHS' CONTRIBUTION TO THE CONTRACT:**

1. Provide the vendor (s) with a list of Community Water Systems, including Public Water System Identification number (PWSID), that the Vendor (s) is eligible to conduct the Cryptosporidium testing for and receive payment directly from the Bureau for Public Health.

**SCOPE OF WORK:**

When awarded:

Deliverable 1: Shall perform Cryptosporidium testing per EPA standards and provide results to water system within three (3) weeks. Results will be provided to the water system via e-mail or mail.

**VENDOR REGISTRATION:**

Vendor must be in good standing with the West Virginia Bureau for Employment Programs and be registered with the State of West Virginia, Division of Purchasing before a purchase order can be issued.

**LICENSE REQUIREMENTS:**

- Shall be in Workers Compensation compliance.
- Laboratories must be listed on the "EPA Laboratories Approved for the Analysis of Cryptosporidium Under the Safe Drinking Water Act" as detailed at the following link:

[http://www.epa.gov/ogwdw/disinfection/lt2/pdfs/labs\\_approval/list\\_lt2\\_approvedlabs.pdf](http://www.epa.gov/ogwdw/disinfection/lt2/pdfs/labs_approval/list_lt2_approvedlabs.pdf)

**INVOICES:**

Vendor shall invoice OEHS monthly in arrears for Cryptosporidium testing conducted on qualified water systems during the previous month. Invoices may not be submitted more than once monthly. Invoices must include the date of the test, the name and PWSID No. for the water system, the cost of the test (including shipping costs). Where applicable, pass through invoices for freight are required for reimbursement. All testing shall be completed by March 2012 and invoices for testing conducted after that date will not be eligible for payment.



**COST SHEET FOR EHS11080**

<u>Item #</u>	<u>Apprx. Annual Usage</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL COST</u>
	<u>QUANTITY</u>			
1	600 EA	SHALL PERFORM CRYPTOSPORIDIUM TESTING PER EPA STANDARDS AND PROVIDE RESULTS TO WATER SYSTEM WITHIN THREE (3) WEEKS . RESULTS WILL BE PROVIDED TO THE WATER SYSTEM VIA E-MAIL OR MAIL, WHICH IS REQUIRED TO SUPPLY TEST RESULTS TO OEHS. ONCE THE INVOICE IS RECEIVED FROM THE LAB IT WILL BE COMPARED TO INFORMATION ON FILE FOR THE WATER SYSTEM TO VERIFY THAT THE TEST WAS CONDUCTED IN ORDER TO PROCESS PAYMENT		
		<b>TOTAL COST</b>		

Award will be made up to the ten (10) vendor (s) with the lowest overall cost who meets specifications. Vendor shall submit to OEHS an original itemized invoice monthly in the arrears for each month. Payment will be to EHS and made in arrears after receipt of each completed order. Orders will be placed on an as needed basis.

RFQ No. EHS11080

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**West Virginia Code §5A-3-10a states:** No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

**DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

Under penalty of law for false swearing (*West Virginia Code §61-5-3*), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

**WITNESS THE FOLLOWING SIGNATURE**

Vendor's Name: Charlotte-Mecklenburg Utilities

Authorized Signature: [Signature] Date: 12/2/2010

State of North Carolina

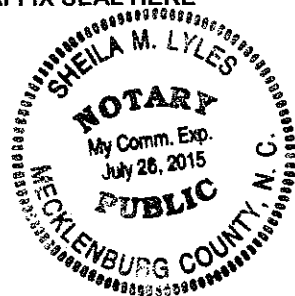
County of Mecklenburg, to-wit:

Taken, subscribed, and sworn to before me this 2<sup>nd</sup> day of December, 2010.

My Commission expires July 26<sup>th</sup>, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC Sheila M. Lyles



# State of West Virginia VENDOR PREFERENCE CERTIFICATE


Certification and application\* is hereby made for Preference in accordance with *West Virginia Code*, §5A-3-37. (Does not apply to construction contracts). *West Virginia Code*, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the *West Virginia Code*. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

- 1. **Application is made for 2.5% resident vendor preference for the reason checked:**  
 Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,  
 Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,  
 Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,
- 2. **Application is made for 2.5% resident vendor preference for the reason checked:**  
 Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
- 3. **Application is made for 2.5% resident vendor preference for the reason checked:**  
 Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
- 4. **Application is made for 5% resident vendor preference for the reason checked:**  
 Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
- 5. **Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:**  
 Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
- 6. **Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:**  
 Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Under penalty of law for false swearing (*West Virginia Code*, §61-5-3), Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: Charlotte-Mecklenburg Utilities      Signed:   
Date: 12/2/2010      Title: Laboratory Manager

\*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER  
**EHS11080**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
 ROBERTA WAGNER  
 304-558-0067

VENDOR

Charlotte-Mecklenburg Utilities-Laboratory Services  
 4222 Westmont Drive  
 Charlotte, NC 28217

SHIP TO

HEALTH AND HUMAN RESOURCES  
 BPH ENVIRO HLTH SERVICES  
 350 CAPITOL STREET, ROOM 313  
 CHARLESTON, WV  
 25301-1757 304-558-8582

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
11/23/2010				

BID OPENING DATE: **12/08/2010** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
1. QUESTIONS AND ANSWERS ARE ATTACHED. 2. ADDENDUM ACKNOWLEDGEMENT IS ATTACHED. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID.						
EXHIBIT 10						
REQUISITION NO.: EHS11080						
ADDENDUM ACKNOWLEDGEMENT						
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.						
ADDENDUM NO.'S:						
NO. 1 .....						
NO. 2 .....						
NO. 3 .....						
NO. 4 .....						
NO. 5 .....						
I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE <b>704-336-3684</b>	DATE <b>12/2/2010</b>
TITLE <b>Laboratory Manager</b>	FEIN <b>521333483</b>	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER
EHS11080

PAGE
2

ADDRESS CORRESPONDENCE TO ATTENTION OF
ROBERTA WAGNER 304-558-0067

VENDOR


RFQ COPY  
 TYPE NAME/ADDRESS HERE

SHIP TO

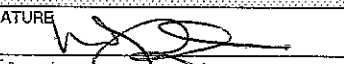
HEALTH AND HUMAN RESOURCES  
 BPH ENVIRO HLTH SERVICES  
 350 CAPITOL STREET, ROOM 313  
 CHARLESTON, WV  
 25301-1757 304-558-8582

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
11/23/2010				

BID OPENING DATE: 12/08/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;">             SIGNATURE            Charlotte-Mecklenburg Utilities            COMPANY            12/2/2010            DATE         </p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p style="text-align: center;">END OF ADDENDUM NO. 1</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
	704-330-3684	12/2/2010
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Laboratory Manager	521333483	

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER  
**EHS11080**

PAGE  
**3**

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
 ROBERTA WAGNER  
 304-558-0067

RFQ COPY  
 TYPE NAME/ADDRESS HERE

HEALTH AND HUMAN RESOURCES  
 BPH ENVIRO HLTH SERVICES  
 350 CAPITOL STREET, ROOM 313  
 CHARLESTON, WV  
 25301-1757 304-558-8582

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
11/23/2010				

BID OPENING DATE: 12/08/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	600	EA		962-22		
TO PROVIDE CRYPTOSPORIDIUM TESTING						
***** THIS IS THE END OF RFQ EHS11080 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *[Signature]* TELEPHONE 704-336-3684 DATE 12/2/2010  
 TITLE Laboratory Manager FEIN 521333483 ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

EHS11080 Addendum 1

Response to vendor questions, as follows:

**QUESTION 1:** Is the RFQ for the entire project? OR can the laboratory submit a partial bid? The laboratory states it can accept a total of 240 samples over a 12 month period, or no more than 20 per month.

**RESPONSE:** The bid is per sample and not based on quantity capabilities. The water system will decide which approved lab to use and it is possible that a lab could receive all of the tests, some of the tests, or none of the tests, again based upon the choice of the individual water system.

**QUESTION 2:** Will the samples the laboratory received be filtered, unfiltered, or both?

**RESPONSE:** The samples will be based on the approved EPA method and the arrangement the laboratory has with the public water system (PWS) submitting the sample.

**QUESTION 3:** Is this bid for the EPA LT2 requirements or for monitoring purposes?

**RESPONSE:** EPA LT2 requirement. This project will not pay for testing for non-LT2 required monitoring purposes.

**QUESTION 4:** Do you plan to award the bid to 10 laboratories, or up to 10?

**RESPONSE:** As long as enough qualified bids are accepted, this will be awarded to 10 laboratories with the lowest bid.

**QUESTION 5:** What date will the contract begin (when can the laboratory expect to begin receiving samples)?

**RESPONSE:** As soon as a purchase order is issued, the vendors will be notified. Only an approved purchase order, signed by the Attorney General's Office and placed in the US Mail, is considered authorization for the chosen vendors to provide these services.

**QUESTION 6:** The Opening Date/Time of the bid is 12/8/10 at 1:30 PM. Does the paperwork have to be submitted to you by that date/time? OR is there a separate deadline for the paper work to be submitted?

**RESPONSE:** The bid must be received by 1:30 PM on December 8, 2010. Bids received after that date and time, will be disqualified.

**QUESTION 7:** In regards to invoicing, is one invoice submitted for all samples analyzed in that month? Or can invoices for each PWS be submitted monthly?

**RESPONSE:** Invoice is to be submitted for each qualifying PWS, each month, a sample is analyzed.

**QUESTION 8:** The RFP references an estimated 600 samples-are these from PWSs that have collected none of the required 24 LT2 field samples?

**RESPONSE:** Most public water systems (PWS) have collected some of the required samples.

**QUESTION 9:** Under the LT2 rule, samples may be collected and submitted as bulk samples (10L) or as field filtered samples (10-50L). What type(s) of samples are expected to be collected for this project, bulk samples, field filtered samples, or some of each? There are substantial differences in cost of shipment, as well as lesser differences in the cost of processing at the lab.

**RESPONSE:** This is based upon the arrangements the PWS has with the lab conducting the sample.

**QUESTION 10:** If field filtering is desired, will the State of WV provide sample collection equipment or should the lab provide pricing for these items? Would samples greater than 10L be collected?

**RESPONSE:** The State of WV will not be providing sample collection equipment. Sample sizes will be based upon the arrangement that the system has with the lab.

**QUESTION 11:** Under the LT2 rule, samples that plug a filter prior to filtration of desire volume may require a second filter to be used. Typically unit pricing is provided for processing of the second filter, on an "as needed" basis. Is this acceptable?

**RESPONSE:** Yes.

**QUESTION 12:** Under the LT2 rule, samples that contain excess particulate matter and yield a packed pellet volume or concentrate of >0.5 mL are required to be analyzed using "additional subsamples" (up to three additional subsamples may be required for one sample under LT2. See Federal Register Vol. 71, No. 3, Jan. 5, 2006, SECTION IV.J.2.a for full details). Typically unit pricing is provided for "Additional subsamples" on an "as needed" basis. Is this acceptable?

**RESPONSE:** Yes.

**QUESTION 13:** The RFP does not mention Matrix Spike (MS) samples. Under LT2, one MS is required once every 20 field samples from a particular source, so 2 MSs are needed per source water during the 24 sample monitoring requirement. MS samples typically cost more than unspiked samples due to the spiking materials and because 10L of bulk water is required to be shipped to the lab. Typically, a separate line item price is provided for MS samples. Is this acceptable? If the State does not want separate MS pricing, can the lab safely assume two MS samples per 20 field samples?

**RESPONSE:** Separate line item pricing for MS samples, will be acceptable.

**QUESTION 14:** The RFQ states that "Where applicable, pass through invoices for freight are required for reimbursement" (Invoices, page 7). We interpret that to mean that shipping is not to be included in the unit price for testing, and that shipping is a billable item at cost. Is this correct?

**RESPONSE:** Yes.



**QUESTION 15:** I need to know how many utilities and what schedule they are. Our lab gives a small system a discount for those under 10,000 served. Will the utility over 12 or 24 months.

**RESPONSE:** None of the systems have a population over 10,000. Samples may be from systems collection over 12 months or 24 months, which is specific to the PWS.

**QUESTION 16:** Have sample schedules for the water systems been determined?

**RESPONSE:** Yes.

**QUESTION 17:** Will West Virginia have the ability to send payments with a check instead of a p-card?

**RESPONSE:** The preferred method for the payment is the State of WV Visa Purchasing Card (P-Card). Vendor must have ability to accept this method of payment if the payment is P-Card eligible.

**QUESTION 18:** Is the project spread over 12 months or over a longer period of time?

**RESPONSE:** All testing shall be completed by March 2012.

**QUESTION 19:** Will the laboratory be required to submit results on the EPA CDTS website?

**RESPONSE:** No.

**QUESTION 20:** In addition to receiving *Cryptosporidium* samples, will the lab receive E. coli samples from any of the water systems?

**RESPONSE:** This project is limited to cryptosporidium testing only.

**QUESTION 21:** When the prices are presented to the water supplies will it simply be a price, or will there be opportunities to describe value added benefits that a lab might offer. For instance, the option for the water supply to be able to simply send in a 10L container of bulk water instead of having to filter it themselves in site. Or for the lab to send a prepaid shipping label to pay for return shipping?

If only the prices are presented to PWS and not the details, then it won't be an "apples to apples" comparison.

**RESPONSE:** Separate prices will be accepted for filtered and unfiltered methods.

**QUESTION 22:** Will we have the opportunity to present a price for each additional slide/subsample that is required to process the sample under LT2 rules?

One of the costs of this method, that cannot be determined ahead of time is how many microscope slides (sometimes referred to as "subsamples") will be necessary. The extra slides are dependent on the quality of the water sent in each month and can vary from month to month. There is a significant cost of lab materials as well as labor involved with the generation and analysis of each slide. The only fair way to present this as a price is to list a cost for each extra slide that is required from each sample.

**RESPONSE:** Additional prices for slide/subsamples will be accepted.

COST SHEET FOR EHS11080

Item #	Apprx. Annual Usage	DESCRIPTION	UNIT PRICE	TOTAL COST
1	300 EA	FOR FILTERED METHODS: CRYPTOSPORIDIUM TESTING PER EPA STANDARDS AND PROVIDE RESULTS TO WATER SYSTEM WITHIN THREE (3) WEEKS. RESULTS WILL BE PROVIDED TO THE WATER SYSTEM VIA E-MAIL OR MAIL, WHICH IS REQUIRED TO SUPPLY TEST RESULTS TO OECH. ONCE THE INVOICE IS RECEIVED FROM THEM LAB IT WILL BE COMPARED TO INFORMATION ON FILE FOR THE WATER SYSTEM TO VERIFY THAT THE TEST WAS CONDUCTED IN ORDER TO PROCESS PAYMENT.	Analysis Base Price: \$375.00 (Price Includes Two Dissociations) Shipping Cost: \$7.00 each kit Matrix Spikes: No Charge Additional Costs May Be Incurred: -Additional Dissociations: \$50.00 each -Additional Filter: \$100.00	Base Price Total: \$112,500.00  Total Additional Costs Unknown Until Samples are Analyzed
2	300 EA	FOR UNFILTERED METHODS: CRYPTOSPORIDIUM TESTING PER EPA STANDARDS AND PROVIDE RESULTS TO WATER SYSTEM WITHIN THREE (3) WEEKS. RESULTS WILL BE PROVIDED TO THE WATER SYSTEM VIA E-MAIL OR MAIL, WHICH IS REQUIRED TO SUPPLY TEST RESULTS TO OECH. ONCE THE INVOICE IS RECEIVED FROM THEM LAB IT WILL BE COMPARED TO INFORMATION ON FILE FOR THE WATER SYSTEM TO VERIFY THAT THE TEST WAS CONDUCTED IN ORDER TO PROCESS PAYMENT.	Analysis Base Price: \$450.00 (Price Includes Two Dissociations) Shipping Cost: \$7.00 each kit Matrix Spikes: No Charge Additional Costs May Be Incurred: -Additional Dissociations: \$50.00 each -Additional Filter: \$100.00	Base Price Total: \$135,000.00  Total Additional Costs Unknown Until Samples are Analyzed
		<b>TOTAL COST</b>		

Award will be made up to the ten (10) vendor (s) with the lowest overall cost who meets specifications. Vendor shall submit to OEHS an original itemized invoice monthly in the arrears for each month. Payment will be made by EHS and made in arrears after receipt of each completed order. Orders will be placed on an as needed basis.

Additional Information:

1. Clients will package and ship the filter (as well as a 10-L matrix spike sample), and are responsible for the charges associated with overnight shipping for AMI delivery.
2. Two dissociations are included in the analysis price quoted. Samples that are more turbid or have a higher volume of sediment may require additional dissociations up to a maximum of four.
3. Additional charges may be incurred for samples delivered on Fridays or if the water system misses the scheduled sampling date.
4. Payment with a P-Card is unavailable at this time, but may be available in the future. Other payment options are available.