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

Solicitation

NUMBER	PAGE
COR61591	1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

TARA LYLE
304-558-2544

VENDOR

RFQ COPY
TYPE NAME/ADDRESS HERE

SHIP TO

DIVISION OF CORRECTIONS

1409 GREENBRIER ST

CHARLESTON, WV
25311 304-558-8045

DATE PRINTED
05/01/2013

BID OPENING DATE: 05/23/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 3		
				SEE ATTACHED PAGES.		
				END OF ADDENDUM NO. 3		
0001	1	LS		948-55		
				ICUP10 PANEL DRUG TESTING KIT, OR EQUAL		
0002	1	LS		948-55		
				LABORATORY CONFIRMATION TESTING SERVICES-INMATE		
0003	1	LS		948-55		
				LABORATORY CONFIRMATION TESTING SERVICES - EMPLOYEES		
				****** THIS IS THE END OF RFQ COR61591 ****** TOTAL:		

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

SOLICITATION NUMBER: COR61591
Addendum Number: 3

The purpose of this addendum is to modify the solicitation identified as COR61591 ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

[X] Modify bid opening date and time

[X] Modify specifications of product or service being sought

[X] Attachment of vendor questions and responses

[ ] Attachment of pre-bid sign-in sheet

[ ] Correction of error

[ ] Other

Description of Modification to Solicitation:

Vendor questions and responses and revised pricing page attached.

The bid opening has been moved from 05/15/2013 to 05/23/2013.

Additional vendor questions will be accepted until close of business on May 8, 2013. If any additional questions are received, a formal addendum will be issued in order to respond to the questions. Please see additional pages for more information.

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.

2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

ATTACHMENT A

QUESTIONS:

Q1: Who is the current vendor provide the ICUP10 Panel Drug Testing Kit?

A1: The Agency does not have a contract with any provider. Each facility bids when the product is needed.

Q2: Who is the current vendor providing the Laboratory Confirmation Testing Services-Inmates/Employees?

A2: The Agency does not have a contract with any provider. Each facility bids when the service is needed.

Q3: How long is the Term Contract – Initial Contract Term?

A3: No formal contract in place at this time.

If you are referring to the current solicitation, COR61591, please see Section 3 of the RFQ under the General Terms and Conditions, page 7.

Q4: On page 21 under 4.1.12 "All components of drug testing kit must be manufactured in the United States". If you ask the manufacturer of the ICUP you turn the cup over it says Made in China. How can you say ICUP10 and then state this in your bid?

A4: Agency hereby deletes the ICUP 10 reference and replaces it with the DrugCheck® NxScan Onsite Flat Panel Test Cup, or equal

Q5: On page 23, 4.1.21 Ethylglucurondie (EtG) tests shall be used for alcohol (ethanol) screens. Where on the price page is for the testing for EtG listed

A5: Agency added a line item to the price sheet for bidding EtG screens.

Q6: How many ICUP10 Panel Drug Test Kits were purchased in 2012?

A6: Exact amount is unknown, please refer to the estimated quantities on the price sheet.

Q7: How many confirmations were performed in 2012 for inmates?

A7: Exact amount is unknown, please refer to the estimated quantities on the price sheet.

Q8: How many confirmations were performed in 2012 for employees?

A8: Exact amount is unknown, please refer to the estimated quantities on the price sheet.

Q9: Who performs the collections for drug testing for pre-employment? Most states require for Pre-Employment Testing to go to a collection site first and then have the specimen sample sent to the laboratory for screening and confirmation, and not an Integrated On-Site Drug Testing Cup. Does West Virginia State have a statute?

A9: Agency's staff will perform the collections.

Q10: How many sites does the vendor have to send supplies of shipping, collection supplies, and the Integrated Cup to?

A10: All locations listed on Attachment A of the RFQ

Q11: Is it to all 16 Correctional Facilities and 14 Parole Services locations?

A11: All locations listed on Attachment A of the RFQ

Q12: Are you requiring an MRO to be used for this Contract?

A12: Yes, Agency hereby adds the following language and a line item for services of a Medical Review Officer, which includes services by this individual for Court testimony, as required.

> 4.1.25 Vendor shall provide services of a Medical Review Officer (MRO) on an as needed basis. Said MRO shall review, analyze, and report on confirmed positive test results. When required, MRO shall conduct medical interviews with the donor for any confirmed positive, adulterated, substituted, invalid test results, and if necessary, review donor's medical history. Agency may request expert testimony from MRO in court or grievance proceedings regarding verified positive findings.

Q13: Are you expecting and Court Expert Witness Testimony for this contract?

A13: Yes, see Question #12. A line item is added to the price sheet.

Q14: What are you currently being charged for Line Item #1 the iCup10 Panel Drug Testing Kit, or equal?

A14: The average is $4.60 per test cup.

Q15: What are you currently being charged for Line Item #2 the Laboratory Confirmation Testing Services – Inmate and/or Paroled Offender?

A15: $3.50-$6.75

Q16: What are you currently being charged for Line Item #3 the Laboratory Confirmation Testing Services- Civilian Pre-Employment or "For Cause" WVDOC Employee?

A16: Same as Question #15.

Q17: Does WVDOC prefer a vendor that can provide product manufactured and assembled in the USA?

A17: Yes, Agency specified a different cup testing device. Please refer to Question #4

Q18: This is a formal request for a copy of the current contract.

A18: Agency does not currently have a formal contract.

Q19: What cutoff level is being requested for the Cocaine test on the onsite device?

A19: 300 ng/mL

Q20: Will you be testing for Synthetic Marijuana? If so, can we include a price for an 11 panel onsite cup to include K2 as well as the other 10 drugs being requested?

A20: Agency, through the Addendum, hereby adds the following language:

4.1.26 Currently, Agency does not test for synthetic marijuana or other designer drugs on a regular basis; however, Agency includes through this addendum, an appropriate drug testing cup and laboratory confirmation services for other drugs, including, but not limited to, synthetic cannabinoids; Methadone; Bath Salts and Buprenorphine. Vendor shall agree to provide Agency with a suitable drug testing cup and laboratory confirmation for the testing of these substances should the need occur.

Q21: Are the confirmation testing prices being requested for single drug or are you looking for a 10 panel confirmation as well?

A21: Confirmation test pricing shall be "per drug" due to positive test results.

Q22: Is the EtG being requested only for the employee confirmations, or will it be required for all confirmations?

A22: EtG testing is only required for offenders and paroled offenders. No employee confirmations are required. Agency does not test employees or pre-employment individuals for alcohol.

Q23: Will the State allow Vendors to include a full pricelist of products with their bid to be included on the resulting contract? This could be useful in the case that the agency experiences slight changes in needs, such as a different drug combination or format.

A23: No. See Question #20 for potential future addition to Contract.

Q24: Will the Background Check fingerprinting and federal background inquiry requirements be applicable to this contract, considering the services the awarded Vendor will provide will not be on the grounds or in the buildings of the Capitol complex? Is the information involved considered "sensitive or critical" enough to warrant this? If so, will the Vendor's e-Verify background check of every employee upon hire be sufficient?

A24: The clause that you are referring is standard language in all State of West Virginia proposals. None of the drug testing will occur at the Capitol Complex. The background checks/fingerprinting are not applicable to this proposal.

Q25: The State has indicated in the bid that they desire an iCup or similar device. However, the iCup is not manufactured in the United States. Is the requirement for components to be manufactured in the U.S. a new requirement, or merely a preference? Please note that a U.S.-made requirement may significantly increase the cost of the device.

A25: Please refer to Question #4

Q26: Will the State consider cups with components that are not manufactured in the United States?

A26: No. Please refer to Question #4

Q27: For inmate laboratory confirmation testing, the State has required LOD testing. However, this type of testing is not permitted under SAMHSA mandatory guidelines (SAMHSA specifies the exact cut-off levels for both screening and confirmation testing). Would the State consider confirmation testing at defined cut-off levels as opposed to LOD testing?

A27: The Agency has zero tolerance for inmate testing and adheres to the federal guidelines testing for all employees and pre-employment testing. See Question #28.

Q28: Will the State consider allowing non-SAMHSA lab testing for inmates? Could inmate testing be performed via a CLIA-licensed laboratory instead? CLIA licensure is also issued by the federal Department of Health and Human Services and is often used for criminal justice testing and other non-employee testing.

A28: All laboratory confirmation testing for inmates can be performed by certified Clinical Laboratory Improvement Amendments (CLIA) licensed laboratories; however, Agency retains the requirement for SAMHSA lab testing for employee and pre-employment. In addition, Agency will utilize SAMHSA lab testing for all parole revocations.

Agency amends the following in the specifications:

Delete Section 3.4 in its entirety and replace with the following:

3.4. For laboratory services, Vendor shall be certified by the Substance Abuse & Mental Health Services Administration (SAMHSA) for employment and parole revocations; Clinical Laboratory Improvement Amendments (CLIA) for inmate confirmations; and the US Department of Health & Human Services (HHS). Vendor shall provide proof of such certifications with its bid.

Delete Section 4.1.18 in its entirety and replace with the following:

4.1.18 The confirmation laboratory shall be currently certified and maintain certification by the US Department of Health and Human Services (HHS) for all confirmations; Clinical Laboratory Improvement Act (CLIA) for inmate confirmations, and Substance Abuse Mental Health Administration (SAMHSA), to meet the standards for federal workplace drug testing programs (mandatory guidelines) for employment and paroled offender revocations.

Delete Section 4.1.19 in its entirety and replace with the following:

4.1.19 If the SAMHSA and/or CLIA certification of the confirmation laboratory is suspended or revoked, Vendor shall notify the Agency with ten (10) business days.

Q29: For inmate testing, if CLIA licensure is allowed, will the State consider liquid chromatography/tandem mass spectrometry (LC/MS/MS) in addition to GC/MS for confirmation testing? 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. Moreover, LC/MS/MS results have proven to be defensible in courts of law across the country.

A29: Yes, Agency amends the following in the specifications:

Delete Section 4.1.7 in its entirety and replace with the following:

4.1.7 Test results shall be highly accurate, with an accuracy rate of 97% or greater, in comparison to GC/MS and/or LC/MS/MS and reliable with performance data. Vendor shall provide accuracy rate of drug testing kit with bid.

Delete Section 4.1.17 in its entirety and replace with the following:

4.1.17 Gas Chromatography/Mass Spectrometry (GC/MS) and/or Liquid and/or Liquid Chromatography-Mass Spectrometry and Liquid Chromatography-Tandem Mass Spectrometry (LC/MS/MS) shall be the testing confirmation method.

Delete Section 4.1.20 in its entirety and replace with the following:

4.1.20 Vendor shall provide GC/MS and/or LC/MS/MS confirmation testing of all positive screens or specimens that Agency requests to be confirmed. The methodology must, 1) apply a theory or technique that can be and has been tested; 2) the theory or technique must have been subjected to peer review and publication; 3) it must have a known or potential error rate; 4) there must be an existence and maintenance of standards controlling its operation; and 5) it must have attracted widespread acceptance within a relevant scientific community. See Daubert v. Merrell Dow Pharmaceuticals, Inc. 509 US 579 (1993).

Q30: The bid specifications include EtG/EtS testing specifications, but this lab test does not appear as a line item on the pricing page. Will this be added as a line item, or considered as part of an additional price list provided by the vendor?

A30: See question #5

Q31: Could get your current pricing on 10 panel cup -

A31: Please refer to Question #14

Q32: Could get your current pricing on Confirmation test -

A32: Please refer to Questions #15 and #16

Q33: How many locations will be ordering?

A33: All locations listed on Attachment B

Q34: How often will they order?

A34: Varies by location

Q35: How many will they order at a time?

A35: Varies by location

Q36: Does the cup have to be in I-cup form?

A36: Please refer to Question #4. The cup must be the specified cup or equal.

Q37: Is the State requiring their test cup to be FDA cleared-to-market?

A37: Yes

Q38: Section 4.1.12 states "all components of drug testing kit must be manufacturer in the United States." The bid specification state an iCup or equivalent. If 4.1.12 is correct then wouldn't this exclude the iCup since the iCup is a Chinese made product?

A38: Please refer to Question #4.

Q39: If the iCup is acceptable even being made in China, will other Chinese made products that are equivalent be acceptable?

A39: Please refer to Question #4.

Q40: Is it possible to substitute a 10 panel with all listed drugs except one? I have a configuration that has MDMA instead of BAR.

A40: No

Q41: If no exceptions are allowed and a custom cup has to be made, will all 19,000 cups be ordered at one time or different times throughout the year and will there be any lead time to have a custom cup made?

A41: No exceptions are allowed. Please refer to Question #4.

Other Information:

1. **ADDITIONAL VENDOR QUESTION DEADLINE:**

   Vendors may submit questions relating to this Solicitation to the Purchasing Division. Questions must be submitted in writing. All questions must be submitted on or before the date listed below and to the address listed below in order to be considered. A written response will be published in a Solicitation addendum if a response is possible and appropriate. Non-written discussions, conversations, or questions and answers regarding this Solicitation are preliminary in nature and are non-binding.

   Question Submission Deadline: May 8, 2013 at 5:00 pm

   Submit Questions to: Tara Lyle, File 32

   2019 Washington Street, East
   P.O. Box 50130
   Charleston, WV 25305

   Fax: 304-558-4115
   Email: Tara.L.Lyle@wv.gov

2. Revised Pricing Page attached.

3. The bid opening has been moved from 05/15/2013 to 05/23/2013.

COR61591 - DrugCheck® NxScan Onsite Flat Panel Drug Testing Kit, or equal and Laboratory Confirmation Testing Services - Pricing Page - Revised 5/1/13 - Addendum No. 3

Attachment B

Item #	Description	Unit of Measure	Estimated Annual Quantity *	Unit Price	Extended Amount
	NOTE: If not bidding on all items, please indicate "no bid" under Unit Price Column				
1	DrugCheck® NxScan Onsite Flat Panel Drug Testing Kit, or equal	Each	19,000		
2	Laboratory Confirmation Testing Services-Inmate	Each	650		
3	Laboratory Confirmation Testing Services-Civilian Pre-Employment, "For Cause" WVDOC Employee, or Paroled Offender	Each	40		
4	EtG Screens (Inmates/Paroled Offenders Only)	Each	500		
5	Medical Review Officer Services (includes Court Testimony fees)	Hour	50		
6	US made flat panel cup for synthetic marijuana or other designer drugs	Each	500		
7	Laboratory Confirmation Testing Services - Inmate Synthetic Marijuana/Designer Drugs	Each	200		
	Total Cost **				

Bidder/Vendor Information:

Name:
Address:
Phone No.:
Fax No.:
Email Address:
Authorized Signature

* Estimated quantities are for bidding purposes only. More or less may be utilized by the Agency.

** Agency reserves the right to award in whole or in part.

Failure to use this form may result in disqualification

000011

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: COR61591

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:
(Check the box next to each addendum received)

[ ] Addendum No. 1	[ ] Addendum No. 6
[ ] Addendum No. 2	[ ] Addendum No. 7
[ ] Addendum No. 3	[ ] Addendum No. 8
[ ] Addendum No. 4	[ ] Addendum No. 9
[ ] Addendum No. 5	[ ] Addendum No. 10

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that 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.

_____
Company

_____
Authorized Signature

_____
Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.