February 19, 2025

Re: RFA 24-002 Questions and Answers

To Whom It May Concern:

These are the answers supplied to questions raised for RFA 24-002.

1. Do we need to reapply to keep our contract? Thank you so much for the clarification!

Yes, all selected Providers will need to reapply at the end of the contract term.

2. Section 4.2 Instructions for Formatting Applications, (e) specifies "one electronic copy of the application on CD". Are there other acceptable alternatives to the CD?

No. Use of flash drives or attached e-mail files would not be consistent with the Department's current Information Technology policies and procedures.

3. Is Bureau of Public Health Laboratories willing to accept ANAB terms and conditions as presented in the attached ANAB AG 1008-G?

No. Section 5.9 of the RFA specifies that the Standard Contract, Memorandum of Agreement, and/or Direct Order must be used in all contracts executed by the Department as they contain the basic clauses required by law. Those terms and conditions are non-negotiable.

4. Section 3.6 lists items that must be included in the application. Are Attachments I, III, and IV all that is required to be submitted for previous awardees?

No. Applicants that have previously been awarded contracts with the Department should also include the information specified elsewhere in RFA 24-002. Examples include, but may not be limited to, the required content specified in Sections 3.4, 3.5, 3.8, 3.9, 4.2, 4.7, 5.17, 6.17 (if known), and Attachments I, III, and IV.

5. Shepherd Technical Services has been awarded contracts under RFAs 13-009 and RFA 18-006. Section 3.7 of the RFA states the evaluation sheets are not required for previous awardees. Does that mean that the information used to fill out the evaluation sheets is not required? This includes information requested in Sections 3.8 and 3.9.

The statement that “evaluation sheets are not required for previous awardees” is not present as quoted in Section 3.7. It is more accurate to say that the criteria outlined in RFA 24-002 Attachment II will be used for the evaluations of all applications. Applicants should submit all the information that they deem appropriate to ensure a favorable evaluation. For applicants that have not executed contracts with the Department in the past, the available information will be confined to what is given in the application submittals; thus, the evaluation sheets must be used for those cases.

6. Section 4.2 lists a requirement for a CD as part of the submittal. Is there a specific type of CD required? Several types are available now including Blue-ray and we want to make sure appropriate electronic documents are submitted. Is a formatted flash drive an acceptable substitute?

The anticipated CD type is a CD-ROM disk, either as CD-R or CD-RW. Information on DVDs or Blu Ray discs would not be accessible on Department approved devices. A formatted flash drive is not an acceptable substitute.

7. Section 4.7 discusses subcontractors and monthly reports that are required. This requirement was modified after the last contract was put into place to no longer require monthly reports. This is a no funds/zero dollar (no State funds involved) contract or Memorandum of Agreement can the monthly subcontractor reporting requirement be removed?

Attachment VI in RFA 24-002 is the Form with instructions that must be submitted monthly. It is also noted that if the applicant does not subcontract any work to be performed in the execution of the subsequent contract, submittal of this form is not required. The applicant’s submitted information for Section 4.7 should determine whether the Subcontractor Expenditure Report filing will be required.

8. Section 6.4 Task List raised several opportunities for clarification. 1.b. Can the information to fulfill this requirement be in the Company Quality Manual or must it be in Standard Operating Procedures?

Yes, in the context of this RFA, a corporate quality manual could be considered part of the applicant’s standard operating procedures.

9. Section 6.4 Task List raised several opportunities for clarification. 1.b.2) We have recently received notice that WSLH will no longer be able to provide audit samples which makes it impossible to properly complete all of the required checklists for Cryptosporidium and Giardia laboratories. How can we meet this requirement if they are no longer available? The question can be up-leveled to say how will requirement changes be implemented as required by the program? For instance, there is the possibility of a different Standard being available. This agreement does not allow for that. Can the wording be modified to include potential future versions of the standard? Or not specify?

For the circumstances described in the questions, the Department has the option to go through the contract amendment process to incorporate any changes or revisions that may be needed. All Providers that will be issued contracts in response to this RFA will be required to execute and implement those amendments once the amendment process has concluded.

10. Section 6.4 Task List raised several opportunities for clarification. 1.j.1) Can a time limit be added to the “after the assessment” to allow assessors to potentially consult with a laboratory after 2 years?

Not at this time. The time limit was in fact considered for this RFA, but it was ultimately decided not to include it.

11. Section 6.4 Task List raised several opportunities for clarification. n. Is there a level of detail required in submitted assessment plans prior to an assessment? What happens if assessment plan changes are requested during the opening meeting due to staffing changes at the laboratory?

To the first question, yes, a level of detail will be required in submitted assessment plans for the Department to review. As guidance, the plans should detail who, what, when, and how long for the assessment activities to cover all aspects in Section 6.4(1)o.(1) and (2) of this RFA. Further guidance can be found in Sections 6.4(1)e., f., and g. To the second question, Section 6.4(1)n. requires the Provider to submit a revised assessment plan for Department review if changes to the original plan are needed.

12. Section 6.4 Task List raised several opportunities for clarification. o. This appears to be a new requirement to assess ALL FOAs for every assessment. Does this include all method, matrix, analyte combinations? Does it apply if a scope expansion assessment is being performed?

To the first question, yes, it does include all method, matrix, and analyte combinations for which the laboratory is currently certified or pending certification. The requirement in "o.(1)" to assess all Fields of Accreditation is not a new requirement and is existing language in the contracts that were issued under previous RFAs. To the second question, if a "scope expansion" is being performed as part of the regular biennial laboratory assessment, then the answer is also "yes." If the assessment is being performed only for addressing an application submitted to the Department for additional analytes and test methods, that assessment does not count toward the biennial assessments that laboratories must undergo. In that case, the assessment needs only to cover the matrix, method and analyte combinations that are pending certification, but the assessment must also verify that all deficiencies from the previous biennial assessment have been corrected.

13. Section 6.4 Task List raised several opportunities for clarification. p. 6) "List all FOAs that were and were not assessed in an assessment report." Can this be an attachment to the report? Will the ELCP provide the current list of FOAs for all assessments in a format to easily include in a report?

To the first question, however formatted, the section that lists all Fields of Accreditation that were and were not assessed should be clearly recognized as part of the assessment report. To the second question, Section 6.4(1)e. makes reference to the Department providing applications and scopes of accreditation for the Provider to review. These records will be in PDF format.

14. Section 6.11 lists items that need to meet a 100% completion rate and some of the same items also need to meet a 95% completion rate. Which items need to meet which percentage and what is the consequence of not meeting the goal?

This question has been posed in two parts. For the first part, the Section 6.11 performance measures were specifically delineated to denote, where needed, which features of the measure require 100% compliance and which other facets of the same performance measure may need "only" 95% conformance to account for unforeseen circumstances that could arise. For example, the Department expects every assessment to have a subsequent assessment report prepared and issued to the client laboratory with electronic copies submitted simultaneously to the Department. However, the Department reasonably expects that these reports be issued to the client laboratories within 30 calendar days of the first day of the on-site portion of the assessment at least 95% of the time. For the second part of the question, the ultimate consequence for a Provider not meeting the terms of the contract would be the Department implementing the "Termination at Will" clause that will be part of the contracts executed in response to this RFA. For example, see Attachment V to this RFA, Memorandum of Agreement, Section G, #6.

Respectfully submitted,

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