

ADDENDUM No. 1

RFP No. 20-25

Certified Laboratory for PFAS Testing

Due Date: July 16, 2020 by 2:00 p.m. (local time)

The following changes, additions, and/or deletions shall be made to the Request for Proposal for Certified Laboratory for PFAS Testing RFP No. 20-25, on which proposals will be received on/or before the date and time listed above.

The information contained herein shall take precedence over the original documents and all previous addenda (if any), and is appended thereto. **This Addendum includes five (5) pages.**

The Proposer is to acknowledge receipt of this Addendum No. 1, including all attachments in its Proposal by so indicating in the proposal that the addendum has been received. Proposals submitted without acknowledgement of receipt of this addendum may be considered non-conforming.

The following forms provided within the RFP Document must be included in submitted proposal:

- **Attachment C - Non-Discrimination Declaration of Compliance**
- **Attachment D - Living Wage Declaration of Compliance**
- **Attachment E - Vendor Conflict of Interest Disclosure Form**

Proposals that fail to provide these completed forms listed above upon proposal opening will be rejected as non-responsive and will not be considered for award.

I. QUESTIONS AND ANSWERS

The following Questions have been received by the City. Responses are being provided in accordance with the terms of the RFP. Respondents are directed to take note in its review of the documents of the following questions and City responses as they affect work or details in other areas not specifically referenced here.

Question 1: The bid states that the lab needs to be certified by Michigan DEQ to perform drinking water analysis for compliance purposes but also acknowledges that DEQ does not certify for 537.1 at this time. Can you clarify that as long as we have a primary state certification from our home state that is ok?

Answer 1: There are no requirements for certification specific to PFAS stated other than, "The Contractor shall also intend to seek Michigan certification for EPA Method 537.1 for drinking water or any other method offered by the State of Michigan once the certification is available. Gaining and maintaining certification with the State of Michigan is essential to the services required from the Contractor." Primary state certification from the Contractor's home state will be considered.

Question 2: Can you clarify what might be required for "The Contractor, when feasible, will make its facilities available to assist the City with analysis of non-routine samples that may be required."?

Answer 2: The City has a routine sample schedule. As required, the City may have non-routine samples that would require analysis.

- Question 3: Can we get an example of the required EDD to understand what is required to be "fully compatible with City's in-house database and data loading program"?
- Answer 3: It is anticipated that the City would work with the selected Contractor on an EDD that meets the City's requirements. The current EDD contains the following information: City Sample ID, Contractor Sample ID, Date Sampled, Time Sampled, Compound, CAS No, Units, Method, Result, Qualifier, PQL, MDL.
- Question 4: Can you clarify that the city intends to send all samples in duplicate with one on hold as referenced to be "reserves in case a confirmation analysis is required"? The hold time on extraction of PFAS samples is 14 days and then an additional 28 days after that to perform analysis. Based upon this requirement, can you confirm that the reserved samples will be likely be out of hold time?
- Answer 4: The City has currently been sending two samples bottles to the Contract Lab. Generally, one sample is extracted and one is reserved, unless QC failures require extraction of the second sample. We confirm that the reserved sample may be outside of extraction hold time. However, since PFAS are 'forever chemicals' the City is comfortable with analysis of the reserved sample should it be required to confirm unexpected results. The City may sometimes send samples that are outside of hold time for analysis for research purposes, understanding that the data will be qualified.
- Question 5: Currently states are not certifying for the same list of compounds so at the moment is the requirement that a lab must be certified "for one or more of the compounds" to qualify for this bid?
- Answer 5: See answer to Question 1.
- Question 6: Currently not all of these compounds can be identified at the same detection limit of 2 ng/L under EPA 537.1. Is it ok to bid with what limits we can achieve per compound and also recognize that this will be a modified EPA 537.1?
- Answer 6: Yes. We provide the following guidance: "Please note the target PQL is ≤ 2.0 ng/L for each analyte when analyzing routine potable water samples. If the target is PQL for potable water is not ≤ 2.0 ng/L for each analyte, the bid should include the actual or estimated PQL. The bid should include estimates of the PQL for the analytes in the other matrices specified in Attachment A."
- Question 7: I am a little confused about the required methods needed for the bid. You list 28 parameters which are the "normal" parameters for non drinking water samples. You also mention certification for drinking water samples using method 537.1 However, method 537.1 only includes 18 compounds and for certified samples for drinking water, the method is not supposed to be modified at all. In order to run the drinking water samples for all 28 parameters, the method would need to be modified. Can you clarify how you want the samples analyzed?
- Answer 7: Historically, the City has been analyzing for the list of 24-28 compounds in drinking water and has been publishing the data on our website. To maintain public trust and transparency, as well as to best position ourselves with information for the future, we will continue to analyze the majority of our samples for the list of 24-28 compounds. Once the MI PFAS regulations are in place, the City will use the approved and certified method as determined by the State of Michigan for analysis of compliance samples.
- Question 8: Is it true that the city of Ann Arbor personnel will be doing the sample collection?
- Answer 8: Yes.
- Question 9: You mention on page 10 under project coordination (2.E) that at the beginning of each new project, the contractor will supply the city with a list of upcoming

projects scheduled with the contractor, including ship dates, etc. Is it safe to assume that the city would be notifying the contractor (lab) of the upcoming projects? Could you clarify this statement to explain how projects are scheduled? Would the city be the one that does the scheduling?

Answer 9: The City will provide the Contractor with a list of the projects and scheduling. The Contractor would supply a confirmation list of the bottle orders to meet the City's project needs.

Question 10: I saw in the RFP #20-25 (page 15 C.1 Lab certification) that it is preferred that the laboratory be NELAP accredited. How much weight does NELAP have in your decision? We are not NELAP certified and are wondering if that would disqualify us from consideration. If you get a NELAP accredited lab and a non NELAP accredited lab, would the NELAP lab automatically be chosen?

Answer 10: According to the RFP, the evaluation criteria are weighted as follows: Professional Qualifications – 20 points, Past Involvement with Similar Projects – 30 points, Proposed Work Plan – 30 points, and Fee Proposal – 20 points. The NELAP accreditation would be considered under 'Professional Qualifications'. NELAP certification is specified as a 'preferable' qualification, but is not required.

Question 11: Would you please provide more detail about how "different" is defined when it comes to comparing sample data from event to event?

Answer 11: The City is most particularly concerned with finished water PFAS results. Some examples of different would be: a) a new compound is detected, b) a compound re-appears after being non-detect, b) a compound is detected at 10 times the normal detections levels. The City has done a significant amount of analysis, as well as making data publicly available, and would work with the Contractor to establish action levels.

Question 12: Can you provide the EDD specification?

Answer 12: See response to Question 3.

Question 13: EPA does not approve laboratories for the analysis of PFAS in drinking water or any other matrix and neither does Michigan. What other accreditation is most appropriate for the labs to provide.

Answer 13: See response to Questions 1 and 10.

Question 14: We intend to analyze all potable PFAS samples by the drinking water method EPA 537.1. The drinking water method is a fixed method and only allows us to analyze the 14-18 compounds validated by the method. The PFAS Table (Attachment A) listed 28 compounds. What is the exact compound list you will want us to perform? We are assuming the 18 compounds validated under EPA Method 537.1. Can you confirm?

Answer 14: See response to Question 7.

Question 15: We intend to analyze all non-potable and foam samples by ASTM D7979 w/ isotopic dilution. We will analyze all 28 compounds listed on Attachment A. Can you confirm this is acceptable?

Answer 15: This method would be acceptable to the City.

Question 16: We intend to analyze all solids and biosolid samples by ASTM D7968 w/ isotopic dilution. We will analyze all 28 compounds listed on Attachment A. Can you confirm this is acceptable?

Answer 16: This method would be acceptable to the City.

Question 17: Can you confirm that the samples will be collected by the City of Ann Arbor and we will only be required to pick them up?

Answer 17: The City is responsible for sample collection. The Contractor is responsible for sample pickup and delivery via use of the Contractor courier service or by providing account information for a delivery service to the City for use in sample shipment

Question 18: Can you confirm that Appendix A : Sample Professional Services Agreement does not need to be included with the proposal?

Answer 18: The Sample Professional Services Agreement does not need to be included with the proposal.

Question 19: Appendix A, Sample Professional Services Agreement: We cannot accept the potential for unlimited damages in any project as we cannot incorporate the risk of such unforeseeable damages into our prices. Therefore we propose to include a cap to total potential liability. We propose that the following be added to the "Indemnity/Insurance" section:

Notwithstanding anything to the contrary stated elsewhere in this Agreement, Contractor's maximum liability under this Agreement or any other attachments hereto whether based in contract, tort, warranty, negligence or otherwise shall not exceed amounts recoverable under the scope and limits of the insurance required under this Agreement, up to a maximum of \$3,000,000. In no event shall Contractor be liable to the City for any special, indirect, or consequential damages occasioned by the services performed or by application or use of the reports prepared under this Agreement.

Can this change be made?

Answer 19: Due to the nature of the services to be provided, the City is willing to consider changes to Section VI(C) of the sample Professional Services Agreement which would limit Contractor liability to \$3 Million. Proposed alternative language should be submitted and identified as such in the bid and may be considered subject to negotiation and agreement with the successful bidder.

Question 20: D. Proposal Format – An official authorized to bind the offeror to its provisions must sign the proposal in ink.

As part of our Covid-19 precautions, many of our personnel are working from home. This may make obtaining an original signed/ink signature difficult. Can we work with an electronic signature? Or maybe a signed and then scanned signature?

Answer 20: In Appendix A: Sample Professional Services Agreement, the following provision is made for Electronic Transaction: *"The parties agree that signatures on this Agreement may be delivered electronically in lieu of an original signature and agree to treat electronic signatures as original signatures that bind them to this Agreement. This Agreement may be executed and delivered by facsimile and upon such delivery, the facsimile signature will be deemed to have the same effect as if the original signature had been delivered to the other party."* Either type of signature suggested would fall under this provision and would be acceptable.

Question 21: Can you clarify the requested analytes?

- a. It appears that the RFP is requesting full PFAS (28) list on Drinking Water. We are accustomed to seeing a 14 or 18 analyte list for DW.
- b. Is this same analyte list (28) requested for all matrices and methods?

Answer 21: See response to Question 7. The same analyte list is requested for all matrices.

Question 22: Are there any specific requirements in regards to the reporting format to reflect the City's unique sample locations?

Answer 22: See response to Question 3.

Question 23: Please clarify the definition of "Custom" sample bottle kits: What does this entail?

Answer 23: Custom sample bottle kits would be whatever the Contractor deems to be the appropriate size, type, number, and preservatives used for their containers.

Question 24: Will the city allow costs to be associated to a "change order" if they require off hour sample receipt?

Answer 24: The City does not anticipate requiring off-hour sample receipt. The Contractor should specify what constitutes as off hours sample receipt and what charges would be incurred by the City.

Question 25: Are there any special EDD/PDF reporting formats that we should be aware of?

Answer 25: See response to Question 3.

Question 26: Living Wage Ordinance- If a contractor has an employee who is under the Living Wage Requirement but does not come into contact with any of these samples, is our firm still required to meet with minimum wage?

Answer 26: The Living Wage Requirement applies to any employee that handles the samples or otherwise provides a service to the City, not the entire company.

Question 27: Foam sample- Can you describe the type of sample we may receive?

Answer 27: The City may send foam samples from the Huron River for analysis. The City's fire department uses a fluorine-free foam, so we do not anticipate sending firefighting foam samples.

Question 28: BioSolids - Can you describe typical %solids of the samples?

Answer 28: Samples typically are less than 10% solids.

Offerors are responsible for any conclusions that they may draw from the information contained in the Addendum.