



**Office of the Administrative Director – Financial Services Division**

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October 8, 2015

MEMORANDUM

TO WHOM IT MAY CONCERN

FROM: Janell Kim  
Financial Services Director

SUBJECT: ADDENDUM NO. 2  
INVITATION FOR BID J16225  
TO PROVIDE STATEWIDE SAMPLE COLLECTION,  
INITIAL DRUG SCREENING AND CONFIRMATION TESTING  
FOR THE JUDICIARY, STATE OF HAWAII

Transmitted herewith is a copy of Addendum No. 2 for your review. A copy of this Addendum is also available from our Judiciary web page at <http://www.courts.state.hi.us>.

Please direct questions to Ms. Ramona Yano of the First Circuit Court at (808) 954-8226 or email [Ramona.H.Yano@courts.hawaii.gov](mailto:Ramona.H.Yano@courts.hawaii.gov).

/s/ Janell Kim  
Financial Services Director

**ADDENDUM NO. 2**  
**INVITATION FOR BID J16225**  
**TO PROVIDE STATEWIDE SAMPLE COLLECTION,**  
**INITIAL DRUG SCREENING, AND DRUG CONFIRMATION TESTING**  
**FOR THE JUDICIARY, STATE OF HAWAII**

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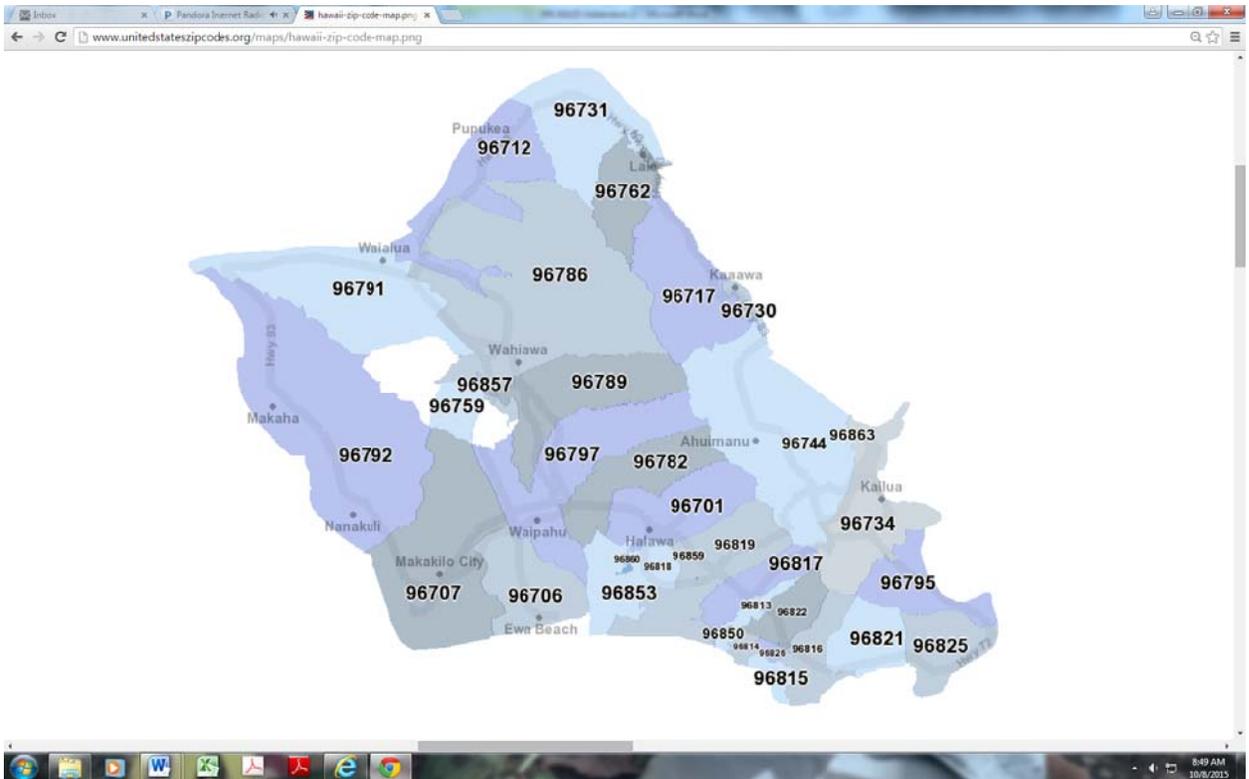
The items listed hereinafter are hereby made a part of Invitation for Bid, J16225 for the above project and shall govern the work taking precedence over previously issued specifications governing the items mentioned.

A. Under Section 1.5 Facilities the following has been added:

Below is the minimum number of testing sites to be provided by Contractor:

| <b>TESTING LOCATIONS</b>                                     | <b>MINIMUM NUMBER<br/>OF TESTING<br/>LOCATIONS</b> |
|--|--|
| <b>OAHU</b>  |  |
| Honolulu * One Testing Location must be an after-hours site. | 5  |
| Central  | 1  |
| Leeward  | 2  |
| Windward   | 2  |
| <b>OAHU TOTAL</b>  | <b>10</b>  |
| <b>BIG ISLAND</b>  |  |
| Hilo   | 1  |
| Kona   | 1  |
| Waimea   | 1  |
| <b>BIG ISLAND TOTAL</b>                                      | <b>3</b>   |
| <b>MAUI</b>  |  |
| Kahului  | 1  |
| Wailuku  | 1  |
| <b>MAUI TOTAL</b>  | <b>2</b>   |
| <b>KAUAI</b>   |  |
| Lihue  | 1  |
| <b>KAUAI TOTAL</b>   | <b>1</b>   |
| <b>MOLOKAI</b>   |  |
| <b>1</b>   |  |
| <b>LANAI</b>   |  |
| <b>1</b>   |  |
| <b>TOTAL TESTING LOCATIONS</b>                               |  |
| <b>18</b>  |  |

Please see below maps for clarification regarding definition of Leeward, Central and Windward for Oahu.



## **B. QUESTIONS AND ANSWERS**

The following questions and answers are in response to questions by prospective offerors concerning Invitation for Bid J16225.

1. General: Why is the purpose for the early termination of the existing agreement?

*A1. Contract had an issue with the subcontractor that couldn't be resolved.*

2. Section 1.1 Scope: Does the Judiciary have an interest in testing for more substances than those listed on Panel I and Panel II? For example, alcohol is one of the most abused substances and ETG/ETS testing enables the Judiciary to identify alcohol use for up to 80 hours post consumption.

*2A. Yes, as long as it is within the funding allotted and meets the State guidelines.*

3. Section 1.2 Sample Collection: Does the Judiciary require that the vendor perform same gender directly observed sample collections?

*3A. Not on a regular basis, but it might occur as a special request.*

4. Section 1.4 Confirmation Testing: Does the judiciary or the defendant pay for confirmation testing?

*4A. If the results are positive, the defendant pays, if negative, the Judiciary pays.*

5. Section 1.4 Confirmation Testing: Will the Judiciary accept liquid chromatography tandem mass spectrometry (LC/MS/MS) for confirmation testing? LC/MS/MS is a superior technology to gas chromatography, provides better specificity and sensitivity, and is scientifically valid and forensically defensible.

*5A. To my knowledge, the GCMS meets the Federal and State requirements; not sure about the LCMS.*

6. Section 1.5 Facilities: Can you provide a list of the collection facilities that are currently used?

*6A. Please refer to attached testing locations being used for the current contract.*

7. Section 1.7 Expert Testimony: How often is in-person expert testimony required?

*7A. Not often.*

8. Section 2.1 Scope: Can you provide a description of the population groups (e.g., HOPE, adult probation, juvenile probation, specialty courts, etc.)?

*8A. Juveniles on status with the Family Court.*

9. 1.4 states that the vendor shall perform confirmation tests using gas chromatography/mass spectrometry (GC/MS). Will you allow the vendor to utilize Liquid Chromatography/Tandem Mass Spectrometry (LC-MS/MS) instead? While Gas GC/MS has long been the “gold” standard in forensic toxicology laboratories as a confirmation technique, LC-MS/MS is now recognized as the “platinum” standard, and is accepted by federal and state agencies as an acceptable confirmatory method. LC-MS/MS offers more specific and more sensitive analyses, with the ability to detect compounds at one-thousandth the concentration that can be achieved with GC/MS.

*9A. Not at this time.*

10. 1.5 states that the testing laboratory must be “licensed by the Department of Health, State of Hawaii” or be SAMHSA certified and approved by the State’s Department of Health. Will you consider accepting College of American Pathologists – Forensic Drug Testing (CAPFDT) as an alternative to fulfill this requirement? Please see additional explanation that follows: SAMHSA certification is specific to Federal Workplace Drug Testing Programs (such as Department of Transportation employees). SAMHSA certification only covers five (5) specific substances (amphetamines, cocaine, opiates, Cannabinoids (THC) and PCP). The College of American Pathologists – Forensic Drug Testing certification (CAP-FDT) was specifically created to support criminal justice testing that would provide forensic drug testing for all specimens tested and not just the five substances as outlined under SAMHSA certification. CAP-FDT certification requires labs to adhere to rigorous forensic guidelines and applies to all substances. In addition, SAMHSA certification does not require labs offer customer support. CAP-FDT labs require technical consultation and education be offered to customers. In sum, the most appropriate certification for criminal justice testing, i.e. probation, drug courts, departments of correction, etc. is CAP-FDT certification. Requiring testing by a SAMHSA certified laboratory is not only unnecessary, it is actually inappropriate and offers no guarantee that such specimens will be handled and tested according to SAMHSA’s guidelines. When we have encountered this in other solicitations, the agencies that have the mismatched requirement have accepted CAP-FDT certification as an alternative.

*10A. No, must be licensed by the Dept of Health, STATE OF HAWAII.*

11. 1.6 and 1.10, regarding the sending of specimens to an independent laboratory for retesting: a) Is the vendor permitted to charge the State or the donor for the shipping of specimens in these cases.

*11A. No.*

12. 1.7, Expert Testimony: a) Will the vendor be permitted to seek reimbursement for actual travel costs, instead of proposing an hourly fee for these costs, in the offer form?

*12A. Not at this time.*

13. 1.8, Pickup and Delivery: Will the State consider a vendor whose collection facilities are open 6 days per week or have rotating weekend hours?

13A. No

14. 1.8, Pickup and Delivery: This requirement states that results shall be reported within seventy-two (72) hours of “sample submission”. Does this mean 72 hours from the time a sample is picked up or from the time a sample is received by the laboratory?

14A. *Industry standard is to base turnaround time requirements on the time a sample is received by the lab.*

15. 2.14.3 – Liquidated Damages applicable to result turn-around time: in rare cases (on average, for less than 2% of specimens) results may be delayed beyond 48 hours from the time the specimen is received at the laboratory. Will you consider working with the awarded vendor to develop alternative remedies in these rare cases, before demanding liquidated damages?

15A. *Not at this time.*

16. What is your policy with regard to any exceptions a vendor may have to the requirements in the IFB?

16A. *As pursuant to the Procedural Requirements Governing Requests for Proposals (RFPs) and Invitations for Bids (IFBs) The Judiciary, State of Hawaii, May 2003, Section 3.4.1.:  
A bid that contains any omission, erasure, alteration, addition not called for, conditional bid, or irregularity of any kind, may be rejected.*

**END OF ADDENDUM 2**