



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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October 30, 2015

Via Email [Cody.Cruse@amwater.com] and USPS Regular Mail

Cody Cruse, Manager Laboratory Business Development
American Water Central Lab
115 South Illinois Street
Belleville, IL 62220

RE: Bid Solicitation #16DPP00003
NJDEP Laboratory Analysis of Drinking Water Samples

Dear Mr. Cruse:

This correspondence is in response to your email of October 21, 2015 to the Procurement Bureau (Bureau) of the Division of Purchase and Property (Division) on behalf of American Water Central Lab (American Water). In that email, American Water requests clarification regarding certain terms of Bid Solicitation/Request for Proposal #16DPP00003 (Solicitation). Specifically, American Water requests clarification regarding the following:

1. Appendix 1 pages 1 – 4 lists 84 analytes for method 524.2. A portion of the analytes listed are not available in the NJDEP Primary and Secondary Drinking Water Accreditation program. Please confirm the App 1 listing is accurate/applicable for RFP 16DPP00003 titled 'NJDEP Laboratory Analysis of Drinking Water Samples'.
2. Appendix 1 pages 4 – 5 lists 11 analytes for method 537 which contradicts Section 4.4.3.3 page 99 of the RFP. Please advise on the analyte count.
3. Does accreditation for method 537 via the UCMR3 program satisfy section 4.4.3.4 page 98-99?

By way of background, Bid Solicitation #16DPP00003: NJDEP Laboratory Analysis of Drinking Water Samples was issued by the Bureau on behalf of the New Jersey Department of Environmental Protection (NJDEP). The purpose of this Solicitation is to solicit proposals from qualified vendors to perform certain analyses on drinking water samples for the NJDEP. (Solicitation § 1.1 *Purpose and Intent*.) In accordance with the requirements of this Solicitation, questions were to be submitted electronically through the Q&A tab in *NJSTART* by September 16, 2015. (Solicitation § 1.3.1 *Electronic Question and Answer Period*.) Several questions were received and an amendment responding to those questions was issued on October 8, 2015. Because American Water's request for clarification was not received until October 21, 2015, the email correspondence was forwarded to the Division's Hearing Unit for review.

In consideration of American Water's request for clarification, I have reviewed the record of this procurement, including the solicitation, submitted bidder questions, relevant statutes, regulations and case law, and have consulted with the Bureau and the Department of Environmental Protection.

With respect to clarification request #1, the review has resulted in a revision to Solicitation Appendix #1. Please review Bid Amendment #3 which has been posted on [NJSTART](#) in connection with this solicitation.

With respect to clarification request #2, the review has resulted in a revision to Solicitation Appendix #1. Please review Bid Amendment #3 which has been posted on [NJSTART](#) in connection with this solicitation.

With respect to clarification request #3, Section 4.4.3.4 *Required Environmental Laboratory Certifications/Accreditations* of the subject Solicitation requires:

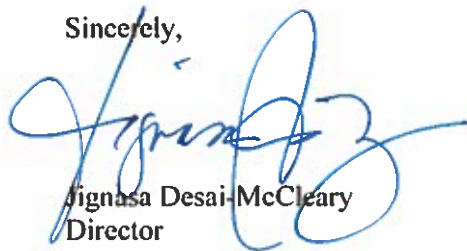
[T]he Vendor {Bidder} shall satisfy each laboratory certification/accreditation requirement for a given laboratory by holding one of the following certification/accreditations:

1. NJDEP Environmental Laboratory Certification;
2. NJDEP Primary NELAP Accreditation; or
3. NJDEP Secondary NELAP Accreditation.

Regarding the certifications required, NJDEP advises that laboratory accreditation via the UCMR3 program is not permitted for this contract. NJDEP's regulations at [N.J.A.C. 7:18](#) govern the certification of laboratories performing sample analyses for compliance with many statutes, and establish the criteria and procedures that certified environmental laboratories must follow in collecting, handling, preserving, and analyzing samples. The applicable NJDEP regulations require certification through a New Jersey Environmental Laboratory Certification Program or the New Jersey National Environmental Laboratory Accreditation Program. [N.J.A.C. 7:26E-2.1\(a\)\(1\)](#) and [N.J.A.C. 7:18-1.4](#). The UCMR3 program does not meet the requirements of the NJDEP regulations. Accordingly no amendment to the specifications will be made.

Thank you for your interest in doing business with the State of New Jersey and for registering your business with [NJSTART](#) the State of New Jersey's new eProcurement system.

Sincerely,



Jignasa Desai-McCleary
Director

JDM: RUD

c: S. Laidlaw
K. Anderson-Thomas
L. Spildener
P. Michaels