



**New Castle County**  
Purchasing Division  
New Castle County Government Center  
87 Read's Way  
New Castle, DE 19720  
(302) 395-5250

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## **Rapid DNA Analysis System**

### **Bid #17S-001**

New Castle County ("County") is seeking competitive sealed proposals from qualified firms to provide a Rapid DNA Analysis System.

Interested parties are asked to submit a written priced proposal, one (1) original and three (3) copies, to the New Castle County Purchasing Division, New Castle County Government Center, 87 Read's Way, New Castle, DE 19720 (302/395-5250), **by 2:00 p.m., Wednesday, February 1, 2017.**

**NOTE: Bidders are responsible for obtaining the bid specifications and all addendums from the New Castle County Purchasing website at [www.nccde.org/purchasing](http://www.nccde.org/purchasing).**

Questions about the project should be directed in writing to Frank Penta, Purchasing Agent, by e-mail at [fjpenta@nccde.org](mailto:fjpenta@nccde.org).

### **INSTRUCTIONS FOR PROPOSAL**

**Sealed** proposal envelopes will carry a clear notification in the lower left quadrant, "**Rapid DNA Analysis System, Bid #17S-001.**

FAX proposals **cannot** be accepted.

Pursuant to New Castle County Code and Delaware State Law, no contract will be awarded to any vendor unless, before or in conjunction with the actual award of the contract to such vendor, has submitted proof satisfactory to the County, or to the awarding agency, or the designated representative of the County or the awarding agency, as the case may be, that it and each and every subcontractor named by it in its bid, if any, will at the time it submits such proof have valid and effective licenses required by the State and the County, and the political subdivisions, if any, in which the project is located, and the United States government, in order for each of them (i) to do business therein; (ii) to comply with all tax laws thereof; and (iii) to perform the labor and/or supply the material involved in the performance of the contract.

Awards, if any, will be made in conjunction with the Delaware Code, Subchapter 2, Chapter 69, Title 29, and the New Castle County Code.



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Minority and Women-owned Business Enterprises (MWBE) will be afforded full opportunity to submit proposals, and will not be subject to discrimination on the basis of race, color, nation origin, sex, religion, age, disability, or sexual orientation in the consideration of this award.

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**General**



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New Castle County is seeking bids for a purchase of a Rapid DNA Analysis System to be utilized as a quick investigative tool. The Rapid DNA Analysis System will be used to analyze legally obtained reference and evidentiary samples. The DNA profiles obtained by the Rapid DNA Analysis System will be uploaded in an automated fashion to an accredited forensic laboratory that maintains the New Castle County Police Local DNA Database for comparison.

Please include in your proposal your experience in providing Rapid DNA Analysis Systems that are capable of producing a DNA profile to be uploaded in an automated fashion into a Local DNA Database for law enforcement agencies and your record of performance in this field.

### **Specifications**

The Rapid DNA Analysis System must include at a minimum the following requirements:

#### **Accreditation**

The chemicals utilized within the Rapid DNA Analysis System must be approved by NDIS (National DNA Index System). The system must be in compliance with the FBI 2015 expanded CODIS Core Loci requirements. Any other accreditations must be listed and detailed. A copy of the most recent accreditation certification must be included in the proposal.

#### **Experience/Capability**

The Rapid DNA Analysis System must be capable of processing both scene and reference samples from a multitude of different sources with turnaround times of approx. 90 minutes. The system must also be capable of running a single sample in a cost effective manner. These capabilities must be documented and detailed in the bid. The Rapid DNA Analysis System manufacturer must supply a history of providing these services to other law enforcement agencies. The Rapid DNA Analysis System must meet the requirements of the FBI 2015 expanded CODIS Core Loci. The vendor must detail uses of the technology in criminal court proceedings and the outcomes in these cases. The vendor must detail the deployment and placement of their instruments in law enforcement agencies, and provide references for

agencies currently utilizing the device. The Rapid DNA Analysis System must be capable



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of having distinct log in credentials for each operator of the Rapid DNA Analysis System at the time of each sample. The bid proposal must state if the system is or is not complaint with CODIS (compliance with CODIS is preferred but not required at this time).

#### **Sample Collection Supplies**

The main collection source for New Castle County Police will be wet/dry swabs for scene samples and buccal swabs for reference samples. The Rapid DNA Analysis System manufacturer must supply sample collection kits/swabs that allow the Rapid DNA Analysis System to process the samples. A cost breakdown of the sample collection kits/swabs and any shelf life needs to be included. Any special conditions regarding disposal costs for used kits/swabs or supplies must be detailed.

#### **Hardware/Machine**

New Castle County will own the Rapid DNA system. The bid should specify the cost to own and any ongoing costs that will be associated with required cartridges, updates, maintenance, and warranties. The chemicals utilized within the Rapid DNA Analysis System cartridges must be approved by NDIS (National DNA Index System). The system and cartridges must be in compliance with the FBI 2015 expanded CODIS Core Loci requirements. The vendor must include the cost of cartridges and any shelf life. Any special conditions regarding disposal costs for used cartridges must be detailed. A breakdown of costs and supplies that will be required for equipment validation must be detailed. The system must be bench top size and be portable.

#### **Software**

The Rapid DNA Analysis System will utilize and provide New Castle County access to a software program to be used for sample submissions and processing results. The software should be hosted externally and web-based so it requires no internal New Castle County Information Technology support. The software program will act as a link between the Rapid DNA Analysis System and the New Castle County Police Local DNA Database (currently hosted by BODE Cellmark Forensics). The program would need to be linked to any host, and any fees associated with such linkage shall be disclosed; otherwise the link will be provided



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at no cost to New Castle County. The software must be capable of exporting DNA profiles obtained through the Rapid DNA Analysis System to be uploaded into the New Castle County Police Local DNA Database. Software updates will be provided and installed by the vendor as appropriate. Any costs related to software updates must be included in the bid proposal.

#### **Training**

The Rapid DNA Analysis System vendor will provide training (at no cost) in best practices for collection and processing of the samples and use of the software package.

#### **Expert Testimony**

New Castle County may require onsite expert testimony. The proposal must outline the procedure for requesting expert testimony and any fees associated with this service. The proposal must also outline any instances in which expert testimony has been provided in other jurisdictions within the United States, and the results of the related proceedings.

#### **Legal Disclosure**

All bidders are to disclose any current or pending legal action against their organization

#### **Demonstration**

New Castle County may request a complete demonstration of the Rapid DNA Analysis System prior to making an award.

#### **Site Visit**

New Castle County may request an on-site visit to a Law Enforcement Agency currently utilizing the vendor's Rapid DNA Analysis System prior to making an award.

#### **REFERENCES**

Vendor shall provide a minimum of three (3) references to include contact information (name, address, telephone number, e-mail address) for law enforcement agencies utilizing the laboratory services for a Local DNA Database.



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**CLARIFICATION OF BIDS**

New Castle County reserves the right to contact vendors individually for the purpose of clarifying proposals.

**INDEMNITY**

Vendor shall indemnify, defend, and hold harmless New Castle County from and against any and all claims, demands, suits, judgments, costs, and expenses asserted by a person or persons, including, but not limited to, agents, employees, or volunteers of vendor, by reason of death or injury to persons, or loss or damage to property, resulting from operations or use of services, products and/or equipment purchased hereunder, or sustained in or upon the premises of New Castle County.

**MSDS**

If required by State or Federal regulations, the successful vendor must provide the M.S.D.S sheets to the Risk Management Division and to the requesting department.

**NOTE**

It is the intent of New Castle County that minority-owned businesses shall have the maximum feasible opportunity to participate in the performance of contracts in the capacity of prime vendor.

**FUNDING OUT**

The continuation of this contract is contingent upon funding appropriated by County Council.

**INSURANCE**



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#### **Workers' Compensation & Employer's Liability Insurance**

Vendor shall purchase and keep in force and effect workers' compensation insurance that will provide the applicable statutory benefits for all of the vendor's employees who may or do suffer covered injuries or diseases while involved in the performance of their work for the Vendor; and, even if permitted to do so by statute, Vendor shall not reject any workers' compensation insurance option that, in the absence of such a rejection, would be applicable to any of the said employees. The policy providing the workers' compensation insurance shall include: (1) broad form all-states coverage; (2) an endorsement that specifically waives any subrogation rights the insurer would otherwise have against New Castle County, its officials or employees.

Vendor shall purchase, and keep in force and effect, Employers' Liability insurance with maximum limits for each employee of \$1,000,000 for each bodily injury by accident, or occupational disease, and \$1,000,000 aggregate maximum limits for all bodily injuries by accidents and occupational diseases within the coverage period, regardless of the number of employees who may sustain bodily injuries by accident or occupational disease.

#### **Automobile and General Liability Insurance**

Vendor shall purchase: (1) motor vehicle liability coverage, for owned, hired and non-owned vehicles, covering any and all claims for bodily injury and property damage that arise out of Vendor's performance of work for New Castle County, (2) comprehensive Commercial General Liability (CGL) insurance with limits of no less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate. The CGL policy shall be extended by endorsement or otherwise to also include (a) coverage for Contractual Liability assumed by Vendor, with defense provided in addition to and separate from policy limits for indemnities of the named insured, (b) coverage for Independent Contractor Liability providing coverage in connection with such portion of the Services being subcontracted prior to any of the Services being subcontracted, in accordance with the terms and conditions of this Agreement, (c) coverage for Broad Form Property Damage Liability, (d) coverage for Personal Injury and Advertisers Liability, (e) products and completed operations.

( ) **Professional Liability Insurance** (applicable if checked)



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Each vendor of professional services for whom this provision is applicable shall provide professional liability insurance with limits of at least \$1,000,000 per occurrence and \$3,000,000 annual aggregate.

All insurance required under this contract except workers' compensation, employers liability, and professional liability (if applicable) shall be provided on a policy(s) that specifically names New Castle County, its officials and employees as additional insureds. Each policy shall provide an endorsement that specifically waives any subrogation rights the insurer would otherwise have against New Castle County, its officials or employees.

Each policy shall be endorsed to require the insurer to give New Castle County at least thirty (30) days' advance written notice of the insurer's intention to cancel, refuse to renew, or otherwise terminate the policy, suspend or terminate any coverage under the policy, or reduce any policy limits, increase any policy deductibles, or otherwise modify or alter any terms or conditions of the policy or renewal issued by the same insurer.

Each policy shall be written by a carrier licensed by the State of Delaware to do insurance business of the type involved in the State of Delaware, and which has, and maintains for the life of this contract, at least an "A" rating from the A.M. Best Agency with "Stable" outlook.

Any change in this rating or outlook must be related to New Castle County by the Vendor or insurance carrier as soon as possible upon learning of same, and the Vendor shall use due diligence with its insurance broker or carrier to keep track of same.

All insurance required under this contract except workers' compensation, employer's liability and professional liability shall expressly provide that such insurance shall be primary insurance; and any similar insurance in the name of Vendor shall be excess and non-contributing.

Deductibles for insurance provided under this contract shall not exceed five percent (5%) of policy limits.

**ADDITIONS**



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New Castle County may require other related services, products, and/or equipment not specifically listed. Vendor may be given the opportunity to provide a quote. Should New Castle County deem the quote to be non-competitive, New Castle County reserves the right to seek proposals from other vendors.

### **BASIS OF AWARD**

The award will be made to the bidder who, in the County's sole judgment, submits a proposal which best meets the terms, conditions, and required evaluation criteria set forth herein. New Castle County reserves the right to make multiple awards, partial awards, award by types, award by sections, item by item, or lump sum total whichever may be most advantageous to New Castle County.

### **NOTE**

Pursuant to County Code, New Castle County reserves the right to purchase goods, contractual, and professional services from other governments and cooperative purchasing agreements when it is determined by the Office of Administrative Services to be in the best interest of the County.

### **STATE OF DELAWARE BUSINESS LICENSE**

Within seven (7) days from receiving a notice of award, the successful vendor shall either furnish the County with proof of a Delaware Business Licensure or initiate the process of application where required. An application may be requested in writing to: Division of Revenue, Carvel State Building, PO Box 8750, 820 N. French Street, Wilmington, DE 19899 or by telephone to (302) 577-8200.

### **CONTRACT ACCESSIBILITY**

This contract shall be accessible to State agencies, political subdivisions, school districts, and volunteer fire companies.

### **CONFIDENTIALITY**



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All documents submitted as part of the vendor's bid/proposal will be deemed confidential during the evaluation process. Vendor proposals will not be available for review by anyone other than New Castle County's Evaluation Committee or its designated agents. There shall be no disclosure of any vendor's information to a competing vendor prior to award of the contract.

New Castle County is a public agency and is subject to the Freedom of Information Act (FOIA). Firms must designate those items that are considered "trade secrets" as defined in the Delaware State Code Title 29, Chapter 100. Vendor(s) are advised that once a proposal/bid is received by NCCo and a decision on contract award is made, its contents will become public record and nothing contained in the proposal will be deemed to be confidential except those proprietary items marked as "trade secrets".

### **SUPPLIER DIVERSITY**

New Castle County encourages supplier diversity among firms. Please provide information on your firm's effort to encourage supplier diversity in your workforce and in the selection of sub-contractors.

### **DELAWARE LABOR**

New Castle County encourages the use of Delaware Labor. Please specify the office location(s) and percentage of the primary and sub-consultant (if applicable) that will be provided by each office.

### **EVALUATION CRITERIA**

Based on the criteria established pursuant to the *New Castle County Code*, an evaluation committee will be selected to read, screen, and rank in writing all proposals. The New Castle County Chief of Administrative Services and requesting agency shall have the right to negotiate with individual offerors after their proposals are ranked. The Chief of Administrative Services shall establish procedures and schedules for conducting negotiations. Disclosure of an offeror's



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price(s) to another and any information derived from competing proposals is prohibited. The Chief of Administrative Services shall issue a written request for best and final offer. The request shall set forth the date, time and place for the submission of best and final offer.

At any point in the negotiation process, the Chief of Administrative Services and the requesting agency may, at his or her discretion, terminate negotiations with any and all offers. Submitted proposals will be evaluated on the following criteria. A weighted average formula will be utilized.

#### **EVALUATION CRITERIA**

1. Ability and experience to provide a Rapid DNA Analysis System as demonstrated by providing this service to other law enforcement agencies in a cost effective manner. 0-25
2. Ability to provide a software solution that is capable of exporting DNA profiles obtained through the Rapid DNA Analysis System to be uploaded into New Castle County Police Local DNA Database. 0-25
3. Ability and experience in processing DNA samples and maintaining approval through NDIS. 0-15
4. Distribution of work among firms; economic considerations may be included, but the purpose shall be to broaden the base from which selections are to be made. 0-05
5. Location of Firm. 0-10
6. Price. 0-20

#### **BIDDERS QUESTIONS**

- 1.) Indicate when you received your NDIS approval or recognized equivalent.
- 2.) What are the costs associated with the purchase of your Rapid DNA Analysis System, necessary equipment/supplies and warranty costs? What are the estimated ongoing yearly costs for operating the system (i.e., equipment/supplies, warranties, maintenance)?



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- 3.) Specifically describe how the software you will be using will act as a link between the Rapid DNA Analysis System and the New Castle County Police Local DNA Database (currently hosted by BODE Cellmark Forensics), and the Information Technology support it will require. Is the software customizable to meet agency business practices? Are there any fees associated with the upload to the Local DNA Database? Are there any fees associated with software updates? If so, what is included for the fees and how often?
- 4.) Will there be any annual fees, maintenance fees or warranty costs associated with the Rapid DNA Analysis System? If so, what is included for the fees and costs?
- 5.) Provide a list of other law enforcement agencies using your Rapid DNA Analysis System. Include how long you have been providing this service and how many samples you have processed.

**REFERENCE PAGE**

1. Company Name \_\_\_\_\_



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Contact Person \_\_\_\_\_

Contact Number \_\_\_\_\_

2. Company Name \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact Number \_\_\_\_\_

3. Company Name \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact Number \_\_\_\_\_

**SIGNATURE PAGE**

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Name of Company



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Address

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Telephone No.

Fax No.

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Signature

Federal Tax I.D. No.

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Printed Name

**Email (REQUIRED)**

Date

**NEW CASTLE COUNTY, DELAWARE**  
**PROCUREMENT AFFIDAVIT**

**AUTHORIZED REPRESENTATIVE**

**I HEREBY AFFIRM THAT:**



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I am the (title) \_\_\_\_\_, and I am duly authorized to represent and bind (business) \_\_\_\_\_ (the "Business"), and that I possess the legal authority to make this Affidavit on behalf of myself and the Business for which I am acting.

**I FURTHER AFFIRM THAT:**

Neither I, nor to the best of my knowledge, information, and belief, the Business, nor any of its officers, directors, partners, members, affiliates, or any of its employees directly involved in obtaining or performing contracts with public bodies has been excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and non-financial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, note, E.O. 12549, E.O. 12689, 48 CFR 9.404, and each agency's codification of the Common Rule for non-procurement suspension and debarment.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, AFTER DILIGENT INQUIRY.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name:

Title: \_\_\_\_\_

(Authorized Representative and Affiant)