

State of Maine
Master Score Sheet

RFP# 202206097					
Forensic Toxicology Services					
Bidder Name:		Axis Forensic Toxicology	NMS Labs		
Proposed Cost:		\$263,351.00	\$283,307.00		
Scoring Sections	Points Available				
Section I: Preliminary Information	N/A				
Section II: Organization Qualifications and Experience	35	21	35		
Section III: Proposed Services	35	32	35		
Section IV: Cost Proposal	30	30	27.87		
TOTAL	<u>100</u>	<u>83</u>	<u>97.87</u>		

Award Justification Statement
RFP# 202206097 – Forensic Toxicology Services

I. Summary

The Maine Office of Chief Medical Examiner (OCME) provides forensic pathology death investigation services for the entire State of Maine. The OCME will require over 1,400 forensic toxicology specimen analyses of some type over the course of a year. Toxicology screening and confirmation is required for alcohol, illicit and prescription substances, and carbon monoxide. Specialized analysis for less common substances or analysis using tissue or decomposed specimens are required. The OCME is seeking forensic toxicology services. There were two bids received, and NMS Labs was selected.

II. Evaluation Process

The evaluation team consisted of Lindsey Chasteen, OCME Office Administrator, Erik Hyatt, OCME Director of Lab & Mortuary Services, and Mark Toulouse, Office of the Attorney General, Director of Finance/Chief of Administrative Division. Each team member read each bid and completed their individual evaluation notes. The evaluation team applied the consensus method in scoring the bidders qualifications, experience, and proposed services. Scores for the cost proposal were assigned using a mathematical formula.

III. Qualifications & Experience

- Longer history/experience in forensic testing
- Larger organization
- Operates 24/7
- Dedicated forensic client support
- Established expectations of fast response time (check email every 30 minutes)

IV. Proposed Services

- Can accept multiple cases in one shipping container
- Can test for more substances overall
- Can identify and offer testing for out of scope findings
- Allows for more mediums of testing

V. Cost Proposal

NMS Labs - \$283,307.00

VI. Conclusion

NMS Labs was selected because they have been in forensic testing for a longer period of time, and can identify and offer out of scope testing on submitted samples. Additionally, NMS requires less sample volume for testing and can accept one box with multiple case samples without fear of mixing up samples and cases. The evaluation team determined the proposal submitted by NMS Labs represents the best value to the State of Maine.



STATE OF MAINE
Office of Chief Medical Examiner

Janet T. Mills
Governor

Kirsten Figueroa
Commissioner

01/05/2023

Philip T. Roberts, CEO
Axis Forensic Toxicology
5780 W 71st Street
Indianapolis, IN 46278

SUBJECT: Notice of Conditional Contract Award under RFP # 202206097,
Forensic Toxicology Services

Dear Mr. Roberts:

This letter is in regard to the subject Request for Proposals (RFP), issued by the State of Maine Office of Chief Medical Examiner for Forensic Toxicology Services. The Department has evaluated the proposals received using the evaluation criteria identified in the RFP, and the Department is hereby announcing its conditional contract award to the following bidder:

- NMS Labs

The bidder listed above received the evaluation team's highest ranking. The Department will be contacting the aforementioned bidder soon to negotiate a contract. As provided in the RFP, the Notice of Conditional Contract Award is subject to execution of a written contract and, as a result, this Notice does NOT constitute the formation of a contract between the Department and the apparent successful vendor. The vendor shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to the Department is executed. The Department further reserves the right to cancel this Notice of Conditional Contract Award at any time prior to the execution of a written contract.

As stated in the RFP, following announcement of this award decision, all submissions in response to the RFP are considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA). 1 M.R.S. §§ 401 et seq.; 5 M.R.S. § 1825-B (6).

This award decision is conditioned upon final approval by the State Procurement Review Committee and the successful negotiation of a contract. A Statement of Appeal Rights has been provided with this letter; see below.

Thank you for your interest in doing business with the State of Maine.

Sincerely,

A handwritten signature in blue ink, reading "Lindsey Chasteen". The signature is fluid and cursive, with the first name "Lindsey" and last name "Chasteen" clearly distinguishable.

Lindsey Chasteen, MBA
Office Administrator
Maine Office of Chief Medical Examiner
Ph: 207-624-7180
Fax: 207-624-7178

STATEMENT OF APPEAL RIGHTS

Any person aggrieved by an award decision may request an appeal hearing. The request must be made to the Director of the Bureau of General Services, in writing, within 15 days of notification of the contract award as provided in 5 M.R.S. § 1825-E (2) and the Rules of the Department of Administrative and Financial Services, Bureau of General Services, Division of Purchases, Chapter 120, § (2) (2).



STATE OF MAINE
Office of Chief Medical Examiner

Janet T. Mills
Governor

Kirsten Figueroa
Commissioner

01/05/2023

Dan Monahan, President and CEO
NMS Labs
200 Welsh Road
Horsham, PA 19044

SUBJECT: Notice of Conditional Contract Award under RFP # 202206097,
Forensic Toxicology Services

Dear Mr. Monahan:

This letter is in regard to the subject Request for Proposals (RFP), issued by the State of Maine Office of Chief Medical Examiner for Forensic Toxicology Services. The Department has evaluated the proposals received using the evaluation criteria identified in the RFP, and the Department is hereby announcing its conditional contract award to the following bidder:

- NMS Labs

The bidder listed above received the evaluation team's highest ranking. The Department will be contacting the aforementioned bidder soon to negotiate a contract. As provided in the RFP, the Notice of Conditional Contract Award is subject to execution of a written contract and, as a result, this Notice does NOT constitute the formation of a contract between the Department and the apparent successful vendor. The vendor shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to the Department is executed. The Department further reserves the right to cancel this Notice of Conditional Contract Award at any time prior to the execution of a written contract.

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Lindsey Chasteen, MBA
Office Administrator
Maine Office of Chief Medical Examiner
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**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER: Axis Forensic Toxicology

DATE: 11/04/2022

SUMMARY PAGE

Department Name: Office of Chief Medical Examiner

Name of RFP Coordinator: Lindsey Chasteen

Names of Evaluators: Lindsey Chasteen, Erik Hyatt, Mark Toulouse

<u>Pass/Fail Criteria</u>	<u>Pass</u>	<u>Fail</u>
Section I. Preliminary Information (Eligibility)		N/A
•		
•		
•		
<u>Scoring Sections</u>	<u>Points Available</u>	<u>Points Awarded</u>
Section II. Organization Qualifications and Experience	35	21
Section III. Proposed Services	35	32
Section IV. Cost Proposal	30	30
<u>Total Points</u>	<u>100</u>	<u>83</u>

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER: Axis Forensic Toxicology

DATE: 11/04/2022

**OVERVIEW OF SECTION I
Preliminary Information**

Section I. Preliminary Information

Evaluation Team Comments:

N/A

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER: Axis Forensic Toxicology

DATE: 11/04/2022

**EVALUATION OF SECTION II
Organization Qualifications and Experience**

	<u>Points Available</u>	<u>Points Awarded</u>
Section II. Organization Qualifications and Experience	35	21

Evaluation Team Comments:

- I. Overview of the Organization
 - AIT Labs bought forensic business in 2016
 - i. “Over 30 years of...” (over 30 years of lab experience)
 - Claim 10 business day turnaround
 - Offers “comprehensive panel”
 - Like the mission
- II. Subcontractors
 - NMS Labs (heavy metals, inhalants, infrequent analytes)
 - Ascertain Forensics (Title 17 alcohols in vitreous)
- III. Organizational Chart
 - Provided

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER: Axis Forensic Toxicology

DATE: 11/04/2022

**EVALUATION OF SECTION III
Proposed Services**

	<u>Points Available</u>	<u>Points Awarded</u>
Section III. Proposed Services	35	32

Evaluation Team Comments:

Axis offers a comprehensive panel, but must send out to subcontractors for heavy metals, inhalants, and infrequent analytes. No mention in bid of which substances are considered "infrequent analytes".

Axis can testify as needed

No mention of Axis' ability to identify and report "out of scope" findings

No online ordering system, forms must be hand-written

Axis does state they can integrate with MDILog

Requires shipping each test individually, rather than in bulk.

Fewer overall substances tested.

Axis needs a larger volume of specimen to run tests.

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER: Axis Forensic Toxicology

DATE: 11/04/2022

**EVALUATION OF SECTION IV
Cost Proposal**

Lowest Submitted Cost Proposal	÷	Cost Proposal Being Scored	x	Score Weight	=	Score
263,351.00	÷	263,351.00	x	30 points	=	30

Evaluation Team Comments:

Axis has lower overall pricing
List prices are comparable to incumbent
Proposed pricing offers a discount

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097
RFP TITLE: Forensic Toxicology Services
BIDDER: NMS Labs
DATE: 11/04/2022

SUMMARY PAGE

Department Name: Office of Chief Medical Examiner
Name of RFP Coordinator: Lindsey Chasteen
Names of Evaluators: Lindsey Chasteen, Erik Hyatt, Mark Toulouse

<u>Pass/Fail Criteria</u>	<u>Pass</u>	<u>Fail</u>
Section I. Preliminary Information (Eligibility)		N/A
•		
•		
•		
<u>Scoring Sections</u>	<u>Points Available</u>	<u>Points Awarded</u>
Section II. Organization Qualifications and Experience	35	35
Section III. Proposed Services	35	35
Section IV. Cost Proposal	30	27.87
<u>Total Points</u>	<u>100</u>	<u>97.87</u>

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER: NMS Labs

DATE: 11/04/2022

**OVERVIEW OF SECTION I
Preliminary Information**

Section I. Preliminary Information

Evaluation Team Comments:

N/A

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097
RFP TITLE: Forensic Toxicology Services
BIDDER: NMS Labs
DATE: 11/04/2022

**EVALUATION OF SECTION II
Organization Qualifications and Experience**

	<u>Points Available</u>	<u>Points Awarded</u>
Section II. Organization Qualifications and Experience	35	35

Evaluation Team Comments:

- I. Overview of the Organization
 - In forensics for over 50 years
 - Larger organization (handle higher volumes)
 - Operates 24/7
 - More existing certifications
- II. Subcontractors
 - Health Network Lab (Tryptase) – OCME uses local hospital for this testing
- III. Organizational Chart
 - Provided

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097
RFP TITLE: Forensic Toxicology Services
BIDDER: NMS Labs
DATE: 11/04/2022

**EVALUATION OF SECTION III
Proposed Services**

	<u>Points Available</u>	<u>Points Awarded</u>
Section III. Proposed Services	35	35

Evaluation Team Comments:

- Proposed Services:
 - Comprehensive testing list
 - More overall tests
 - More mediums to allow for testing
 - Can testify
 - Can identify "out of scope"
 - Reports archived indefinitely (vs. 5 years)
 - NMS pays for overnight shipping
 - Dedicated forensic support staff
 - Check email every 30 minutes to ensure fast response times
- Implementation – Work Plan:
 - Ordering – electronic submission
 - Can auto-upload report to MDILog

**STATE OF MAINE
TEAM CONSENSUS EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER: NMS Labs

DATE: 11/04/2022

**EVALUATION OF SECTION IV
Cost Proposal**

Lowest Submitted Cost Proposal	÷	Cost Proposal Being Scored	x	Score Weight	=	Score
263,351.00	÷	283,307.00	x	30 points	=	27.87

Evaluation Team Comments:

- Higher cost
- Price increase annually

**STATE OF MAINE
INDIVIDUAL EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: FORENSIC TOXICOLOGY SERVICES

BIDDER NAME: NMS Labs

DATE: 11/2/2022

EVALUATOR NAME: Mark Toulouse

EVALUATOR DEPARTMENT: Office of the Attorney General – Chief Medical Examiner

Instructions: *The purpose of this form is to record proposal review notes written by individual evaluators for this Request for Proposals (RFP) process. It is required that each individual evaluator make notes for each proposal that he or she reviews. No numerical scoring should take place on these notes, as that is performed only during team consensus evaluation meetings. A separate form is available for team consensus evaluation notes and scoring. Once complete, please submit a copy of this document to your Department's RFP Coordinator or Lead Evaluator for this RFP.*

Individual Evaluator Comments:

I. Organization Qualifications and Experience

1. Overview of Organization

- Longstanding company
- Past experience with contracts/pricing has been challenging – holding to 30% costs submitted has not taken place.

2. Subcontractors

- Only for tryptase test
-
-

3.

4. .

II. Proposed Services

1. Services to be Provided

-
-
-

2. Implementation – Work Plan

- Turnaround time longer than Axis, but still good per Lindsey.
- Testing availability more substantial than Axis, but Axis uses NMS for those tests that they outsource.
- 73 of 113 prices are higher than Axis.

**STATE OF MAINE
INDIVIDUAL EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: FORENSIC TOXICOLOGY SERVICES

BIDDER NAME: NMS Labs

DATE: 11/04/2022

EVALUATOR NAME: Lindsey Chasteen

EVALUATOR DEPARTMENT: Office Chief Medical Examiner

Instructions: The purpose of this form is to record proposal review notes written by individual evaluators for this Request for Proposals (RFP) process. It is **required** that each individual evaluator make notes for each proposal that he or she reviews. No numerical scoring should take place on these notes, as that is performed only during team consensus evaluation meetings. A separate form is available for team consensus evaluation notes and scoring. Once complete, please submit a copy of this document to your Department's RFP Coordinator or Lead Evaluator for this RFP.

Individual Evaluator Comments:

- I. *Organization Qualifications and Experience*
 1. *Overview of Organization*
 - In forensics business over 50 years
 - Larger organization
 - Operates 24/7
 2. *Subcontractors*
 - Health Network Lab (Tryptase)
 3. *Organizational Chart*
 - Provided
- II. *Proposed Services*
 1. *Services to be Provided*
 - Comprehensive testing list
 - Can testify
 - Identify "out of scope"
 - Reports archived indefinitely (vs. 5 years)
 - NMS pays overnight shipping
 - Dedicated forensic client support
 1. Check email every 30 minutes to ensure fast response times
 2. *Implementation – Work Plan*
 - Ordering – electronic submission
 - Can auto-upload report to MDILog
- III. *Cost*
 1. Higher cost
 2. Price increase annually (8052 going up \$17/test)

**STATE OF MAINE
INDIVIDUAL EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER NAME: NMS Labs

DATE: 10/12/2022

EVALUATOR NAME: Erik Hyatt

EVALUATOR DEPARTMENT: OCME / Lab & Mortuary

Instructions: *The purpose of this form is to record proposal review notes written by individual evaluators for this Request for Proposals (RFP) process. It is required that each individual evaluator make notes for each proposal that he or she reviews. No numerical scoring should take place on these notes, as that is performed only during team consensus evaluation meetings. A separate form is available for team consensus evaluation notes and scoring. Once complete, please submit a copy of this document to your Department's RFP Coordinator or Lead Evaluator for this RFP.*

Individual Evaluator Comments:

- +current lab with established work flow no change to system in place.
- budget is slightly more expensive as quoted
- MDI interface for ordering is not streamlined
- + more comprehensive "tox" panel
- + more overall tests
- + more certifications
- + more mediums to allow for testing

**STATE OF MAINE
INDIVIDUAL EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: FORENSIC TOXICOLOGY SERVICES

BIDDER NAME: Axis Forensic Toxicology

DATE: 11/2/2022

EVALUATOR NAME: Mark Toulouse

EVALUATOR DEPARTMENT: Office of the Attorney General – Chief Medical Examiner

Instructions: *The purpose of this form is to record proposal review notes written by individual evaluators for this Request for Proposals (RFP) process. It is **required** that each individual evaluator make notes for each proposal that he or she reviews. No numerical scoring should take place on these notes, as that is performed only during team consensus evaluation meetings. A separate form is available for team consensus evaluation notes and scoring. Once complete, please submit a copy of this document to your Department's RFP Coordinator or Lead Evaluator for this RFP.*

Individual Evaluator Comments:

I. Organization Qualifications and Experience

1. Overview of Organization

- Impressive mission statement
- Opiate and opioid, goals of current administration, mentioned as particular strength
- Offshoot of successful company

2. Subcontractors

- Only 1% use of reference lab(s)
- Includes NMS
-

3. Organizational Chart

4. Etc.

II. Proposed Services

1. Services to be Provided

-
-
-

2. Implementation – Work Plan

- Ten day turnaround time good per Lindsey
- I like what they do for Kentucky NVDRS – this is very similar to and could result in less reliance on University of Maine Contracts
- 73 of 113 prices are lower than NMS

**STATE OF MAINE
INDIVIDUAL EVALUATION NOTES**

RFP #: 202206097

RFP TITLE: FORENSIC TOXICOLOGY SERVICES

BIDDER NAME: Axis Forensic Toxicology

DATE: 11/03/2022

EVALUATOR NAME: Lindsey Chasteen

EVALUATOR DEPARTMENT: Office Chief Medical Examiner

Instructions: *The purpose of this form is to record proposal review notes written by individual evaluators for this Request for Proposals (RFP) process. It is **required** that each individual evaluator make notes for each proposal that he or she reviews. No numerical scoring should take place on these notes, as that is performed only during team consensus evaluation meetings. A separate form is available for team consensus evaluation notes and scoring. Once complete, please submit a copy of this document to your Department's RFP Coordinator or Lead Evaluator for this RFP.*

Individual Evaluator Comments:

- I. *Organization Qualifications and Experience*
 1. *Overview of Organization*
 - AIT Labs bought the forensic business in 2016
 - Claim 10 business day turnaround
 - "Comprehensive panel"
 2. *Subcontractors*
 - NMS (heavy metals, inhalants, infrequent analytes)
 - Ascertain Forensics (Vitreous, Title 17 alcohols)
 3. *Organizational Chart*
 - Provided
- II. *Proposed Services*
 1. *Services to be Provided*
 - Comprehensive testing list (\$370 for comprehensive panel, Designer Opioids \$300)
 - Can testify
 - Identify "out of scope"?
 2. *Implementation – Work Plan*
 - Ordering – hand written, no electronic submission?
 - Can integrate to MDILog? Proven success?
- III. *Cost*
 1. List prices comparable to incumbent
 2. Proposed Price per Test is 47% discount on list (same as incumbent)

STATE OF MAINE
INDIVIDUAL EVALUATION NOTES

RFP #: 202206097

RFP TITLE: Forensic Toxicology Services

BIDDER NAME: Axis Forensic Toxicology

DATE: 10/12/2022

EVALUATOR NAME: Erik Hyatt

EVALUATOR DEPARTMENT: OCME / Lab & Mortuary

Instructions: The purpose of this form is to record proposal review notes written by individual evaluators for this Request for Proposals (RFP) process. It is required that each individual evaluator make notes for each proposal that he or she reviews. No numerical scoring should take place on these notes, as that is performed only during team consensus evaluation meetings. A separate form is available for team consensus evaluation notes and scoring. Once complete, please submit a copy of this document to your Department's RFP Coordinator or Lead Evaluator for this RFP.

Individual Evaluator Comments:

+less expensive quote

-needs more qty per sample for testing

-new format for submission changes to storage

-less substances tested

? ship each individual case??



STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL
Office of Chief Medical Examiner

Janet T. Mills
Governor

Kirsten Figueroa
Commissioner

AGREEMENT AND DISCLOSURE STATEMENT
RFP #: 202206097
RFP TITLE: Forensic Toxicology Services

I, Erik M Hyatt accept the offer to become a member of the Request for Proposals (RFP) Evaluation Team for the State of Maine Department of Attorney General, Office of Chief Medical Examiner. I do hereby accept the terms set forth in this agreement AND hereby disclose any affiliation or relationship I may have in connection with a bidder who has submitted a proposal to this RFP.

Neither I nor any member of my immediate family have a personal or financial interest, direct or indirect, in the bidders whose proposals I will be reviewing. "Interest" may include, but is not limited to: current or former ownership in the bidder's company; current or former Board membership; current or former employment with the bidder; current or former personal contractual relationship with the bidder (example: paid consultant); and/or current or former relationship to a bidder's official which could reasonably be construed to constitute a conflict of interest (personal relationships may be perceived by the public as a potential conflict of interest).

I have not advised, consulted with or assisted any bidder in the preparation of any proposal submitted in response to this RFP nor have I submitted a letter of support or similar endorsement.

I understand and agree that the evaluation process is to be conducted in an impartial manner without bias or prejudice. In this regard, I hereby certify that, to the best of my knowledge, there are no circumstances that would reasonably support a good faith charge of bias. I further understand that in the event a good faith charge of bias is made, it will rest with me to decide whether I should be disqualified from participation in the evaluation process.

I agree to hold confidential all information related to the contents of Requests for Proposals presented during the review process until such time as the Department formally releases the award decision notices for public distribution.


Signature

09/27/2022
Date



STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL
Office of Chief Medical Examiner

Janet T. Mills
Governor

Kirsten Figueroa
Commissioner

AGREEMENT AND DISCLOSURE STATEMENT
RFP #: 202206097
RFP TITLE: Forensic Toxicology Services

I, Mark A. Toulouse accept the offer to become a member of the Request for Proposals (RFP) Evaluation Team for the State of Maine Department of Attorney General, Office of Chief Medical Examiner. I do hereby accept the terms set forth in this agreement AND hereby disclose any affiliation or relationship I may have in connection with a bidder who has submitted a proposal to this RFP.

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Mark A. Toulouse

9/28/2022

Signature

Date



STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL
Office of Chief Medical Examiner

Janet T. Mills
Governor

Kirsten Figueroa
Commissioner

AGREEMENT AND DISCLOSURE STATEMENT
RFP #: 202206097
RFP TITLE: Forensic Toxicology Services

I, Lindsey Charke accept the offer to become a member of the Request for Proposals (RFP) Evaluation Team for the State of Maine Department of Attorney General, Office of Chief Medical Examiner. I do hereby accept the terms set forth in this agreement AND hereby disclose any affiliation or relationship I may have in connection with a bidder who has submitted a proposal to this RFP.

Neither I nor any member of my immediate family have a personal or financial interest, direct or indirect, in the bidders whose proposals I will be reviewing. "Interest" may include, but is not limited to: current or former ownership in the bidder's company; current or former Board membership; current or former employment with the bidder; current or former personal contractual relationship with the bidder (example: paid consultant); and/or current or former relationship to a bidder's official which could reasonably be construed to constitute a conflict of interest (personal relationships may be perceived by the public as a potential conflict of interest).

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Lindsey Charke
Signature

9-26-22
Date