APPENDIX 6 - NON-PAYMENT ISSUES

REIMBURSEMENT OF 100% OF TOTAL INVOICE AMOUNT

This Appendix provides a listing of the most common reasons that make a faulty analysis ineligible for payment; however, this Appendix is not intended to be an all-encompassing list. See RFP Section 5.23.5 on how the withholding is be conducted for both the inorganic and organic fraction. All Contract Users and using agencies will send their requests for withholding to the State Contract Manager. All final decisions on withholding will be made by the State Contract Manager.

The State shall not pay 100% of the submitted invoices (both the 80% invoice and the 20% retainage for an overall 100% withholding) for each affected sample or analytical fraction for the specific reasons as stated below:

1. METHODOLOGY REQUIREMENT VIOLATION

Methodologies not specified in the tasks (including unapproved alterations of the task methodologies) are used to analyze Department samples.

2. NON-APPROVED CONTRACTOR VIOLATIONS

When it has been determined by the Department that samples have been analyzed by a non-contract or subcontracted laboratory.

3. CHAIN OF CUSTODY VIOLATIONS

The Contractor fails to properly complete any chain of custody document, or it is determined during data validation or an on-site inspection that any chain of custody document has been falsified.

4. TEMPERATURE VIOLATION

The Contractor analyzes a sample received above the specified temperature and fails to receive written approval from the State to analyze the samples and then submits the analytical data to the user.

(NOTE: If the Contractor rejects the sample upon receipt as required by the Contractor certification regulation, the Contractor **is entitled** to payment for the sample shipment and bottle as stated in RFP Section 5.23.1.6).

5. CERTIFICATION VIOLATION

A Contractor has lost certification status on a parameter or method and analyses sample after being notified by the Laboratory Certification Program and/or the State Contract Manager.

6. HOLDING TIME

Samples are analyzed outside the required holding times without written permission of the State Contract Manager and the Contractor submits the data to the state.

(Note: Contractor is **not entitled** to shipping and bottle costs as per RFP Section 5.23.1.6)

7. NUMBER OF SAMPLES IN BATCH

The Contractor exceeds the required number of samples in the batch as specified by the method and/or contract. For all samples in the affected fraction exceeding the count of 20 for a particular batch, payment will be withheld.

8. NJ SAMPLES REQUIREMENT

The Contractor fails to use NJ site/batch related samples for the Laboratory Duplicates (Replicates) or Fortified Sample Matrix. Analysis will result in nonpayment for all samples in the sample batch associated with these QC samples for the affected fraction.

9. ADEQUATE NUMBER OF REQUIRED QC SAMPLES

The Contractor fails to analyze the correct number of QC samples per batch of samples, to meet the daily, method, or contract requirements for QC samples. These QC samples include but are not limited to the reagent blanks, Laboratory Fortified blanks, Fortified Sample Matrix, Laboratory Duplicates (Replicates) Quality Control Samples and RL Check Samples.

If the Contract User fails to submit the correct number of additional bottles required for the Fortified Sample Matrix and the Laboratory Duplicates, after he/she is provided with the bottles for collection, the Contractor shall not be penalized.

If bottles are broken during shipment and there are an inadequate number of bottles available for the QC samples, written permission shall be obtained from the State Contract Manager reducing the number of QC samples for that batch of samples. The Contractor shall not be penalized.

The cost of one sample for each missing QC sample per batch shall be withheld.

10. REPORTING LIMITS/LEVELS FOR ALL METHODS

10.1 Methods 524.2, 504.1, 245.1, and 331 Reporting Limits:

The compound specific Reporting Limit or Minimum Reporting Levels reported by the Contractor exceeds the contract required limits established by RFP Section 3.25 for any and all undiluted samples. Payment will be withheld for affected compound.

11. NON PAYMENT ISSUES COMMON TO VARIOUS METHODS

11.1 Laboratory Duplicates (Replicates) for All Methods except Method 331.0

Samples not associated with the laboratory duplicates.

11.2 Initial Calibration Verification Sample (ICV) for all Methods

11.2.1 The Contractor failed to follow any of the ICV sample requirements as specified by RFP Section 3.26.

11.2.2 Samples associated with a ICV Sample that is not from a different outside source than the calibration standards.

11.2.3 The Contractor failed to follow the contract requirements regarding the frequency of the ICV Sample.

11.2.4 The Contractor failed to spike the ICV Sample for each method with all of the required compounds.

11.2.5 The Contractor failed to spike the required compounds in the ICV Sample at the contract/method required concentrations.

11.2.6 The Contractor failed to meet the RFP and method established control limits and follow the procedural steps when the limits are not met.

11.3 **Laboratory Fortified Blanks (LFB)**

11.3.1 The Contractor failed to follow any of the LFB requirements of RFP Section 3.31.

11.3.2 The Contractor failed to follow the RFP and Method procedural requirements for the LFB.

11.3.3 Samples associated with a LFB that was not analyzed in the proper sequence as required by the RFP and method.

11.3.4 The Contractor failed to analyze the LFB at the required frequencies for each method.

11.3.5 The Contractor failed to follow the LFB recovery requirements for each method.

11.3.6 The Contractor failed to follow the procedures established in the RFP regarding LFBs that are outside of control limits.

11.3.7 Samples are not associated with a LFB during each day as defined by the method and the RFP.

11.4 **Laboratory Fortified Sample Matrix (LFSM)**

11.4.1 The Contractor failed to follow any of the LFSM requirements of RFP Section 3.32.

11.4.2 The Contractor failed to follow the procedural requirements as specified in the RFP and method.

11.4.3 The Contractor failed to spike the LFSM at the required spiking level for each method.

11.4.4 The Contractor failed to spike the LFSM with all the required compounds for that method.

11.4.5 The Contractor failed to analyze the correct number of LFSMs as required by the method.

11.4.6 For Method 504.1, there is no penalty if the LSFM fails, as long as the LFB is within control limits as specified by the method.

11.5 **Laboratory Reagent Blanks (LRB)**

11.5.1 The Contractor failed to follow any of the LRB requirements of RFP Section 3.29.

11.5.2 Samples associated with a LRB that was not analyzed in the proper sequence as required by the RFP and method.

11.5.3 The Contractor failed to analyze the LRB at the method specified frequency (See work shift as defined by some methods).

11.5.4 Samples associated with a LRB that exhibits contamination above the Reporting Limit and the Contractor does not correct the problem prior to sample analysis.

11.5.5 The LRB failed to meet the method specified QC Control limits established in the method and RFP (Note Surrogates are not required for Method 504.1).

11.5.6 Samples associated with a LRB containing surrogates, and or internal standards that are outside of control limits, and the Contractor fails to reanalyze as required.

11.5.7 Samples not associated with a LRB during a work shift as defined by the method and the IFB.

11.5.8 The Contractor digests the arsenic samples and fails to digest the required LRB.

11.5.9 The Contractor failed to follow the method's procedural requirements in the preparation of the LRB.

11.5.10 Samples associated with a LRB with a targeted PFAA whose concentration is greater than or equal to 1/3 its corresponding MRL.

11.6 **Reporting Limit Check Sample (RL Check Sample) [Methods 200.8, 245.1 and 504.1 only]**

11.6.1 The Contractor failed to follow any of the RL Check Sample requirements of the contract for the cited methods.

11.6.2 The Contractor failed to follow the procedural requirements as specified in the contract.

11.6.3 The Contractor failed to add all the required compounds to the RL Check Sample (Method specific).

11.6.4 The Contractor analyzed the RL Check Sample at the incorrect concentrations.

11.6.5 The % Recovery of the RL Check Sample was not within control limits and the Contractor failed to follow the requirements of the contract.

11.7 **Quality Control Samples Sample (QCS) for all Methods**

11.7.1 The Contractor failed to follow any of the QCS sample requirements as specified by RFP Section 3.28.

11.7.2 Samples associated with a QCS Sample that is not from a different (outside) source than the calibration standards.

11.7.3 The Contractor failed to follow the contract requirements regarding the frequency of the QCS Sample.

11.7.4 The Contractor failed to spike the QCS Sample for each method with all of the required compounds.

11.7.5 The Contractor failed to spike the required compounds in the QCS Sample at the contract/method required concentrations.

11.7.6 The Contractor failed to meet the method established control limits.

11.8 **Laboratory Control Samples Sample (LCS) for all Methods**

11.8.1 The Contractor failed to follow any of the LCS sample requirements as specified by RFP Section 3.27.

11.8.2 Samples associated with a LCS Sample that is not from a different (outside) source than the calibration standards.

11.8.3 The Contractor failed to follow the contract requirements regarding the frequency of the LCS Sample.

11.8.4 The Contractor failed to spike the LCS Sample for each method with all of the required compounds.

11.8.5 The Contractor failed to spike the required compounds in the LCS Sample at the contract/method required concentrations.

11.8.7 The Contractor failed to meet the method established control limits.

12. METHOD SPECIFIC NONPAYMENT ISSUES

12.1 **Method 524.2 Volatile Organics by GC/MS**

12.1.1 GC/MS Tuning

A. Samples are not associated with an instrument tune check;

B. Samples are associated with an instrument tune check that failed to meet method criteria;

C. Samples are analyzed more than twelve (12) hours beyond the last tune check performed on the instrument in question; or

D. Samples are associated with an instrument tune check that met criteria using techniques resulting in distorted/skewed spectra for the sole purpose of meeting method specified requirements.

12.1.2 GC/MS Initial Calibration

A. Samples are not associated with an initial calibration;

B. Samples which are associated with an initial calibration that do not meet the required standard levels concentrations for the initial calibration;

C. Samples associated with calibration standards that are not analyzed immediately after the GC/MS tuning;

D. Samples associated with calibration standards that do not contain the required analytes;

E. Samples which are associated with an initial calibration that do not contain the specified number of calibration standards;

F. Samples associated with an initial calibration in which any compound exceeds the 20 % RSD criteria for the initial calibration and the contractor fails to follow the procedures for remedial action in the method;

G. Samples associated with calibration standards that do not contain the internal standards and surrogates as required, or are not the same as in the samples or at the same concentration;

H. Samples analyzed more than twelve (12) hours beyond the injection of the last calibration standard; or

I. The lowest calibration standard is not at the contract required Reporting limit.

12.1.3 GC/MS Continuing Calibration (Instrument Performance Check)

A. Samples are not associated with a continuing calibration;

B. Samples which are associated with a continuing calibration standard that is not analyzed immediately after the GC/MS tuning;

C. Samples are associated with a continuing calibration standard do not contain the required analytes;

D. Samples are associated with a continuing calibration that had standards at the wrong concentration level;

E. Samples associated with a continuing calibration standard containing analytes exceeding the 30% RF, and the Contractor fails to follow the remedial action procedures in the method;

F. Samples associated with calibration standard do not contain the internal standards and surrogates, as required, or are not the same as in the samples or at the same concentration;

G. Samples associated with a continuing calibration that has internal standards and surrogates areas that are greater than 50% from the initial calibration internal standards and surrogates areas; or

H. Samples associated with a continuing calibration that has internal standards and surrogates areas that are greater than 30% from the most recent preceding continuing calibration internal standards and surrogates areas.

12.1.4 Surrogates

A. Samples, QC samples, calibration standards, and blanks that are not spiked with surrogates;

B. The Contractor submits surrogate areas for a sample that exceeds the control limits as stated in the method and IFB when compared against the initial calibration surrogate areas;

C. The Contractor fails to spike the samples, QC samples, calibration standards and blanks with the same surrogates and at the same concentration;

D. Samples are associated with a reagent blank that fails method required surrogate area criteria; or

E. The surrogate areas of the continuing calibration check standard exceed the limits established in the method.

12.1.5 Internal Standards

A. Samples, QC samples, calibration standards and blanks are not spiked with internal standards;

B. The Contractor submits internal standards areas for a sample that exceeds the control limits as stated in the method and IFB when compared against the initial calibration surrogate areas;

C. The Contractor fails to spike the samples, QC samples, calibration standards and blanks with the same internal standards and at the same concentration;

D. Samples are associated with a reagent blank that fails method specific internal standard area criteria; or

E. The internal standard areas of the continuing calibration check standard exceeds the limits established in the method.

12.2 **Method 504.1 Synthetic Organics Compounds**

12.2.1 Extraction Logs

A. The standards and the QC samples are not extracted at the same time as the samples;

B. The sample weights/volume of the vials and the samples are not included on the extracted logs; or

C. The weights/volumes are not provided for the calibration standards and the QC samples.

12.2.2 Resolution Check

A. The Contractor fails to analyze the Resolution Check Solution with the Initial Calibration and prior to the analysis of any samples, blanks or QC Samples; or

B. The Contractor fails to distinguish between DBCM and EDB in the Resolution Check Standard.

12.2.3 Instrumentation

The Contractor fails to use two separate and different fused silica capillary columns.

12.2.4 Calibration Standards

A. The Contractor fails to use procedural standards (Standards that are extracted at the same time as the samples, blanks and QC Samples);

B. The Contractor fails to use a minimum of five calibration standards for each compound;

C. The calibration standards fail to bracket the expected sample concentrations; or

D. The lowest calibration standard for each compound is not at the contract required Reporting Limit.

12.2.5 Initial Calibration

A. The Contractor fails to analyze the Field Reagent Blank and the Reagent Blank after the initial calibration standards and prior to the samples and QC samples;

B. The Contractor analyzes samples or QC samples more than twelve (12) hours after the initial calibration and fails to run a continuing calibration standard within twelve (12) hours after the injection of the last initial calibration standard;

C. The samples are only associated with the initial calibration standard sequence and the Contractor fails to end the sequence with the analysis of a continuing calibration standard; or

D. The standard chromatograms show significant peak tailing or there is co-elution of compounds.

12.2.6 Calibration Verification

A. The Contractor fails to verify the initial calibration by the analysis of one or more calibration standards every twelve (12) hours;

B. The recovery of the calibration standard or the LFB (used instead of a separate calibration standard) is not within 70-130% of the true value of the concentration;

C. The standard chromatograms show significant peak tailing or there is co-elution of compounds;

D. The Contractor analyzed samples or QC samples more than twelve (12) hours after a continuing calibration standard; or

E. The Contractor fails to end a sequence with the analysis of a continuing calibration standard.

12.2.7 Reporting Limit Check Sample

A. The concentrations of the EDB and DBCP are not at 0.02ug/L;

B. The Reporting Limit Check Sample (RLCS) is not analyzed with every batch of NJDEP Samples; or

C. The Recovery of the RLCS is not within control limits of 60-140% and the Contractor fails to repeat the analysis and/or the reanalysis recovery is not within the control limits.

12.3 **Method 245.1 Mercury Cold Vapor Atomic Absorption**

12.3.1 Digestion

Samples are not digested via a water bath for two (2) hours at 95^{o} C.

12.3.2 Linear Dynamic Range Determination

Samples associated with an analytical run that do not have the linear range determined at least annually.

12.3.3 Initial Calibration

A. Samples are associated with an initial calibration from a computer controlled instrument that did not follow the instrument manufacturer's instructions;

B. Any sample associated with an initial calibration that fails to meet any requirements specified in the method, contract or Laboratory Certification Regulations; or

C. Samples are associated with an initial calibration with a correlation coefficient of less than 0.995.

12.3.4 Instrument Performance Check (IPC) [Continuing Calibration]

A. Samples associated with an IPC that fails to meet requirements specified in the method, contract or Laboratory Certification Regulations; or

B. Samples associated with an IPC that does not contain mercury at a concentration at the approximate midpoint of the calibration range.

12.3.5 Initial & Continuing Calibration Blank

A. Samples are associated with an initial calibration blank or a continuing calibration blank that is greater than the analyte Reporting Limit;

B. Samples are not associated with an initial and/or continuing calibration blank(s); or

C. Samples are associated with an initial and/or continuing calibration blank(s) that fails the requirements of the method. This includes frequency and sequencing requirements.

12.4 **Perchlorate by Method 331.0 LC/ESI/MS**

12.4.1 The Contractor failed to follow the requirements of Method Section 10.2 for the LC/ESI/MS Calibration and Optimization prior to the analysis of the samples; or

12.4.2 The Contractor failed to use peak areas and/or internals standard technique as required by Method Section 10.3.

12.4.3 Initial Calibration Requirements

A. The Contractor did not use a minimum of five standards for the initial calibration sequence and/or failed to follow the requirements of Method Section 10.3;

B. The Contractor failed to analyze the lowest calibration standard at the reporting limit;

C. The Contractor used a different calibration curve for the analysis of the samples from that which was used for the Initial Demonstration of Capability (IDC); or

D. The Contractor failed to ensure that the calibration acceptance criteria of Method Section 10.3.3 was meet for any or all the calibration points.

12.4.4 Continuing Calibration Check Requirements

A. The Contractor failed to follow the requirements of Method Section 10.4 regarding the required concentrations of the Continuing Calibration Checks (CCCs), the frequency, recovery requirements, and the required rotation of the standard concentrations throughout the sequence;

B. The Contractor failed to follow the requirements that the CCCs shall be at the analyzed at the beginning, after the tenth (10th) field sample and the end of each analytical batch;

C. The Contractor failed to follow the requirements that the beginning CCCs for each analytical batch shall include a CCC at the MRL or RL and a CCC fortified at a level near the midpoint of the curve;

D. The Contractor failed to follow the requirements that the CCCs injected after the beginning CCCs shall alternate between a low, medium and high concentration standard; or

E. The Contractor failed to follow the internal standard areas count requirements for the CCCs as required by Method Section 10.4.

12.4.4 Calibration Blank

A. The Contractor failed to follow the requirements to analyze a calibration blank made from a Laboratory Reagent Blank prior to every initiation of the initial calibration sequence and prior to the initiation of the continuing calibration check standard to demonstrate that the system is free of interference;

B. The Contractor failed to inject immediately prior to the first standard of the initial calibration sequence and immediately prior to the injection of the continuing calibration standard; or

C. The Contractor failed to halt the analytical sequence and follow the method specified action when calibration blank meets the Laboratory Reagent Blank standard requirements.

12.4.5 Laboratory Fortified Synthetic Sample Matrix Sample (LFSSM)

A. The Contractor failed to follow any of the LFSSM requirements of RFP Section 3.37.6;

B. The Contractor failed to follow the procedural requirements as specified in the RFP and method;

C. The Contractor failed to spike the LFSSM at the required spiking level for each method; or

D. The Contractor failed to analyze the correct number of LFSSMs as required by the method.

12.4.6 Laboratory Synthetic Sample Matrix Blank (LSSMB)

A. The Contractor failed to follow any of the LSSMB requirements of RFP Section 3.37.7;

B. The Contractor failed to follow the procedural requirements as specified in the RFP and method;

C. The Contractor failed to spike the LSSMB at the required spiking level for each method;

D. The Contractor failed to analyze the correct number of LSSMBS as required by the method; or

E. The LSSMB contains Perchlorate ion at > one-third (1/3) the MRL.

12.4.7 Isotopic Area Count Ration Acceptance Criteria

The Contractor failed to follow the requirements of Method Section 9.3.5 to ensure that all calibration standards, QC samples and field samples meet the area count ratio requirements for confirmation of perchlorate.

12.4.8 Internal Standard Area Requirements

A. The Contractor failed to follow the requirements of Method Section 10.4 regarding the Continuing Calibration Check internal standard area absolute area counts;

B. The Contractor failed to follow the requirements of Method Section 9.3.4 regarding that the internal standard peak area counts requirements shall be met for each individual injection of samples, blanks, QC samples and standards that comprise an analytical batch; or

C. The Contractor failed to follow the requirements of Method Section 9.3.4 regarding the internal standard retention time requirements that shall be met for each individual injection of samples, blanks, QC samples and standards that comprise an analytical batch.

12.4.9 Relative Retention Time Acceptance Criteria

The Contractor failed to follow the requirements of Method Section 3.6 regarding the Relative Retention Time Acceptance Criteria for all batch calibration standards, QC samples and field samples as required by the method.

12.5 Method 537 Perfluorinated Alkyl Acids by LC/MS/MS

12.5.1 Laboratory Fortified Sample Matrix (LFSM) and Laboratory Fortified Sample Matrix Duplicate (LFSMD) [when applicable]

A. The Contractor failed to follow any of the LFSM (and/or LFSMD) requirements of the RFP and the method;

B. The Contractor failed to follow the procedural requirements as specified in the RFP and method;

C. The Contractor failed to spike the LFSM (and/or LFSMD) at the required spiking level for each method;

D. The Contractor failed spike the LFSM (and/or LFSMD) with all the required compounds for that method; or

E. The Contractor failed to analyze the correct number of LFSMs (and/or LFSMDs) as required by the SCM.

12.5.2 Initial Calibration

A. Samples are not associated with an initial calibration;

B. Samples which are associated with an initial calibration that do not meet the required standard levels concentrations for the initial calibration;

C. Samples associated with calibration standards that are not associated with an acceptable tune;

D. Samples associated with calibration standards that do not contain the required analytes;

E. Samples which are associated with an initial calibration that do not contain the specified number of calibration standards;

F. Samples associated with an initial calibration that fails to meet their acceptance criteria;

G. Samples associated with calibration standards do not contain the internal standards and surrogates as required, or are not the same as in the samples or at the same concentration; or

H. The lowest calibration standard is not at or below the MRL.

12.5.3 Continuing Calibration

A. Samples are not associated with a continuing calibration;

B. Samples are associated with a continuing calibration standard do not contain the required analytes;

C. Samples are associated with a continuing calibration standards not analyzed at the correct frequency with regard to beginning and end of each group of analyses and after every tenth sample;

D. Samples associated with a continuing calibration standard containing analytes exceeding the 30% RF, and the Contractor fails to follow the remedial action procedures in the method;

E. Samples associated with a continuing calibration standard that do not contain the internal standards and surrogates, as required, or are not the same as in the samples or at the same concentration; or

F. Samples associated with a continuing calibration whose calculated amounts do not meet acceptance criteria.

12.5.4 Surrogates

A. Samples, QC samples, calibration standards, and blanks that are not spiked with surrogates;

B. The Contractor submits surrogate results for a sample that exceeds the control limits as stated in the method and the contract;

C. The Contractor fails to spike the samples, QC samples, calibration standards, and blanks with the same surrogates and at the same concentration;

D. Samples are associated with a reagent blank that fails method required surrogate acceptance criteria; or

E. The surrogate acceptance criteria in an associated continuing calibration standard exceeds the limits established in the method.

12.5.5 Internal Standards

A. Samples, QC samples, calibration standards, and blanks are not spiked with internal standards;

B. The Contractor submits internal standards results for a sample that exceed the control limits as stated in the method and contract;

C. The Contractor fails to spike the samples, QC samples, calibration standards, and blanks with the same internal standards and at the same concentration;

D. Samples are associated with a reagent blank that fails method specific internal standard area criteria; or

E. The internal standard areas of the continuing calibration check standard exceeds the limits established in the method.

11.5.6 Peak Asymmetry Factor

Samples are associated with an instrument that has not demonstrated acceptable criteria.