



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
Director

**MEMORANDUM**

**TO:** Craig Silotti, Finance Director  
**FROM:** Kimberly D. Shelley, Executive Director  
**THROUGH:** Erica Gaddis, PhD, Division Director  
**SUBJECT:** Approval of Emergency Procurement  
Response to Concrete Discharge in Millcreek  
**DATE:** November 4, 2021

Beginning on July 29, 2021, the Division of Water Quality (DWQ) began responding to a concrete spill that was discovered in Millcreek. DWQ had an existing agreement with AWAL—awarded under the WQ Services Approved Vendor List (AVL)--to begin lab analysis of the samples. Unfortunately, the AVL period ended on July 31, 2021. State Purchasing instructed DWQ that the agreement could no longer be used for sample analysis.

Although DWQ had a new AVL starting on August 1, 2021, new lab services could not be solicited until all the vendor contracts were finalized on August 30, 2021. It is standard practice for WQ to continue sample collection and analysis during the clean-up phase of an incident to ensure that any threat to public health has been resolved.

Costs incurred after the end date of the AWAL contract were included in Requisition #R59146 and are summarized below:

Vendor	Invoice #	Amount
AWAL	2108021	\$1,200.15
AWAL	2108035	1,200.15
AWAL	2108031	2,141.07
AWAL	2108722	255.15
<b>Total</b>		<b>\$4,796.52</b>

Currently, DWQ is working through the bid process with State Purchasing to acquire lab services for future environmental incident response. If you have any questions regarding the procurement for lab services or these expenditures, please contact Emily Cantón, Administrative Services Director for the Division of Water Quality.

CC: Valerie Warr



## Samantha K. Heusser

Manager | Compliance & Enforcement Section

**M:** (385) 222-6413

**P:** (801) 536-4377

[waterquality.utah.gov](http://waterquality.utah.gov)



Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.



## Ty L. Howard

Deputy Director | Department of Environmental Quality

**M:** (801) 536-0095

**P:** (801) 536-4403

[deq.utah.gov](http://deq.utah.gov)



Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.



Emily Canton &lt;ercanton@utah.gov&gt;

---

**Re: Request for Emergency Procurement - AWAL sediment samples**

1 message

---

**Erica Gaddis** <egaddis@utah.gov>  
To: Ty Howard <tyhoward@utah.gov>  
Cc: Emily Canton <ercanton@utah.gov>, Samantha Heusser <sheusser@utah.gov>

Wed, Aug 25, 2021 at 8:14 PM

Thank you Ty.

Sent from my iPhone

On Aug 25, 2021, at 7:51 PM, Ty Howard &lt;tyhoward@utah.gov&gt; wrote:

Erica,

As previously discussed

1. This service is required in the ongoing effort to mitigate impacts to Mill Creek from the concrete slurry spill which was documented under emergency response incident #15073 and,
2. The state laboratory has indicated inability to provide the services necessary to analyze these samples

Therefore, this qualifies under Rule as an emergency procurement circumstance. Based on the forgoing, I approve this request.

Thank you.  
-Ty

On Wed, Aug 25, 2021 at 6:40 PM Erica Gaddis &lt;egaddis@utah.gov&gt; wrote:

Ty,

Could you please approve this emergency procurement?

Erica

Sent from my iPhone

Begin forwarded message:

**From:** Samantha Heusser <sheusser@utah.gov>  
**Date:** August 25, 2021 at 4:29:45 PM MDT  
**To:** Erica Gaddis <egaddis@utah.gov>  
**Cc:** Emily Canton <ercanton@utah.gov>, Jeanne Riley <jriley@utah.gov>  
**Subject:** Request for Emergency Procurement - AWAL sediment samples

Request to use American West Analytical Laboratories (South SLC) for analysis of sediment samples to be pulled from Mill Creek tomorrow, August 26th.

This request is related to DEQ Incident # 15073 where concrete slurry was spilled into Mill Creek.



Emily Canton &lt;ercanton@utah.gov&gt;

---

**Re: AWAL Lab Services**

1 message

**Ann Schliep** <aschliep@utah.gov>

Thu, Aug 26, 2021 at 8:17 AM

To: Krystal Carfaro &lt;kcarfaro@utah.gov&gt;, Justin Dalton &lt;justindalton@utah.gov&gt;

Cc: Emily Canton &lt;ercanton@utah.gov&gt;, Laurel Delagerheim &lt;ldelagerheim@utah.gov&gt;, Valerie Warr &lt;vwarr@utah.gov&gt;, Pamela Martin &lt;pmartin@utah.gov&gt;

Since the orders for the tests were prior to the expiration, you should still be ok. Just document that the reports were for the tests ordered on whatever date that was.

In an effort to continually improve our service, please take this brief survey: [https://docs.google.com/forms/d/e/1FAIpQLScyLZHkP1\\_ExvzkzeJal0wF9U7WYAV1oonZloz52F6j3vJRgw/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLScyLZHkP1_ExvzkzeJal0wF9U7WYAV1oonZloz52F6j3vJRgw/viewform?usp=sf_link)

**Ann Schliep**

Utah Department of Government Operations

Division of Purchasing

Contract Analyst

[4315 South 2700 West | Floor 3 | Taylorsville, UT 84129](#)

Office Hours: 7:30 - 4:00 PM MT

(801) 957-7132

**CONFIDENTIALITY NOTICE**

This email transmission from the Division of Purchasing contains information which may be confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this email is strictly prohibited and that the email should be deleted immediately. If you have received this notice in error, please destroy it immediately.

On Thu, Aug 26, 2021 at 8:15 AM Krystal Carfaro &lt;kcarfaro@utah.gov&gt; wrote:

Hi Ann,

Great news on those Test America invoices.

Here are the AWAL ones that Emily is referring to (my apologies for going off track). The receive date on these are all after the contract expiration, and the total for all of them is \$4,364.38.

**Krystal Carfaro**  
**Contract/Grant Analyst**  
**Phone 801-536-4335**



On Thu, Aug 26, 2021 at 8:10 AM Ann Schliep &lt;aschliep@utah.gov&gt; wrote:

Since the work was ordered prior to the expiration, then you should be okay to pay on that contract.

In an effort to continually improve our service, please take this brief survey: [https://docs.google.com/forms/d/e/1FAIpQLScyLZHkP1\\_ExvzkzeJal0wF9U7WYAV1oonZloz52F6j3vJRgw/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLScyLZHkP1_ExvzkzeJal0wF9U7WYAV1oonZloz52F6j3vJRgw/viewform?usp=sf_link)

**Ann Schliep**

Utah Department of Government Operations  
Division of Purchasing  
Contract Analyst  
4315 South 2700 West | Floor 3 | Taylorsville, UT 84129  
Office Hours: 7:30 - 4:00 PM MT  
(801) 957-7132

**CONFIDENTIALITY NOTICE**

This email transmission from the Division of Purchasing contains information which may be confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this email is strictly prohibited and that the email should be deleted immediately. If you have received this notice in error, please destroy it immediately.

On Thu, Aug 26, 2021 at 8:03 AM Krystol Carfaro <[kcarfaro@utah.gov](mailto:kcarfaro@utah.gov)> wrote:  
I forgot we were talking about the AWAL invoices lol sorry about that.

**Krystol Carfaro**  
**Contract/Grant Analyst**  
**Phone 801-536-4335**



On Thu, Aug 26, 2021 at 7:59 AM Krystol Carfaro <[kcarfaro@utah.gov](mailto:kcarfaro@utah.gov)> wrote:  
Hi Ann,

The services were ordered prior to expiration (see receipt date on these invoices), but the reports for the samples were turned in after expiration.

**Krystol Carfaro**  
**Contract/Grant Analyst**  
**Phone 801-536-4335**



On Thu, Aug 26, 2021 at 7:56 AM Ann Schliep <[aschliep@utah.gov](mailto:aschliep@utah.gov)> wrote:  
Emily,

The contracts should still be open in Finet 90 days after expiration to be able to pay invoices that come in late.

Were the services ordered after the contract expired? How much are the tests?

In an effort to continually improve our service, please take this brief survey: [https://docs.google.com/forms/d/e/1FAIpQLScyLZHkP1\\_ExvzkeJal0wF9U7WYAV1oonZloz52F6j3vJRgw/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLScyLZHkP1_ExvzkeJal0wF9U7WYAV1oonZloz52F6j3vJRgw/viewform?usp=sf_link)

**Ann Schliep**

Utah Department of Government Operations



Division of Purchasing  
 Contract Analyst  
 4315 South 2700 West | Floor 3 | Taylorsville, UT 84129  
 Office Hours: 7:30 - 4:00 PM MT  
 (801) 957-7132

#### CONFIDENTIALITY NOTICE

This email transmission from the Division of Purchasing contains information which may be confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this email is strictly prohibited and that the email should be deleted immediately. If you have received this notice in error, please destroy it immediately.

On Wed, Aug 25, 2021 at 7:44 PM Emily Canton <[ercanton@utah.gov](mailto:ercanton@utah.gov)> wrote:

Laurel,

I met today with Krystol, Val and Pam to discuss outstanding invoices and active work with AWAL. Water Quality is in a predicament and I need you and/or Ann's help!

As you know, we had 4 vendors performing work on active projects when the approved vendor list expired on 7/31/2021. While you helped us resolve issues with 2 vendors (PhycoTech and TetraTech), we need help identifying a path forward with AWAL.

AWAL is a lab that analyzes water quality samples that cannot be processed by the Utah Public Health Lab. The majority of the samples are directly related to an emergency response incident that is critical to public health. We realize that we can use emergency procurement to cover these costs until the new AVL is established and a secondary process complete.

However, water quality then takes samples intermittently after the initial spill response for purposes of further defining the duration of impact. Although the samples are related to the spill event, they are taken for purposes of collecting additional information and not for purposes of emergency response. We have pending invoices that cannot be paid. And, we have additional samples that need to be collected for follow-up for at least 3 spills from the beginning of the month. But we have no purchase order or contract in place. I've already sent an email to the Division giving instructions for a "hard stop on all AWAL work." You can imagine the frenzy and frustration that this is creating!

The RFP for the WQ Services AVL started in January, which should have been sufficient time to avoid a "gap in coverage." We had a couple conversations about extensions for active work. But as we approached the end of July, the contracts started coming through; and, we thought we would be covered under the new agreement. Clearly, that isn't the case. Please advise.

Emily



**Emily Cantón**

Division Administrative Services Director

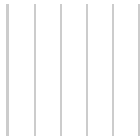
**P:** (801) 536-4342

[waterquality.utah.gov](http://waterquality.utah.gov)



10/27/21, 4:31 PM

State of Utah Mail - Re: AWAL Lab Services



Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements



American West Analytical Laboratories  
 3440 S 700 W  
 Salt Lake City, UT 84119  
 (801) 263-8686  
 www.awal-labs.com

INVOICE NUMBER: 2108021

Invoice Date: 8/4/2021

Purchase Order #:

BILL TO Utah Div of Water Quality  
 Attn: Accounts Payable  
 PO Box 144870  
 Salt Lake City, UT 84114-4870

Project Name: \_\_\_\_\_ Receive Date: 8-2-2021

Project Number: 303

QTY	DESCRIPTION	Unit Price	Net Amount
4	Chromium Metals Analysis	31.00	124.00
4	Alkalinity / pH Analysis	34.00	136.00
4	Hexavalent Chromium Analysis	30.00	120.00
4	TSS / TDS Analysis	32.00	128.00
	Subtotal		508.00
	QC 2+ Charge	5.00%	25.40
	Subtotal		533.40
	Priority I Rush Charge Emailed 8-03-21	125.00%	666.75

Report emailed to Samantha Heusser

----- 10% volume discount applies if paid within 30 days! -----  
 ----- Pay \$ 1,080.13 -----

OKAY TO PAY


Division: Water Quality

REQ #: \_\_\_\_\_ PO #: \_\_\_\_\_

Contract #: 20-6144 Date Goods Rec'd: \_\_\_\_\_

Approved by: Samantha Heusser via email

Date Approved: 08/11/2021

Approved by:  \_\_\_\_\_  
Emily Canton (Aug 11, 2021 13:50 MDT)

Date Approved: 08/11/2021

Fund	Agency	Unit	App Unit	Object
1000	480	7790	NEC	6139
Program		Function	Activity	
		7MILLDISCH		

**Total \$1,200.15**

TERMS: Net Cash 30 Days from invoice date.  
 Discount not honored if payment is not received in 30 days.





INVOICE NUMBER: 2108031

American West Analytical Laboratories  
3440 S 700 W  
Salt Lake City, UT 84119  
(801) 263-8686  
www.awal-labs.com

Invoice Date: 8/23/2021

Purchase Order #:

BILL TO Utah Div of Water Quality  
Attn: Accounts Payable  
PO Box 144870  
Salt Lake City, UT 84114-4870

Project Name: \_\_\_\_\_ Receive Date: 8-2-2021

Project Number: 303

QTY	DESCRIPTION	Unit Price	Net Amount
7	Chromium Metals Analysis	31.00	217.00
7	Alkalinity / pH Analysis	34.00	238.00
5	Hexavalent Chromium Analysis	30.00	150.00
2	Soil Extraction Fee	20.00	40.00
5	TSS / TDS Analysis	32.00	160.00
	Subtotal		805.00
	QC 2+ Charge	5.00%	40.25
	Subtotal		845.25
	Priority I Rush Charge	125.00%	1,056.56
	Subtotal Emailed 8-04-21		1,901.81
2	Outside Lab Work: Hexavalent Chromium Analysis Emailed 8-06-21	119.63	239.26

Reports emailed to Samantha Heusser

\*\*\*\* 10% Volume Discount if paid within 30 days! Pay \$ 1950.89 \*\*\*\*

**Total \$2,141.07**

TERMS: Net Cash 30 Days from invoice date.  
Discount not honored if payment is not received in 30 days.



American West Analytical Laboratories  
 3440 S 700 W  
 Salt Lake City, UT 84119  
 (801) 263-8686  
 www.awal-labs.com

INVOICE NUMBER: 2108035

Invoice Date: 8/5/2021

Purchase Order #:

BILL TO Utah Div of Water Quality  
 Attn: Accounts Payable  
 PO Box 144870  
 Salt Lake City, UT 84114-4870

Project Name: Millcreek Concrete Discharge

Receive Date: 8-2-2021

Project Number: 303

QTY	DESCRIPTION	Unit Price	Net Amount
4	Chromium Metals Analysis	31.00	124.00
4	Alkalinity / pH Analysis	34.00	136.00
4	Trivalent / Hexavalent Chromium Analysis	30.00	120.00
4	TDS / TSS Analysis	32.00	128.00
	Subtotal		508.00
	QC 2+ Charge	5.00%	25.40
	Subtotal		533.40
	Priority I Rush Charge Emailed 8-04-21	125.00%	666.75

Report emailed to Kevin Okleberry

\*\*\* 10% Volume Discount if paid within 30 days! Pay \$ 1080.13 \*\*\*

OKAY TO PAY


Division: Water Quality

REQ #: \_\_\_\_\_ PO #: \_\_\_\_\_

Contract #: 20-6144 Date Goods Rec'd: \_\_\_\_\_

Approved by: Sanatha Heusser via email

Date Approved: 08/11/2021

Approved by:  Emily Canton (Aug 11, 2021 13:56 MDT)

Date Approved: 08/11/2021

Fund	Agency	Unit	App Unit	Object
1000	480	7790	NEC	6139

Program	Function	Activity
	7MILLDISCH	

**Total \$1,200.15**

TERMS: Net Cash 30 Days from invoice date.  
 Discount not honored if payment is not received in 30 days.



American West Analytical Laboratories  
3440 S 700 W  
Salt Lake City, UT 84119  
(801) 263-8686  
www.awal-labs.com

INVOICE NUMBER: 2108722

Invoice Date: 8/30/2021

Purchase Order #:

BILL TO Utah Div of Water Quality  
Attn: Accounts Payable  
PO Box 144870  
Salt Lake City, UT 84114-4870

Project Name: Millcreek Concrete Dishcharge

Receive Date: 8-26-2021

Project Number: 303

QTY	DESCRIPTION	Unit Price	Net Amount
2	Alkalinity Analysis	20.00	40.00
2	pH Analysis	14.00	28.00
2	Soil Extraction Fee	20.00	40.00
	Subtotal		108.00
	QC 2+ Charge	5.00%	5.40
	Subtotal		113.40
	Priority I Rush Charge	125.00%	141.75

Report emailed to Samantha Heusser 8-27-2021

---

**Total** \$255.15

TERMS: Net Cash 30 Days from invoice date.  
Discount not honored if payment is not received in 30 days.