

TEXAS DEPARTMENT OF HEALTH
INTERLOCAL CONTRACT

56042
04-0632

The Texas Department of Health (TDH) and the City of Houston, Texas, a municipal corporation, hereinafter referred to as Local Agency, and collectively referred to as the Parties, enter into this agreement pursuant to Chapter 791 of the Texas Government Code, entitled the Interlocal Cooperation Act. TDH and Local Agency agree to be bound by the terms and conditions contained herein and any additional attachments. All amendments to the contract must be in writing and signed by both parties. This contract represents the entire agreement of the Parties.

Purpose of the Contract:

TDH Bureau of Laboratories for Drinking Water Regulatory Compliance will test drinking water samples provided by Local Agency.

Contract Term:

This contract is effective on the date it is fully executed and remains in effect for a period of two years, unless terminated sooner under the provisions of the contract. The contract may be renewed for three successive one-year terms upon the agreement of the Parties.

Deliverables and/or Statement of Services to be Performed:

In consideration of the payments specified in the contract, TDH shall provide all labor, material, and supervision necessary to test drinking water samples provided by Local Agency using Environmental Protection Agency (EPA) methodology detailed in Exhibit "A" and any additional analyses required by EPA or Texas Commission on Environment Quality (TCEQ) during the term of this contract at rates established for such tests by TDH at that time, from Local Agency's water systems listed in Exhibit "A-1" and any additional public water systems for which the Local Agency acquires responsibility during the term of this contract to enable the Local Agency to comply with EPA and TCEQ drinking water standards.

Invoicing and Payment:

TDH shall submit monthly invoices for services rendered and Local Agency will pay the invoices within thirty days of receipt. Invoices unpaid after thirty days will result in the suspension of services until TDH receives payment in full.

In order to comply with Article II, Sections 19 and 19a of the Local Agency's Charter and Article XI, Section 5 of the Texas Constitution, Local Agency has

appropriated and allocated the sum of \$155,947.00 to pay money due under this contract. The executive and legislative officers of Local Agency, in their discretion, may allocate supplemental funds for this Contract, but they are not obligated to do so. In the event supplemental funds are not allocated, Local Agency will order no further tests and agree to pay all outstanding charges.

The City Council delegates to the Director of the Public Works & Engineering Department the authority to approve up to \$623,786.00 in supplemental allocations for this contract without returning to City Council.

Responsibilities of TDH:

- TDH shall provide all labor, material, and supervision to test drinking water samples from Local Agency Water Systems listed in Exhibit "B" in compliance with EPA methodology as detailed in Exhibit "A".
- TDH shall comply with any additional EPA or TCEQ methodology that becomes effective during the term of this contract.
- TDH shall bill for services at the rates established in the attached Exhibit "A".
- TDH shall give Local Agency thirty days prior written notice if the laboratory fees will be increased pursuant to the Texas Health & Safety Code §12.0122 and 25 TAC §§ 73.41 and 73.55 during the term of this contract.

Responsibilities of Local Agency:

- Local Agency shall acquire and deliver water samples to TDH for testing.
- Local Agency shall pay for the services rendered within thirty days from receipt of the invoice.

Miscellaneous Provisions:

Either TDH or Local Agency may terminate this contract with thirty days written notice.

All notices must be in writing to the attention of the following:

Local Agency

City Purchasing Agent or Designee
City of Houston
P.O. Box 1562
Houston, TX 77251

TDH

Texas Department of Health
Bureau of Laboratories for
Drinking Water Compliance
Attn: Barbara King, Rm. L-235
1100 West 49th Street
Austin, TX 78758

The Parties agree to comply with all applicable federal and state statutes and rules and the Local Agency charter and ordinances.

The services and/or resources to be provided to the Local Agency are necessary and authorized.

The payment for performance under this contract will be made from allocated funds.

TEXAS DEPARTMENT OF HEALTH

Bob Burch

Title: Procurement Director

Date: 6/2/04

APPROVED:

Yolanda Wilb

City Purchasing Agent

[Signature]

Director, Public Works & Engineering Department

APPROVED AS TO FORM:

Mayra Ramona

Assistant City Attorney
L.D. No. 0340400010001

CITY OF HOUSTON, TEXAS

Bill White *Annette Guayre*

Title: MAYOR

ATTEST/SEAL:

[Signature]

City Secretary

COUNTERSIGNED BY:

Annise D. Parker

May Ann Gant
City Controller

DATE COUNTERSIGNED:

6/30/04

EXHIBIT A

Fee Schedule for Chemical Testing of Environmental Samples for EPA Required Tests is contained within 25 TAC §73.55 Attached Hereto and incorporated as a part of this EXHIBIT A and the Interlocal Contract

<<Prev Rule

Texas Administrative Code

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TITLE 25

HEALTH SERVICES

PART 1

TEXAS DEPARTMENT OF HEALTH

CHAPTER 73

LABORATORIES

RULE §73.55

Fee Schedule for Chemical Testing of Environmental Samples

Fees for chemical testing of environmental samples shall not exceed the following amounts.

(1) The following fees apply to the analysis of organic compounds in air:

- (A) formaldehyde, National Institute Of Occupational Safety and Health (NIOSH) methods--\$163;
- (B) pesticides, NIOSH method--\$200; and
- (C) VOCs, NIOSH method--\$186.

(2) The following fees apply to the analysis of drinking water (including bottled water) samples.

(A) Inorganic parameters.

(i) Individual tests:

- (I) alkalinity, total and phenolphthalein, Standard Methods (SM), 18th edition, 2320B--\$29;
- (II) bicarbonate-carbonate, with alkalinity, SM, 18th edition, 2320B--\$19;
- (III) bicarbonate-carbonate, without alkalinity, SM, 18th edition, 2320B--\$29;
- (IV) boron, SM, 18th edition, 4500B--\$66;
- (V) bromate, Environmental Protection Agency (EPA) method 300.1--\$138;
- (VI) bromide, EPA method 300.0--\$31;
- (VII) carbon, total organic, SM, 18th edition, 5310C--\$54;
- (VIII) chlorate, EPA method 300.0--\$69;
- (IX) chloride, EPA method 300.0--\$24;
- (X) chlorine, SM, 19th edition, 4500-Cl F--\$25;
- (XI) chlorine dioxide, SM, 19th edition, 4500-ClO2 B--\$100;
- (XII) chlorite, EPA method 300.0--\$69;

- (XIII) chloramines, SM, 19th edition, 4500-CIO2 D--\$25;
 - (XIV) color, SM, 18th edition, 2120B--\$30;
 - (XV) conductivity, SM, 18th edition, 2510B--\$24;
 - (XVI) cyanide, total, SM, 18th edition, 4500 CN-B+C+E--\$69;
 - (XVII) fluoride, EPA method 300.0--\$24;
 - (XVIII) hardness, EPA method 130.1--\$54;
 - (XIX) nitrate and nitrite as nitrogen, EPA method 353.2--\$28;
 - (XX) nitrate as nitrogen, EPA method 353.2--\$28;
 - (XXI) nitrite as nitrogen, EPA method 353.2--\$28;
 - (XXII) odor, EPA method 140.1, 2150B--\$63;
 - (XXIII) perchlorate, EPA method 314.0--\$69;
 - (XXIV) perchlorate, Unregulated Contamination Monitoring Regulation (UCMR), EPA method 314.0--\$76;
 - (XXV) pH, EPA method 150.1--\$24;
 - (XXVI) phenolics, total recoverable, EPA method 420.1--\$60;
 - (XXVII) residue, total, SM, 18th edition, 2540B--\$28;
 - (XXVIII) silica, dissolved, SM, 18th edition, 4500Si F--\$30;
 - (XXIX) solids, suspended, volatile or fixed, SM, 18th edition, 2540G--\$39;
 - (XXX) solids, total dissolved, calculated, SM, 18th edition, 1030F--\$18;
 - (XXXI) solids, total dissolved, determined, SM, 18th edition, 2540C--\$39;
 - (XXXII) solids, total suspended, SM, 18th edition, 2540D--\$39;
 - (XXXIII) sulfate, EPA method 300.0--\$24; and
 - (XXXIV) turbidity, EPA method 180.1--\$25.
- (ii) Routine water mineral group, EPA methods 150.1, 300.0, and 353.2, and SM, 18th edition, 2320B, 2510B, and 2540C--\$214.

(B) Metals analysis. A preparation fee applies to all drinking water samples analyzed by inductively coupled plasma (ICP) or by inductively coupled plasma-mass spectrometry (ICP-MS) with turbidity greater than or equal to 1 Nephelometric Turbidity Unit (NTU). The total analysis cost includes the sample preparation fee and the per-element or per-group fee.

(i) Sample preparation fee--total recoverable metals digestion, EPA method 200.2--\$36.

(ii) Per-element analysis fees:

(I) mercury, EPA method 245.1--\$31;

(II) single ICP, EPA method 200.7--\$24; and

(III) single ICP-MS, EPA method 200.8--\$31.

(iii) Group fees:

(I) all metals drinking water group, EPA methods, 200.7, 200.8, and 245.1--\$330;

(II) ICP/ICP-MS metals drinking water group, EPA methods 200.7 and 200.8--\$206; and

(III) lead/copper, EPA method 200.8--\$30.

(C) Organic compounds:

(i) chlorinated pesticides and PCBs in drinking water, EPA method 508--\$258;

(ii) chlorophenoxy herbicides, EPA method 515.1 or EPA method 515.4--\$275;

(iii) chlorophenoxy herbicides, UCMR, EPA method 515.1 or EPA method 515.4--\$303;

(iv) diquat and paraquat EPA method 549--\$303;

(v) ethylene dibromide (EDB) and dibromochloropropane (DBCP), EPA method 504.1--\$195;

(vi) endothall, EPA method 548--\$446;

(vii) glyphosate, EPA method 547--\$211;

(viii) haloacetic acids and dalapon, EPA method 552.2--\$275;

(ix) chlorinated disinfection-by-products (haloacetonitriles) EPA method 551.1--\$235;

(x) methylcarbamoyloximes and n-methylcarbamates (carbamate) pesticides, EPA method 531.1--\$250;

(xi) organochlorine pesticides, EPA methods 505 and 508--\$230;

- (xii) phenols, UCMR List 2, EPA method 528.1--\$263;
- (xiii) phenylurea, UCMR List 2, EPA method 532.1--\$263;
- (xiv) PHA and phthalates, UCMR, EPA method 525.2--\$396;
- (xv) PCB screening by perchlorination, EPA method 508A--\$366;
- (xvi) polynuclear aromatic hydrocarbons (PHA) and phthalates, EPA method 525.2--\$360;
- (xvii) semi-volatile organic compounds, EPA method 525.2--\$360;
- (xviii) semi-volatile organic compounds, UCMR List 2, EPA method 526.1--\$263;
- (xix) trihalomethanes, EPA method 502.2--\$84;
- (xx) trihalomethanes, EPA method 524.2--\$84;
- (xxi) VOCs, EPA method 524.2--\$183; and
- (xxii) VOCs, UCMR, EPA method 524.2--\$223.

(D) Radiochemicals:

- (i) alpha spectrometry preparation, DOE-RESL A-20 Pyrosulfate Fusion--\$165;
- (ii) carbon-14, Liquid Scintillation--\$123;
- (iii) gross alpha and beta, EPA method 900.0--\$113;
- (iv) gross alpha or beta, EPA method 900.0--\$100;
- (v) gamma emitting isotopes, EPA method 901.1--\$94;
- (vi) plutonium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$90;
- (vii) radium-226, EPA method 903.1--\$83;
- (viii) radium-228, EPA method 904.0--\$118;
- (ix) radon, EPA method 903.1--\$83;
- (x) strontium-89 or 90, EPA method 905.0--\$126;
- (xi) thorium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$90;
- (xii) total alpha emitting radium, EPA method 903.0--\$90;

(xiii) tritium, EPA method 906.0--\$64;

(xiv) uranium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$95; and

(xv) Composite/storage fee--\$19.

(3) The following fees apply to the analysis of food and food products.

(A) Inorganic analyses:

(i) added substances, Association of Official Analytical Chemists (AOAC) calculation--\$16;

(ii) added water, AOAC calculation--\$16;

(iii) benzoate, AOAC method 960.38--\$101;

(iv) cereal, USDA CRL method--\$80;

(v) deterioration, canned products, AOAC chart--\$30;

(vi) fat, dairy products, AOAC method 46.616--\$44;

(vii) fat, paly screen, AOAC method 46.616--\$44;

(viii) fat, soxhlet extraction, USDA method Fat-1--\$101;

(ix) filth, AOAC methods--\$44;

(x) filth, beverages, AOAC method 965.38--\$44;

(xi) filth, cereal foods, AOAC method 971.32--\$44;

(xii) filth, AOAC method 941.16--\$44;

(xiii) filth, spices, AOAC method 945.83--\$44;

(xiv) food coloring, AOAC method 988.13--\$73;

(xv) fumonisin in corn products by high performance liquid chromatography (HPLC)--\$250;

(xvi) insect identification, Food and Drug Administration (FDA) Technical Bulletin #2--\$44;

(xvii) maximum internal temperature, USDA ICT 2 method--\$101;

(xviii) meat protein, AOAC calculation--\$19;

(xix) moisture (total water), USDA M01 method--\$21;

(xx) moisture-protein ratio, AOAC calculation--\$40;

(xxi) package exam for rodent contamination, AOAC method 973.63--\$30;

(xxii) pH of food products, AOAC method 981.12--\$25;

(xxiii) protein, total, USDA protein block digestion--\$73;

(xxiv) rodent pellet, identification, FDA Microscope Analytical Methods in Food and Drug Control--\$44;

(xxv) salt, USDA method SLT--\$131;

(xxvi) soy protein concentrate, USDA SOY1 method--\$80;

(xxvii) soya, USDA SOY1 method--\$80;

(xxviii) sulfite, AOAC method 980.17--\$83;

(xxix) water activity, AOAC method 978.18--\$44; and

(B) Organic analysis, tetracycline in milk, FDA/AOAC methods--\$125.

(C) Metals analyses. A sample preparation fee applies to all food samples analyzed by FLAA, GFAA, GHAA, ICP or ICP-MS techniques. The total analysis fee includes the sample preparation fee and the per-element fee. The fee for analysis of multiple metals by a single method includes a single sample preparation fee and the appropriate per-element fees.

(i) Sample preparation fee--total recoverable metals digestion, EPA methods 200.2, 200.3, or SW-846 method 3050B--\$46.

(ii) Per-element fees:

(I) mercury, EPA methods 245.1, 245.5, and 245.6, and SW-846 methods 7470A and 7471A--\$40;

(II) single metal, FLAA or ICP, EPA 200 series methods and EPA SW-846 methods 6010 or 7000 series--\$24;

(III) single metal, GFAA or GHAA, EPA 200 series methods and EPA SW 846 methods 7000 series, and SM, 18th edition, 3114--\$38; and

(IV) single metal, ICP-MS, EPA method 200.8, EPA SW-846 method 6020--\$31.

(4) The following fees apply to the analysis of soil and solids:

(A) pH, Soil, EPA method 9045B--\$28.

(B) Metals analysis. A sample preparation fee applies to the analysis of all solid (soil, sediment, etc.) samples. The total cost of the analysis will be the sample preparation fee plus the per-element fee. The fee for analysis of multiple metals by a single method includes a single sample preparation fee and the appropriate per-element fees.

(i) Sample preparation fee--acid digestion of sediments, sludges, and soils, EPA SW-846 Method 3050B--\$44.

(ii) Per-element fee:

(I) lead in paint by FLAA--\$44;

(II) lead in pottery leachate by FLAA--\$33;

(III) lead and cadmium in pottery leachate by FLAA--\$59;

(IV) lead in soil by FLAA--\$46;

(V) lead in solids by FLAA--\$44;

(VI) mercury, sediment, EPA method 245.5 and EPA SW-846 method 7471A--\$40;

(VII) non-routine single metal, EPA 200 series methods and EPA SW-846 methods: 6010B, 6020, and 7000's--\$60;

(VIII) silver, EPA method 200.7, and EPA SW-846 methods 6010B, 7760A, and 7761--\$60;

(IX) single metal, FLAA or ICP, EPA 200 series methods, 200.7, and EPA SW-846 6010B and 7000 series methods--\$26;

(X) single metal, graphite furnace atomic absorption spectrometry (GFAA) or gas hydride atomic absorption spectrometry (GHAA), EPA 200 series methods and EPA SW-846 methods 7000 series, 7062, and 7742, and SM, 18th edition, 3114--\$38; and

(XI) single metal, ICP-MS, EPA method 200.8 and EPA SW-846 method 6020--\$31.

(C) Radiochemistry:

(i) alpha spectrometry preparation, DOE-RESL A-20 Pyrosulfate Fusion--\$154;

(ii) gross alpha and beta, EPA method 900.0--\$101;

(iii) gross alpha or beta, EPA method 900.0--\$81;

(iv) gamma emitting isotopes, EPA method 901.1--\$140;

(v) plutonium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$90;

- (vi) radium-226, DOE-RESL A-20/EPA method 903.1--\$133;
- (vii) radium-228, DOE-RESL A-20/EPA method 904.0--\$110;
- (viii) strontium-89 or 90, EPA method 905.0--\$147;
- (ix) thorium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$88;
- (x) tritium, EPA method-Azeotopic Distillation--\$99; and
- (xi) uranium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$86.

(5) The following fees apply to the analysis of tissue and vegetation samples. A tissue preparation (homogenization) fee applies to all seafood tissue samples analyzed for organic compounds and/or metals. The total analysis cost includes the tissue preparation fee, any analyte specific sample preparation fee, and the per-element or per-group test fee.

(A) Tissue preparation fees:

- (i) fillets, EPA method 200.3--\$46; and

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EXHIBIT A-1

LIST OF LOCAL AGENCY WATER SYSTEMS

<u>LOCAL AGENCY SYSTEM</u>	<u>ID NUMBER</u>
1) Hunterwood	1011715
2) District 73	1011585
3) Belleauwoods	1011594
4) District 82	1011593
5) Lake Houston Parks	1011587
6) Spanish Cove	1011590
7) Willowchase MUD	1011902
8) Harris County MUD 159	1011782
9) Harris County WCID 76	1010246
10) Kingwood (UD5)	1010348
11) Main Ground Water & Surface Water	1010013