

## **PUBLIC PROCUREMENT REVIEW BOARD**

### **SPECIAL MEETING**

**FRIDAY, APRIL 17, 2015**

A special meeting of the Public Procurement Review Board was held at 10:00 a.m. in the 13<sup>th</sup> floor Conference Room of the Woolfolk State Office Building located in Jackson, Mississippi.

#### **PRESENT**

Mr. Kevin J. Upchurch, Chairman  
Mr. Freddie M. "Flip" Phillips, Vice Chairman  
Mr. Charles R. Snowden, Member

#### **OTHERS**

Ms. Monica Ritchie, Director of the Office of Purchasing, Travel & Fleet Management, DFA  
Mr. Bennie Nutt, Deputy Executive Director, DFA  
Ms. Delores Douglas, Director of Furniture & Equipment, DFA  
Ms. Aubrey Leigh Goodwin, Special Assistant Attorney General, DFA  
Ms. Melody Coulson, PPRB Recorder, DFA

The Chairman called the meeting to order and commenced the meeting with prayer.

#### **OFFICE OF PURCHASING, TRAVEL & FLEET MANAGEMENT (OPTFM)**

Ms. Ritchie presented the following:

1. The Mississippi Department of Health (MDOH) requested an exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list from Novartis Vaccines from April 18, 2015 through March 31, 2016, in the amount of \$330, 460.00. Mr. Phillips made a motion to approve contingent upon the issuance of a purchase order or an award letter by the agency. Mr. Snowden seconded and the motion carried.
2. The Mississippi Department of Health (MDOH) requested an exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list from Sanofi Pasteur from April 18, 2015 through March 31, 2016, in the amount of \$1,797,545.00. Mr. Phillips made a motion to approve contingent upon the issuance of a purchase order or an award letter by the agency. Mr. Snowden seconded and the motion carried.
3. The Mississippi Department of Health (MDOH) requested an exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list from Pfizer America from April 18, 2015 through March 31, 2016, in the amount of \$1,264,850.00. Mr. Phillips made a motion to approve contingent upon the issuance of a purchase order or an award letter by the agency. Mr. Snowden seconded and the motion carried.
4. The Mississippi Department of Health (MDOH) requested an exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list from Merck Sharp & Dohme from April 18, 2015 through March 31, 2016, in the amount of \$4,739,245.00. Mr. Phillips made a motion to approve contingent upon the issuance of a purchase order or an award letter by the agency. Mr. Snowden seconded and the motion carried.
5. The Mississippi Department of Health (MDOH) requested an exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list from Glaxo Smith Kline from April 18, 2015 through March 31, 2016, in the amount of \$1,847,965.00. Mr. Phillips made a motion to approve contingent upon the issuance of a purchase order or an award letter by the agency. Mr. Snowden seconded and the motion carried.

## PUBLIC PROCUREMENT REVIEW BOARD

### Special Meeting

Friday, April 17, 2015

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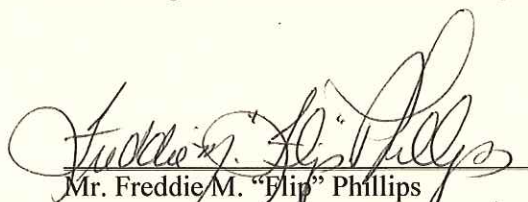
6. The Mississippi Department of Health (MDOH) is requesting an increase for the Biodegradable Bags on the WIC agency contract that was originally approved by PPRB in June of 2014 for the amount of \$39,021,420.50. This agency contract was last reviewed by PPRB on January 7, 2015 and approved for the amount of \$40,060,745.50 due to a variance in the price of food items. This increase in the number of bags needed at the same contracted price will be an increase of \$10,093.50 from the amount approved in January. The original bid allows price adjustments for quantities (as well as cost in a different section) to occur during the term of the contract due to the following language in the bid: "The Mississippi State Department of Health may purchase and require the delivery of more than 105% of the quantities specified in the request for bid." Mr. Phillips made a motion to approve contingent upon the issuance of a purchase order or an award letter by the agency. Mr. Snowden seconded and the motion carried.
7. The University of Mississippi Medical Center (UMMC) requested ratification of a purchase of Stryker Med Surge Beds from a GPO contract with trade in of 100 old beds that are required to be replaced due to poor condition. The GPO purchase request is \$1,100,387.77 with a trade-in of 100 old beds with a trade-in value of \$24,650.00. UMMC included a copy of the (trade-ins as result of a purchase through a group purchasing organizations) exemption letter with their purchase request. Mr. Phillips made a motion to ratify this purchase. Mr. Snowden seconded and the motion carried.
8. The University of Mississippi Medical Center (UMMC) requested ratification of an agreement with Draeger Medical, Inc. for the purchase of 20 anesthesia machines/workstations including accessories from a Medassets GPO contract #MS02026. The GPO purchase requested \$837,251.63 with a trade-in of ten devices with a trade-in value of \$140,000. UMMC included a copy of the exemption letter for trade with a purchase through a GPO. Mr. Phillips made a motion to ratify this agreement. Mr. Snowden seconded and the motion carried.

### BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY MANAGEMENT (BOB)

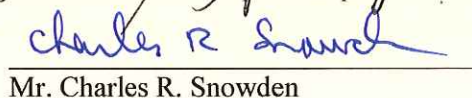
Ms. Douglas presented the following:

1. The Department of Public Safety, Mississippi Crime Laboratory requested approval of a sole source for upgrades to existing Oxford X-Ray detectors by Oxford Instruments in the amount of \$61,820.00. Oxford is the only company able to upgrade the existing equipment. Additionally, the Crime Lab provided documentation that the cost to upgrade is substantially less than to purchase new equipment. Mr. Phillips made a motion to approve. Mr. Snowden seconded and the motion carried.
2. The Department of Public Safety, Mississippi Crime Laboratory requested approval of a sole source for New Applied Biosystems genetic analyzer equipment from Life Technologies, in the amount of \$664,251.30. The proposed equipment from this manufacturer is the only source of equipment that is validated for the purpose of forensic human identification which is required to comply with federal requirements. There are other manufacturers of genetic analyzers for other purposes, such as biogenomics, but not for human identification. This request also requires exemption due to trade-in value higher than allowed per the Procurement Manual, however; this is not applicable because the equipment to be traded-in was purchased from Federal Grant money and can only be traded-in for an upgrade and not otherwise sold or bid.

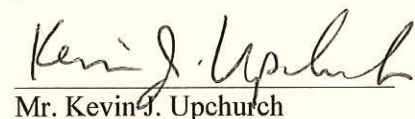
There being no further business to bring before the Board, the meeting was adjourned.



Mr. Freddie M. "Flip" Phillips



Mr. Charles R. Snowden



Mr. Kevin J. Upchurch





**STATE OF MISSISSIPPI**  
GOVERNOR PHIL BRYANT

**DEPARTMENT OF FINANCE AND ADMINISTRATION**

KEVIN J. UPCHURCH  
EXECUTIVE DIRECTOR

# **NOTICE**

A Special Meeting of the

**PUBLIC PROCUREMENT REVIEW BOARD**

will be held Friday, April 17, 2015, 10:00 a.m. in the  
13th floor Conference Room  
Woolfolk State Office Building

Agenda: Request for Approval of Contracts from The Mississippi Department of Health, The University of Mississippi Medical Center and Miscellaneous

## **AGENDA**

### **PUBLIC PROCUREMENT REVIEW BOARD**

**Special Meeting**

**10:00 a.m.**

**FRIAY, APRIL 17, 2015**

#### **I. OFFICE OF PURCHASING, TRAVLE AND FLEET MANAGEMENT**

Ms. Monica Ritchie, Director of the Office of Purchasing, Travel and Fleet Management, will present the following:

- 6 contracts for Approval from Mississippi Department of Health
- 2 contracts for Approval The University of Mississippi Medical Center

#### **II. BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY MANAGEMENT**

Ms. Delores Douglas, Director of Furniture and Equipment, will present the following:

- Request for approval of sole source for the Oxford Upgrades.
- Request for approval of sole source for the Applied Biosystems Genetic Analyzer subject to approval of ITS or confirmation by ITS that this is not under their purview.

#### **III. NEXT MEETING DATE**

Regular Meeting, Wednesday, May 06, 2015

OFFICE OF PURCHASING AND TRAVEL  
PUBLIC PROCUREMENT REVIEW BOARD  
SPECIAL MEETING AGENDA  
April 17, 2015

1. **REQUESTING AGENCY:** Mississippi Department of Health  
**SUPPLIER:** Novartis Vaccines  
**MAGIC NUMBER:** 8800003957  
**AMOUNT OF CONTRACT:** \$330,460  
**TERM OF CONTRACT:** April 18, 2015 thru March 31, 2016  
**SCOPE OF CONTRACT:** vaccines from CDC  
**PURCHASE METHOD (PROPOSAL, SOLE SOURCE):** CDC price list  
**COMMENTS:** MS Department of Health is requesting exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list. These vaccines are currently available on the MMCAP State contract; however, these specific vaccines are priced lower with the CDC.

*31-7-13 (m) (i) Purchasing Agreements approved by Department. Purchasing agreements, contracts, and maximum price regulations executed or approved by the Department of Finance & Administration.*

**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes

If no, explanation:

**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the agency.

2. **REQUESTING AGENCY:** Mississippi Department of Health  
**SUPPLIER:** Sanofi Pasteur  
**MAGIC NUMBER:** 8800003955  
**AMOUNT OF CONTRACT:** \$1,797,545  
**TERM OF CONTRACT:** April 18, 2015 thru March 31, 2016  
**SCOPE OF CONTRACT:** vaccines from CDC  
**PURCHASE METHOD (PROPOSAL, SOLE SOURCE):** CDC price list  
**COMMENTS:** MS Department of Health is requesting exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list. These vaccines are currently available on the MMCAP State contract; however, these specific vaccines are priced lower with the CDC.

*31-7-13 (m) (i) Purchasing Agreements approved by Department. Purchasing agreements, contracts, and maximum price regulations executed or approved by the Department of Finance & Administration.*

**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes

If no, explanation:

**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the agency.

3. **REQUESTING AGENCY:** Mississippi Department of Health  
**SUPPLIER:** Pfizer America  
**MAGIC NUMBER:** 8800003956  
**AMOUNT OF CONTRACT:** \$1,264,850  
**TERM OF CONTRACT:** April 18, 2015 thru March 31, 2016  
**SCOPE OF CONTRACT:** vaccines from CDC  
**PURCHASE METHOD (PROPOSAL, SOLE SOURCE):** CDC price list  
**COMMENTS:** MS Department of Health is requesting exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list. These vaccines are currently available on the MMCAP State contract; however, these specific vaccines are priced lower with the CDC.

*31-7-13 (m) (i) Purchasing Agreements approved by Department. Purchasing agreements, contracts, and maximum price regulations executed or approved by the Department of Finance & Administration.*

**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes

If no, explanation:

**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the agency.

4. **REQUESTING AGENCY:** Mississippi Department of Health  
**SUPPLIER:** Merck Sharp & Dohme  
**MAGIC NUMBER:** 8800003954  
**AMOUNT OF CONTRACT:** \$4,739,245  
**TERM OF CONTRACT:** April 18, 2015 thru March 31, 2016  
**SCOPE OF CONTRACT:** vaccines from CDC  
**PURCHASE METHOD (PROPOSAL, SOLE SOURCE):** CDC price list  
**COMMENTS:** MS Department of Health is requesting exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list. These vaccines are currently available on the MMCAP State contract; however, these specific vaccines are priced lower with the CDC.

*31-7-13 (m) (i) Purchasing Agreements approved by Department. Purchasing agreements, contracts, and maximum price regulations executed or approved by the Department of Finance & Administration.*

**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes

If no, explanation:

**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the agency.

5. **REQUESTING AGENCY:** Mississippi Department of Health  
**SUPPLIER:** Glaxo Smith Kline  
**MAGIC NUMBER:** 8800003958  
**AMOUNT OF CONTRACT:** \$1,847,965  
**TERM OF CONTRACT:** April 18, 2015 thru March 31, 2016  
**SCOPE OF CONTRACT:** vaccines from CDC  
**PURCHASE METHOD (PROPOSAL, SOLE SOURCE):** CDC price list  
**COMMENTS:** MS Department of Health is requesting exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list. These vaccines are currently available on the MMCAP State contract; however, these specific vaccines are priced lower with the CDC.

*31-7-13 (m) (i) Purchasing Agreements approved by Department. Purchasing agreements, contracts, and maximum price regulations executed or approved by the Department of Finance & Administration.*

**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes

If no, explanation:

**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the agency.

6. **REQUESTING AGENCY:** Mississippi Department of Health  
**SUPPLIER:** Supervalu Holdings, Inc.  
**MAGIC NUMBER:** 8800002889  
**AMOUNT OF CONTRACT:** \$40,070,839.00  
**TERM OF CONTRACT:** July 1, 2014 thru June 30, 2015  
**SCOPE OF CONTRACT:** Food and Bags for WIC program  
**PURCHASE METHOD:** Competitively Bid WIC Contract  
**COMMENTS:** The MS Dept. of Health is requesting an increase for the Biodegradable Bags on the WIC agency contract that was originally approved by PPRB in June of 2014 for the amount of \$39,021,420.50. This agency contract was last reviewed by PPRB on January 7, 2015 and approved for the amount of \$40,060,745.50 due to a variance in food items. This increase in bags needed at the same contracted price will be an increase of \$10,093.50 from the amount approved in January. Their original bid allows price adjustments to occur during the term of the contract due to the following language in their bid:  
*"The Mississippi State Department of Health may purchase and require the delivery of more than 105% of the quantities specified in the request for bid."*  
**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes  
If no, explanation:



**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the Agency.

7. **REQUESTING AGENCY:** University of MS Medical Center

**SUPPLIER:** Stryker Sales Corp/Stryker Medical

**MAGIC NUMBER:** 8800003975

**AMOUNT OF CONTRACT:** \$1,100,387.77 with a trade-in of \$24,650.00

**TERM OF CONTRACT:** One time purchase with trade in

**SCOPE OF CONTRACT:** Purchase of 105 Med Surge Beds with trade in of 100 old beds.

**PURCHASE METHOD:** GPO Novation contract #CEO174

**COMMENTS:** The University of Mississippi Medical Center (UMMC) has submitted a P1 for ratification for the purchase of Stryker Med Surge Beds from a GPO contract with trade in of 100 old beds that are required to be replaced due to poor condition. The GPO purchase request is \$1,100,387.77 with a trade in of 100 old beds with a trade in value of \$24,650.00. UMMC has included a copy of the (Trade-ins as result of a purchase through a group purchasing organizations) exemption letter with their purchase request.

**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes

If no, explanation:

**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask that the Board ratify this purchase.

8. **REQUESTING AGENCY:** University of MS Medical Center

**SUPPLIER:** Draeger Medical, Inc.

**MAGIC NUMBER:** 8800003947

**AMOUNT OF CONTRACT:** \$837,251.63

**TERM OF CONTRACT:** One time purchase with trade-in of \$140,000.

**SCOPE OF CONTRACT:** Anesthesia Machines/Workstations for the UMMC Adult OR Suite.

**PURCHASE METHOD (PROPOSAL, SOLE SOURCE):** Purchase from Group Purchasing Contract of Medassets #MS02026

**COMMENTS:** UMMC is requesting ratification of an agreement with Draeger Medical, Inc. for the purchase of 20 anesthesia machines/workstations including accessories from a Medassets GPO contract #MS02026. The GPO purchase request is \$837,251.63 with a trade in of ten devices with a trade in value of \$140,000. UMMC has included a copy of the exemption letter for trade with a purchase through a GPO.

**COMPLIANCE WITH PROCEDURES (YES, NO):** Yes

If no, explanation:

**ADDITIONAL COMMENTS IF NEEDED:** Based on the information submitted by the Agency, we ask for the Board's ratification of this agreement.



**STATE OF MISSISSIPPI**  
GOVERNOR PHIL BRYANT

**DEPARTMENT OF FINANCE AND ADMINISTRATION**

KEVIN J. UPCHURCH  
EXECUTIVE DIRECTOR

April 16, 2015

Mr. Kevin J. Upchurch, Executive Director  
Department of Finance and Administration  
Post Office Box 267  
Jackson, Mississippi 39205

RE: GS# 331-151  
Central MS Crime Lab  
Department of Public Safety

Dear Mr. Upchurch;

The Bureau of Building, Grounds and Real Property Management ("Bureau") has been requested by the Department of Public Safety, Mississippi Crime Lab ("DPS/MCL"), for sole source approval on two items related to equip the subject project. In accordance with Sole-Source Procurement Regulations Memorandum dated December 18, 2014, I recommend approval of the following items:

I. *Upgrades to existing Oxford X-Ray detectors by Oxford Instruments.*

\$61,820.00, proposal and DPS/MCL request letter attached. In addition to Oxford being the only source able to upgrade the existing equipment, they have provided documentation that cost to upgrade is substantially less than purchasing new equipment with the required features.

II. *New Applied Biosystems genetic analyzer equipment from Life Technologies.*

\$664,251.30, proposal and DPS/MCL request letter / narrative attached. The proposed equipment from this manufacturer is the only source of equipment that are validated for the purpose of forensic human identification which are required to comply with federal requirements. There are other manufacturers of genetic analyzers for other purposes, such as biogenomics, but not for human identification. This request also requires exemption due to trade-in value higher than allowed per procurement manual, however; I am advised that this is not applicable for sole source items. Also, equipment to be traded-in was purchased from Federal Grant money and can only be traded-in for upgrade and not otherwise sold or bid.

Mr. Kevin J. Upchurch  
April 16, 2015  
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We ask approval of the second item as contingent upon separate approval by MDITS or confirmation by MDITS that the incidental computer equipment included in the genetic analyzer is outside of their jurisdiction.

Very truly yours,

BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY MANAGEMENT



Glenn R. Kornbrek  
Director

GRK

cc: Mr. Mike Beauchamp  
Ms. Aubrey Leigh Goodwin, Special Assistant Attorney General



STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY  
MISSISSIPPI CRIME LABORATORY  
DIRECTOR, SAM HOWELL

PHIL BRYANT  
GOVERNOR

ALBERT SANTA CRUZ  
COMMISSIONER

March 13, 2015

Department of Finance & Administration  
Office of Purchasing & Travel (OPT)

RE: Sole Source Justification for Purchase of Upgrades for two Oxford X-Ray Detectors used by MCL

Dear OPT:

The Mississippi Crime Laboratory is requesting a sole source approval for the purchase of two upgrades for Oxford X-Ray detectors in use at the Mississippi Crime Laboratory. The sole source approval for purchase from Oxford Instruments America, Quotation #: HFGBQ1183 is being requested for the following reasons listed below.

The X-Ray detectors that are currently in use at the Mississippi Crime Laboratory are made by Oxford Instruments and therefore the upgrades of the existing equipment has to be purchased from Oxford Instruments.

The information provided below outlines the cost benefit to 'upgrade' the existing x-ray detectors versus the purchase of two (2) new x-ray detector systems.

Item	Description	Cost
1.	Upgrade to Zeiss EVO s/n 10696 Aztec Package	\$21,300
2.	Upgrade to X-ManN Silicon Drift Detector that does not require liquid Nitrogen	\$28,800
3.	Installation	\$5,500
4.	Upgrade Zeiss MA 10- s/n 34586 Aztec Software	\$12,400
5.	PC and software install and training	\$6,900
	(includes 17% customer discount )	<b>TOTAL: \$61,820</b>

Item	Description	Cost
1.	New Aztec x-ray System with SDD	\$61,800
2.	Software, Installation and training	\$23,100
	<b>Total for purchase of two (2) new x-ray detectors</b>	<b>TOTAL: \$169,800</b>

**MAIN LABORATORY**  
1700 EAST WOODROW WILSON  
JACKSON, MISSISSIPPI 39216  
PHONE: 601-987-1600  
FAX: 601-987-1615

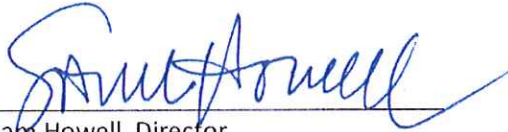
**NORTH MISSISSIPPI LABORATORY**  
22000 HWY 35 NORTH  
BATESVILLE, MISSISSIPPI 38606  
PHONE: 662-563-6435  
FAX: 662-563-6491

**GULF COAST LABORATORY**  
16741 HWY 67  
BILOXI, MISSISSIPPI 39532  
PHONE: 228-396-7400  
FAX: 228-396-7782

**EAST MISSISSIPPI LABORATORY**  
2119C HWY 19 NORTH  
MERIDIAN, MISSISSIPPI 39304  
PHONE: 601-483-5273  
FAX: 601-483-5278

Please consider Oxford Instrument America as the sole source for the X-Ray Instrument upgrades to be purchased for the Mississippi Crime Laboratory Trace Evidence Section.

Sincerely,

A handwritten signature in blue ink that reads "Sam Howell". The signature is written in a cursive style with a long horizontal stroke at the end.

Sam Howell, Director  
Mississippi Crime Laboratory

A handwritten signature in blue ink that reads "Albert Santa Cruz". To the right of the signature, the date "3/16/15" is written in blue ink.

Albert Santa Cruz  
Commissioner, DPS



July 21, 2014

Dear Mississippi Crime Lab Purchasing:

Please accept this letter to document that Life Technologies is the sole manufacturer and distributor of Applied Biosystems models 310, 3130, 3500, 7500, and 9700 instrument systems. These unique instruments are validated for Human Identification applications. The AB Genetic Analyzers are the only capillary electrophoresis instruments that are fully validated for the purpose of forensic Human Identification. Life Technologies is the exclusive distributor of all AmpFISTR kits, reagents, software, capillaries, service, and related consumables used in conjunction with these instrument models. **This includes products described on Quote 20911718.** These products are sold direct, and are available exclusively from Life Technologies.

Further documentation describing the unique, detailed specifications of the Life Technologies AB Genetic Analyzers, and other AB Instrument Systems, can be found in our user manuals, and are available upon request.

**Life Technologies does not have authorized distributors in the USA.**

This information should justify Life Technologies as your "Sole Source" supplier for all Applied Biosystems instruments, software, consumables and services that you need to perform DNA Analysis, for the purpose of Human Identification.

If you need any further information please feel free to contact me at your convenience.

Regards,

**Phillip Czar**  
Account Manager  
Life Technologies  
(210) 286-1414  
phillip.czar@lifetech.com



STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY  
MISSISSIPPI CRIME LABORATORY  
DIRECTOR, SAM HOWELL

ALBERT SANTA CRUZ  
COMMISSIONER

PHIL BRYANT  
GOVERNOR

January 3, 2015

Department of Finance & Administration Office of Purchasing & Travel (OPT)

RE: Sole Source Justification to purchase Applied Biosystems 3500 Genetic Analyzer, Applied Biosystems 7500 Sequence Detection System, and Applied Biosystems ProFlex 96 Well Thermal Cyclers.

Dear OPT:

The Mississippi Crime Laboratory is requesting a Sole Source approval for the purchase of Applied Biosystems 3500 Genetic Analyzer, Applied Biosystems 7500 Sequence Detection System, and Applied Biosystems ProFlex 96 Well Thermal Cyclers.

There are no other manufacturers that offer systems that match the unique specifications and capabilities of the Applied Biosystems 3500 Genetic Analyzer, Applied Biosystems 7500 Sequence Detection System, and Applied Biosystems ProFlex 96 Well Thermal Cyclers. Applied Biosystems is the sole manufacturer of the Applied Biosystems 3500 Instrument, Applied Biosystems 7500 Sequence Detection System and Applied Biosystems ProFlex 96 Well Thermal Cyclers. These unique instrument systems are used for Human Identification applications. These systems are compatible with the validated chemistry in use at the Mississippi Crime Laboratory for forensic casework.

The AB 3500 Genetic Analyzers are the only instruments that are developmentally validated for the purpose of forensic human identification and are used exclusively in forensic laboratories for the techniques in use and required by the Mississippi Crime Laboratory in order to comply with federal requirements. There are other genetic analyzers for other purposes, such as biogenomics, however they are not utilized for forensic Human ID.

**Applied Biosystems 3500 Genetic Analyzer**

The Applied Biosystems 3500 Genetic Analyzers are the only capillary electrophoresis instruments that are fully validated for the purpose of forensic Human Identification. Life Technologies is the exclusive distributor of all AmpFISTR kits, reagents, software,

**MAIN LABORATORY**  
1700 EAST WOODROW WILSON  
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**NORTH MISSISSIPPI LABORATORY**  
22000 HWY 35 NORTH  
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FAX: 662-563-6491

**GULF COAST LABORATORY**  
16741 HWY 67  
BILOXI, MISSISSIPPI 39532  
PHONE: 228-396-7400  
FAX: 228-396-7782

**EAST MISSISSIPPI LABORATORY**  
2119C HWY 19 NORTH  
MERIDIAN, MISSISSIPPI 39304  
PHONE: 601-483-5273  
FAX: 601-483-5278

capillaries, professional services, and related consumables used in conjunction with these instrument models. **This includes the products described on Quote 20911718.** These products are sold direct, and are available exclusively from Life Technologies.

This information should justify Life Technologies as your "Sole Source" supplier for all Applied Biosystems instruments, software, consumables and services that you need to perform DNA Analysis, for the purpose of Human Identification of offender database samples.

The ABI PRISM® 3500 Genetic Analyzer is the only fully automated, 6-dye, capillary electrophoresis (CE) genetic analysis system for DNA sequencing and Fragment Analysis applications. The instrument is an 8-capillary, fluorescence-based genetic analysis system. It is fully automated from sample loading to polymer replacement, DNA separation, detection, and data analysis. Run conditions are optimized for comparative DNA sequencing and DNA fragment analysis. A full complement of chemistry kits, software, and accessory products is available from the manufacturers which are already in use at the Mississippi Crime Laboratory.

The ABI PRISM® 3500 Genetic Analyzer is the most versatile CE-based genetic analysis system on the market today; since the 3500 relies on "virtual filters" for fluorescent detection; it will readily accommodate new dyes and applications as they become available. Also, it is optimized and developmentally validated for use with current workflow and consumables utilized today within the Mississippi Crime Lab workflow.

The ABI PRISM® 3500 Genetic Analyzer is a fully integrated system with proven ABI PRISM reagent kits and software for automated DNA sequencing, genotyping and mutation detection. The 3500 Genetic Analyzer achieves multicolor analysis by simultaneously detecting six different fluorescent dyes in a single capillary. Fragment Analysis, multicolor detection increases throughput by enabling multiplexing of several PCR samples labeled with different color dyes. A labeled internal standard can also be added to each run to provide exceptional fragment sizing reproducibility.

The instrument is capable of analyzing multiple runs of samples-8 samples per run. The system is fully automated from polymer loading to analyzed sequence or size-called results. The instrument has a computer workstation for instrument operation and data analysis.

The system uses software for sample import and instrument control that can regulate the functions of the instrument and automatically process the data once the instrument has detected it. It also provides several options for instrument diagnostics and automatic import of sample plate information.

The instrument uses analysis software and algorithms that perform size calling for DNA fragment analysis: Data files are generated in industry standard ABIF format, which must be viewed on Windows® computing systems.



The system is able to detect and analyze six fluorescent dyes simultaneously. The instrument has:

- Eight capillaries
- Single-line 505 nm, solid-state long-life laser—utilizes a standard power supply; requires no heat removal
- Significantly improved signal uniformity from instrument to instrument, run to run, and capillary to capillary
- Powerful, integrated data collection and primary analysis software provide real-time assessment of data quality
- Radio Frequency Identification (RFID) technology tracks key consumables data and records administrative information
- Advanced multiplexing capabilities for DNA fragment analysis with up to six unique dyes
- Unrivalled application flexibility—one array and one polymer are used for most applications
- Simple setup, operation, and maintenance—the easiest-to-run, easiest-to-own DNA sequencer to date

Reagents optimized for use with this instrument are available through Applied Biosystems. AB supplies application-specific kits that are optimized for the instrument in the area of human identification. These have previously been validated for use within the Mississippi Crime Lab system.

The instrument includes software that has:

- Electronic sample information that can be automatically imported from an external data-handling system.
- Chemometric algorithmic processing of raw signal data.
- Base calling and size-calling algorithms that have been optimized for data from the instrument.
- Instrument verification to check status of critical system components.
- Available options for further downstream data analysis and data management.
- Ability to run sequencing and fragment samples on the same plate
- Ability for the user to customize the run order
- Security, audit trail and electronic signature features that assist with 21 CFR Part 11 requirements

**ABI Prism 7500 Sequence Detection System is a unique system for human identification.**

The ABI Prism 7500 Sequence Detection System Genetic is an automated instrument for PCR covered by one or more of U.S. Patent Numbers 5,038,852, 5,333,675 and 5,475,610 and corresponding claims in patents and patent applications outside the U.S.A.

The instrument has rights under all applicable claims. The use of instruments for performing the PCR process is covered by U.S. Patent No. 5,656,493 and by automated method claims of patents and patent applications outside the U.S.A. that claim priority of U.S. application Serial No. 899,061. The instrument carries rights for its use in PCR for research under these claims. The PCR process itself is covered by U.S. patent Nos. 4,683,202, 4,683,195 and 4,965,188 and corresponding patents and patents applications outside the U.S.A. The instrument carries the up front fee component of a research license under these patents for automated PCR.

The Quantifiler® Trio DNA Quantification Kit is a robust kit that enables forensic laboratories to simultaneously obtain a quantitative and qualitative assessment of total human and human male DNA in a single, highly sensitive real-time PCR reaction. This guides selection of the optimal short tandem repeat (STR) analysis chemistry (autosomal, Y-STR, or miniSTR) and streamlines the workflow while increasing downstream analysis success rates. The kit includes enhanced quantity and quality indicators that help deliver accurate, sensitive, and specific results that work together with the HID Real Time PCR Analysis Software v1.2 to enable informative and integrated workflow decisions. The Quantifiler® Trio kit and the HID v1.2 software are designed for use with the Applied Biosystems® 7500 Real-Time PCR System.

The HID Real-Time PCR Analysis Software includes the following:

- Easy to navigate user interface and specifically designed Quantifiler® assay templates dramatically streamlining the DNA quantification workflow.
- Human Identification (HID) specific quality flags and analysis summary which allow for a quick assessment of DNA sample quality and identify samples for further review.
- Male: Female Ratio and IPC, CT flags guide downstream AmpFISTR® PCR Amplification Kit selection.
- Dilution Calculation and AmpFISTR® Kit reaction Setup Tools to speed up STR analysis workflow.
- Customizable reporting function to allow user to select desired information to add to the exportable or printable report.
- Step-by-step wizard based calibration instructions and automated calibration analysis to simplify the calibration process and eliminate the need for manual calibration analysis.

The AB 7500 HID System is the only system validated for use with the Quantifiler® Human DNA, Quantifiler® Y Human Male DNA, Quantifiler® Duo and Quantifiler® Trio quantification kits to determine the amount of human and/or male DNA that is contained within a forensic and/or database (CODIS) sample. The AB 7500 HID and Quantifiler kits will be used to determine the optimal amount of DNA that should be used

in downstream STR amplification reactions to achieve a complete, balanced STR profile. STR profile/ AmpFISTR® (Applied Biosystems Cofiler®/Profiler® Plus/Identifiler® and Yfiler®) kits are run on current Applied Biosystems AB 3500/3500xl genetic Analyzers in use in lab. This is in concordance with the guidance provided by SWGDAM and FBI QAS governing boards. All have been optimized /validated with AB specific cycling conditions.

### **Applied Biosystems® ProFlex™ PCR System**

The ProFlex™ PCR System combines the reliability and performance you've come to expect from Applied Biosystems® thermal cyclers with the flexible configuration and control features that fit how you work today. Dual block configurations allow you to maximize your throughput.

The Applied Biosystems® ProFlex™ Thermal Cyclers are the only thermal cyclers manufactured that have been developmentally validated to analyze human DNA samples for the purpose of human identification, as part of an entire workflow. This workflow is in current use within the Mississippi Crime Laboratory. The instrument is specifically designed for controlling the times and temperatures required for the polymerase chain reaction (PCR) process for nucleic acid amplification.

The only thermal cycler that allows simultaneous remote access by three users to control three independent blocks, the ProFlex™ PCR System helps keep your lab's PCR experiments visible, controllable, and on track.

**Accessible by multiple users**—run three experiments at once with three independently controlled blocks

**Flexible block configuration**—accepts five types of thermal blocks for thermal optimization and throughput

**Simple to use**—touch screen interface simplifies instrument control

**Works with your current assays**—performs like your old instrument with thermal simulation modes

- History of the agency's use of the commodities  
Since the Mississippi Crime laboratory began DNA analysis, we have been using the instrumentation that has been standardized in the DNA community. Applied Biosystems has been the only company providing instrumentation for Human ID DNA analysis. The instruments we are using at the Mississippi Crime Laboratory were procured as a noncompetitive single source because Applied Biosystems were the only vendor producing these instruments. The instruments requesting sole source in this letter are the upgraded version of the instruments that we are currently using at the Mississippi Crime


Laboratory. Again, Applied Biosystems are the only manufacturer providing these instruments for Human ID DNA analysis.

The outcome of this purchase will directly impact the ability of the Mississippi Crime Laboratory to continue performing DNA analysis. New federal mandates will require the expansion of the CODIS core loci. The new CODIS core loci will require the use of instrumentation that can run a 6 dye system. The instrumentation outlined in this quote for sole source runs this six dye chemistry and the only one available for Human ID DNA. The instruments we currently use at the Mississippi Crime Laboratory do not run the 6 dye chemistry. Applied Biosystems is currently offering a trade in for our old instruments with the purchases of the new instruments. This trade in will not be offered in the future. This quote includes the instruments and all the necessary chemistry required to run the instruments. This chemistry is also only sold by Applied Biosystems.

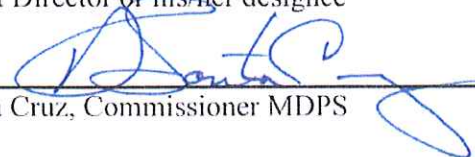
Applied Biosystems is the sole manufacturer of the ABI models 3500 Genetic Analyzer, 7500 Real-Time PCR and ProFlex 96 well Thermal Cycler instruments. These unique instrument systems are the only available instruments in use and available for Human Identification DNA applications. Currently AB systems are validated for use within the Mississippi Crime Laboratory. The MCL spent \$96,000 not including man hours in 2007 to validate this system. Applied Biosystems is the sole manufacturer and distributor of all AB instruments, kits, reagents, capillaries, and related consumables. These products are sold direct, and are available exclusively from Applied Biosystems. Please consider Applied Biosystems as the sole source for the purchase of the necessary Applied Biosystems Instrument for the Mississippi Crime Laboratory to perform forensic casework analysis.

Life Technologies does not have authorized distributors in the USA.

Sincerely,

  
\_\_\_\_\_  
Sam Howell, Mississippi Crime Laboratory Director

\_\_\_\_\_  
Procurement Director or his/her designee

 3/24/15  
\_\_\_\_\_  
Albert Santa Cruz, Commissioner MDPS