

UNIVERSITY OF MISSISSIPPI

Notice of Intent to Certify Sole Source

SS 301

The University of Mississippi (UM) anticipates purchasing the item(s) listed below as a sole source purchase. Anyone objecting to this purchase as a sole source shall follow the procedures outlined below.

Commodity or commodities to be purchased (manufacturer, model, description):

MTS Systems Servo-hydraulic mechanical testing frames, testing simulators, and associated fixturing

The need to be fulfilled by this item(s) and why it is the only one that can meet the specific needs of the department:

The mission of the Center for Diagnostics, Design, Devices, and Biomechanics (D3B) at the University of Mississippi is to address unmet clinical needs of the medical device and healthcare industry. In doing so, the D3B Center needs to be equipped with cutting edge technology utilized and required of these industries. MTS is a leading global supplier of high-performance testing and simulation systems utilized by these industries. In addition, many governing bodies and societies, including the Food and Drug Administration (FDA) and ASTM, ISO, ASME societies have recognized MTS's equipment and capabilities in their guidance documents and standards.

MTS testing equipment is not new to the University of Mississippi system. Their equipment is currently being utilized by the Mechanical and Civil Engineering Departments at the University of Mississippi and by the Biomedical Materials Science Department at the University of Mississippi Medical Center (UMMC) in Jackson. In addition, several other Universities in Mississippi (including Mississippi State University and the University of Southern Mississippi) and in our region also have MTS equipment in their research labs. This equipment compatibility across Mississippi and regional Universities is essential for the D3B Center to direct and drive research in the medical device and healthcare space in our geographical region by collaborating on research with other Mississippi and regional Universities.

Name of company/individual selling the item and why that source is the only possible source that can provide the required item(s):

MTS does not use a distributor model to distribute their products. MTS products are built to order, and they sell directly to the customer. Therefore, they are the only source for their equipment. Equipment compatibility across Mississippi and regional Universities is essential for the D3B Center to direct and drive research in the medical device and healthcare space in our geographical region by collaborating on research with other Mississippi and regional Universities. The MTS testing equipment is the only equipment that will run the MTS medical

device simulators that D3B will utilize to leverage internal resources and attract outside industry research opportunities, conduct collaborative research with other Mississippi and regional research labs utilizing MTS equipment, and compete globally in this field.

Why the amount to be expended for the commodity is reasonable:

Our researcher has personally used MTS test equipment in his industry career and has several corporate contacts and peers in the industry that use MTS testing equipment. It is the gold standard test equipment used by the orthopedic medical device testing industry. The MTS pricing has been reviewed with several of those contacts and peers who compared our quote to their past purchasing, and our pricing is in line with theirs. In addition, the fact that this equipment is the gold standard in the industry will allow our students to be exposed to and develop experience on real world testing and simulation equipment.

Efforts that the agency went through to obtain the best possible price for the commodity:

The unit price for the equipment is the standard list price for MTS, and they do not differentiate between industry and academic customers. However, our researcher has negotiated a \$72,000 discount on our order. Also, the portion of the purchase for the hydraulic hardline has pricing based strictly on the custom installation design that MTS created during their site visit to the D3B Center.

Submission Instructions and Format of Response from Objecting Parties:

Interested parties who have reason to believe that the item(s) above should not be certified as a sole source should provide information in the following format for UM to use in determining whether or not to proceed with awarding the Sole Source purchase.

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number, Address and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, January 3, 2023 at 10:00 am (Central Time) to Katherine Jones at kajones4@olemiss.edu (with Cc: to purchase@olemiss.edu) at The University of Mississippi Procurement Services Department, 164 Jeanette Phillips Drive, PO Box 1848, University, Mississippi 38677. Responses may

be delivered by hand, via regular mail, overnight delivery, or e-mail. The envelope or email should reference the sole source number. **UM WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES.** It is solely the responsibility of the Interested Parties that responses reach UM on time. Interested Parties may contact Katherine Jones to verify the receipt of their Responses. Responses received after the deadline will be rejected.

If after a review of the submitted notice and documents, UM determines that the commodity in the proposed sole source request can be provided by another person or entity, then UM will withdraw the sole source certification and submit the procurement of the commodity to an advertised competitive bid or selection process.

If UM determines after review that there is only one (1) source for the required commodity, then UM will appeal to the Public Procurement Review Board for approval to purchase.