**Mississippi State University
Notice of Proposed Sole Source Purchase**

**167-66**

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

1. Commodity or commodities to be purchased (make, model, description):

The item is a flow cytometer, the NovoCyte 3000, produced by Acea Biosciences, Inc., San Diego, CA. It is a 3-laser instrument with 13 fluorescent channels (as well as side scatter and forward scatter) and is equipped with an autosampler for hands-off operation.

1. Explanation of the need to be fulfilled by this item(s), how is it unique from all other options, and why it is the only one that can meet the specific needs of the department:

The Novocyte flow cytometer is the only flow cytometer available with a 7-log dynamic range. This is an indication of the sensitivity of the instrument. A dynamic range of 7-logs will allow us to measure bacteria and other small particles like platelets, and these are among the most common uses for this instrument by our investigators.

The NovoCyte has three lasers, which can be interchanged with lasers of different wavelengths and it has 13 analysis channels permitting simultaneous detection of 13 different fluorescent labels on a single cell. This level of flexibility is required to meet the needs of our investigators.

The NovoCyte can perform absolute as well as relative cell counts with no need for expensive and time-consuming calibration beads. This combination of features (13 color analysis and absolute cell counts) is not found in any other instrument that we have been able to locate by online searches or discussions with Directors of flow cytometry centers or on flow cytometry message boards.

Our investigators need a flow cytometer that can do absolute cell counts and function in a hands-off manner with a 96-well autosampler. The NovoCyte is the only instrument with both of these capabilities.

The resulotion needed by our investigators must be at least 0.5 µm for forward scatter and 0.2 µm for side scatter to allow analysis of small particles such as platelets and bacteria. The Novocyte has this level of resolution, and to our knowledge no other flow cytometers have this level of resolution along with the ability to perform absolute particle counts and to autosample. The combination of these features is unique to the NovoCyte.

We have a flow cytometry room that has been specifically modified to handle the HVAC requirements and Biosafety requirements of flow cytometers, including the NovoCyte (r3415, Wise Center). There is limited space in this room, so the size of the instrument must be no greater than 28 inches x 20 inches by 18 inches. The NovoCyte is 23.6 inches x 17.7 inches x 15.4 inches, which ideal for the available space and considerably smaller than most flow cytometers. The Novocyte is the only Cytometer with 3 lasers and 13 color analysis that will fit in this space.

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

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| --- |
| ACEA Biosciences 6779 Mesa Ridge Rd #100 San Diego, CA 92121 858-724-0928 Fax 858-724-0927  |

This company directly distributes it products and does not make them available through other outlets.

1. Estimated cost of item(s) and an explanation why the amount to be expended is considered reasonable:

The Quote provided is $133,933 which includes set-up, training, and a 3-year service contract.

1. Explanation of the efforts taken by the department to determine this is the only source and the efforts used to obtain the best possible price:

John Stokes contacted other manufacturers and none could provide a machine with the two of the key features we need: 3 lasers and 13 color analysis and ability to perform absolute as well as relative cell counts. We also extensively searched online and could find no instrument with all of these essential features. In addition, John Stokes, the former Director of our Flow Cytometry Facility, posted questions on a message board for the Southeastern organization of Flow Ctyometry Facility Directors. He received very positive feedback about the NovoCyte and no other recommendations for instruments that meet all our needs.

 Any person or entity that objects and proposes that the commodity listed is not sole source and can be provided by another person or entity shall submit a written notice to:

Don Buffum, CPPO
Director of Procurement & Contracts
dbuffum@procurement.msstate.edu
**Subject Line must read “Sole Source Objection”**

The notice shall contain a detailed explanation of why the commodity is not a sole source procurement. Appropriate documentation shall also be submitted if applicable.

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

If MSU determines after review that there is only one (1) source for the required commodity, then MSU will appeal to the Public Procurement Review Board. MSU will have the burden of proving that the commodity is only provided by one (1) source.