

# Notice of Intent to Certify Sole Source

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**To:** Interested Parties

**From:** Stacy Baldwin  
Agency Procurement Officer

**Date:** May 19, 2016

**Re:** Sole Source Certification Number **SS5034** for **Novocyte Flow Cytometer System upgrade from 2060R to 3000**

**Contact Email Address:** [solesource@umc.edu](mailto:solesource@umc.edu)

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## Sole Source Certification Award Details

Regarding UMMC Sole Source Certification Number **SS5034** for Novocyte Flow Cytometer System upgrade from 2060R to 3000, please be advised that UMMC intends to award the purchase of the Novocyte Flow Cytometer System upgrade from 2060R to 3000 to ACEA Biosciences, Inc. as the sole source provider of the Novocyte Flow Cytometer System upgrade from 2060R to 3000.

UMMC issues this notice in accordance with Mississippi state law, policy, and procedures for sole source procurements.

## Sole Source Criteria

1. Where the compatibility of equipment, accessories, or replacement parts is the paramount consideration (and manufacturer is the sole supplier).
2. Where a sole supplier's item is needed for trial use or testing.
3. Where a sole supplier's item is to be required when no other item will service the needs of UMMC.

## Schedule

<b>Task</b>	<b>Date</b>
First Advertisement Date	May 19, 2016
Second Advertisement Date	May 26, 2016
Response Deadline from Objectors	June 2, 2016, at 3:00 p.m. Central Time
Notice of Award/No Award Posted	Not before June 3, 2016

## **Project Details**

**1. Describe the commodity that the agency is seeking to procure:**

The University of Mississippi Medical Center (UMMC) seeks to purchase an upgrade to the NovoCyte 2060R Flow Cytometer, which will include the installation of software and parts only available through ACEA Biosciences, Inc. This upgrade will allow for enhanced flow detection in thirteen different fluorescence channels compared to the current six. The need for this upgrade comes from the inability to produce the assays to the quality level needed within the Department of Immunology and Microbiology with just the six channels.

**2. Explain why the commodity is the only one (1) that can meet the needs of the agency:**

The Flow Cytometer was purchased through ACEA Biosciences and all installation of system upgrades, maintenance and service are to be provided through the manufacturer of the equipment. Therefore, this Upgrade can only be provided through ACEA Biosciences, Inc.

**3. Explain why the source is the only person or entity that can provide the required commodity:**

ACEA is the only company that provides software / hardware upgrades to their equipment. The system upgrades are not available from any other distributor. See supporting letter from ACEA Biosciences, Attachment A.

**4. Explain why the amount to be expended for the commodity is reasonable:**

The estimated amount to be expended is for the purchase of the Novocyte Flow Cytometer System upgrade from 2060R to 3000 is \$26,000. This amount is within the expected price range for these products.

**5. Describe the efforts that the agency went through to obtain the best possible price for the commodity:**

Through market intelligence, UMMC was able to negotiate best pricing for these products. All applicable discounts were explored and applied.

## **Submission Instructions and Format of Response from Objecting Parties**

Interested parties who have reason to believe that the Novocyte Flow Cytometer System upgrade from 2060R to 3000 (hereafter, "Products") should not be certified as a sole source should provide information in the Vendor Form for the State to use in determining whether or not to proceed with awarding the sole source to ACEA Biosciences. The Vendor Form may be found at <http://www.dfa.state.ms.us/Purchasing/documents/ObjectiontoSoleSourceDetermination.pdf>.

Objections must include the certification in Attachment B.

Comments will be accepted at any time prior to Thursday, June 2, 2016, at 3:00 p.m. (Central Time) to [solesource@umc.edu](mailto:solesource@umc.edu). Responses may be delivered via email to [solesource@umc.edu](mailto:solesource@umc.edu). UMMC WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF

RESPONSES. It is solely the responsibility of the Interested Parties that responses reach UMMC on time. Responses received after the deadline and responses that lack all required information will be rejected. UMMC reserves the right to inspect Interested Party's commodity for comparison purposes.

If you have any questions concerning the information above or if we can be of further assistance, please contact [solesource@umc.edu](mailto:solesource@umc.edu).

Attachment A: Vendor Correspondence

Attachment B: Objection Certification

## Attachment A

To Whom It May Concern,

The Microbiology and Immunology department at the University of Mississippi Medical Center is in process of purchasing an upgrade to their NovoCyte 2060R Flow Cytometer system. This upgrade will entail the installation of the following parts only available from ACEA Biosciences, Inc.:

Description	
voCyte™ Instrument	Type : System Upgrade from ACEA NovoCyte 2060R to 3000
	Bag 1 405 laser module
	Bag 2 OBIS SDR LINE
	Bag 3 445 PMT(I)Module
	Bag 4 615 PMT( II )Module
	Bag 5 sigma slip TASB 251
	Bag 6 sigma slip TASB 254
voCyte™ Accessories	Bag 7 405 the first cylinder lens module
	Bag 8 405 the second cylindrical lens module
	Bag 9 445-45 lens module
	Bag 10 615-24 lens module
	Bag 11 600LP lens module
	Bag 12 472SP lens module
	Bag 13 PMT lens module

This upgrade will have the impact of transforming the Departments current NovoCyte 2060R Flow Cytometer system into a NovoCyte 3000 Flow Cytometer system, which will allow for the detection in 13 different fluorescence channels compared to the current six. This upgrade can only be performed using ACEA parts (listed above), and only installed and Quality Controlled ("QC'd") by ACEA Field Service Engineering personnel. The parts required and installation process are unique, and can only be provided by, ACEA Bioscience, Inc. and should not be sent to bid, since no other company can provide the aforementioned certified parts and technical labor required for this upgrade.

Sincerely,



**Donald M. Boyer**  
Regional Sales Manager – East/Southeast  
NovoCyte Flow Cytometers

ACEA Biosciences, Inc.  
6779 Mesa Ridge Road #100  
San Diego, CA 92121

Mobile: 615-495-9363

### Attachment B

**SUBMITTED IN RESPONSE TO  
Sole Source Certification No. SS5034  
Accepted until June 2, 2016, at 3:00 p.m.**

I certify that the information contained in this objection is true and accurate to the best of my knowledge. I understand that UMMC will investigate all statements made in this objection and that any false or misleading information provided may result in adverse action.

\_\_\_\_\_  
Objector Name  
Objector's title

\_\_\_\_\_  
Date