

MISSISSIPPI STATE DEPARTMENT OF HEALTH
Notice of Proposed Sole Source Purchase #0301-17
RFx # 3150000631

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

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

The item to be purchased is Vaginal Contraceptive Film (VCF) which is manufactured by the Apothecus Pharmaceutical Corp. It is a *semi-transparent* square of soluble film which incorporates a highly efficient and safe *material that kills sperm* on contact when placed in the vagina.

Explanation of 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:

This Vaginal Contraceptive Film (VCF), which contains the active ingredient Nonoxynol-9, a widely used highly efficient spermicide that kills sperm on contact, provides additional contraception for the clients to whom it is given.

Vaginal Contraceptive Film is the only product that meets the specific needs of the Comprehensive Reproductive Health program because it can be used in addition to the methods provided to our clients that contain hormones. It also meets our needs because of the client satisfaction with the convenience, effectiveness and the ease of use of this non-hormone method of contraception.

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

The Apothecus Pharmaceutical Corp is the only manufacturer/producer of vaginal contraceptive film and foam in the world. We are currently purchasing this product directly from this company.

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

I have been informed by Sherri Ely, Director of Family Planning for the Apothecus Pharmaceutical Corp., that the MSDH Comprehensive Reproductive Health program is being provided the lowest purchase price that can be offered for this product by the company, 50 cases of 3780 films @ 2457.00 per case, totaling \$122,850.00 plus shipping charges.

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:

Through the program's previous and current phone contact with company personnel, the program was informed of the sole source status of the company regarding this product and informed that we would be quoted the lowest price that the manufacturing company could make.

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: Jennifer Dotson, Mississippi State Department of Health Purchasing Department, 570 E. Woodrow Wilson, Room 134 Underwood Building, Jackson, MS 39216 or P. O. Box 1700, Jackson, MS 39215-1700.

Responses may be hand delivered, via regular mail, overnight delivery or by e-mail: jennifer.dotson@msdh.ms.gov. The envelope or e-mail should reference the sole source number.

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. The enclosed form (OSS) may be used if you so desire.

If after a review of the submitted notice and documents, Mississippi State Department of Health determines that the commodity in the proposed sole source request can be provided by another person or entity, then Mississippi State Department of Health 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 Mississippi State Department of Health determines after review that there is only one (1) source for the required commodity, the Mississippi State Department of Health will appeal to the Public Procurement Review Board. Mississippi State Department of Health will have the burden of proving that the commodity is only provided by one (1) source.

Notices/objections, etc. will be accepted at any time prior to: _Tuesday, August 9, 2016 at 3:00 p.m. (CST)

