



SOLE SOURCE/PROPIETARY REQUEST

COUNTY POLICY ON SOLE SOURCE CONTRACTS:

It is the policy of the County of Orange to solicit competitive bids and proposals for its procurement requirements. Sole source procurement shall not be used unless there is clear and convincing evidence that only one source exists to fulfill the County's requirements. All sole source purchases requiring Board of Supervisors approval shall be justified as meeting the sole source standard in the Agenda Staff Report. The Agenda Staff Report shall clearly state that it is a sole source procurement. The Sole Source Justification, as described below, shall be attached to or included within the Agenda Staff Report (CPM, Section 4.4)

SECTION I - INSTRUCTIONS FOR COMPLETING THIS FORM:

1. Formal justification is required for sole source procurements when competitive bid guidelines require pricing from competing firms.
2. A written justification will be prepared by the department and approved by the department head or designee.
3. Prior to execution of a contract, the County Purchasing Agent or designee shall approve ALL sole source requests for commodities that exceed \$500,000 and services exceeding \$50,000 or a two (2) year consecutive term, regardless of the contract amount.
4. Board approval is required for all sole source contracts for commodities that exceed \$500,000 and services exceeding \$50,000 or a two (2) year consecutive term, regardless of the contract amount.
5. The Deputy Purchasing Agent (DPA) shall retain a copy of the justification as part of the contract file.
6. Valid sole source requests contain strong technological and/or programmatic justifications.
7. Sole source procurements may be approved based upon emergency situations in which there is not adequate time for competitive bidding.
8. Sole source requests for Human Service contracts will be guided by the regulations of the funding source.
9. Each question in Section III of this form must be answered in detail and signed by the department head with concurrence of the Deputy Purchasing Agent.

SECTION II - DEPARTMENT INFORMATION:

DEPARTMENT		DATE <u>RQL-042-11018519</u>	
Public Health Lab		2-16-11	
VENDOR NAME		SOLE SOURCE BID SYNC NUMBER	
Applied Biosystems		<u>042-54124-RT</u>	
AMOUNT	Is Agreement Grant Funded?	Proprietary?	
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Request: <u>PURCHASE ORDER</u>			
<input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Multi Year <input type="checkbox"/> Amendment <input type="checkbox"/> Increase			
Board Date :	ASR Number :	If not scheduled to go to the Board explain why?	
April 5, 2011	<u>TBD</u>		
Does Contract Include Non-Standard Language? If yes, explain why? <u>NO</u>			
Was Contract Approved by Risk Mgmt? <u>NO</u>		Was Contract Approved by Coco? <u>YES</u>	
Were any exceptions taken? If yes, explain in detail.			
<u>No exceptions were taken.</u>			



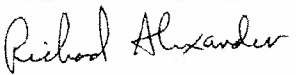



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SECTION III - SOLE SOURCE JUSTIFICATION:

- 1. Provide a description of the type of contract to be established (For example: is the contract a commodity, service, human service, public works, or other-please explain).**
One-time purchase of Applied Biosystems 7500 Fast Dx System.
- 2. Provide a detailed description of services/commodities to be provided by the vendor. (This information may be obtained from the scope of work prepared by the County and the vendor's proposal that provides a detailed description of the services/supplies). Attach additional sheet if necessary.**
The Applied Biosystems ABI 7500 Fast Dx real-time PCR instrument which enables high volume and quick testing for infectious agents and communicable diseases.
- 3. Please state why the recommended vendor is the only one capable of providing the required supplies and/or commodities. Include any back-up information or documentation which supports your recommendation. (Acceptable responses to this question will include strong programmatical/technological information that supports the claim that there is only one vendor that can provide the services and/or commodities). Attach additional sheet if necessary.**
The Centers for Disease Control and Prevention supplies no-cost reagents for H1N1; these are only approved to be run on the ABI 7500 Fast Dx. Applied Biosystems Inc. (ABI) is the only manufacturer and vendor of the 7500 Fast Dx Real Time PCR system.
- 4. Please list any other sources that have been contacted and explain in detail why they cannot fulfill the County's requirements. (Responses to this section should include information pertaining to any research that was conducted to establish that the vendor is a sole source. Responses should include information pertaining to discussions with other potential suppliers and why they were no longer being considered by the County). Answers to this section may be provided by the requestor and the Deputy Purchasing Agent as appropriate. Attach additional sheet if necessary.**
There are no alternate sources for this instrument.
- 5. How does recommended vendor's prices or fees compare to the general market? Attach quotes for comparable services or supplies, if available. Attach additional sheet if necessary.**
No comparisons can be made due to unavailability of another similar instrument.
- 6. If recommended vendor could not provide the product or service, how would the County accomplish this particular task? Attach additional sheet if necessary.**
Without these testing capabilities the health and safety of the public and the environment cannot be assured. Any alternative would result in a severe decrease or elimination of Orange County's ability to respond and recover in the event of a bioterrorist activity, a pandemic flu or other public health threat or emergency. Therefore, a quick turn around time and the ability to perform high volume testing are critical in preventing and controlling the spread of infectious agents in the community.



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SECTION IV - AUTHOR/REQUESTOR		
Signature: 	Name: Richard Alexander	Date: 2-22-11
SECTION V- A - DEPUTY PURCHASING AGENT CONCURRENCE		
Signature: 	Name: ROLAND TABANGIN	Date: 2/28/11
SECTION V- B - SUPERVISOR CONCURRENCE		
Signature: 	Name: LEILA GARCIA	Date: 2/28/11
SECTION VI - DEPARTMENT HEAD APPROVAL		
Signature: 	Name: Donna Fleming	Date: 2/22/11
SECTION VII - COUNTY PROCUREMENT OFFICE		
County Procurement Office review and approval required when the value of the sole source agreement exceeds \$50,000. Approvals obtained electronically through Bid Sync.		