

**DETERMINATION AND FINDINGS
FOR A
SINGLE SOURCE CONTRACT**

CONTRACT NO: DCPO-2013-B-1322
CAPTION: Applied Biosystems Reagents
PROPOSED CONTRACTOR: Life Technologies Corporation
PROGRAM AGENCY: Department of Forensic Sciences -
Forensic Health Lab- Forensic Biology Unit

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304, 1700, 1701 and 2005.6(b);
PPRA Section 404(a)

2. MINIMUM NEED:

The Government of District of Columbia, Department of Forensic Sciences, has a need for a contractor to provide Applied Biosystems manufactured laboratory supplies and reagents that are used in conjunction with Applied Biosystems analytical instrumentation for the Forensic Science Laboratory. The contractor shall also be required to ensure that quality assurance is in place, as the DFS Laboratory must meet accreditation standards, as well as adhere to the FBI Director's Quality Assurance Standards for Forensic DNA Testing Laboratories. These standards are the national standards required for participation in the national DNA database.

3. ESTIMATED REASONABLE PRICE:

The estimated reasonable cost is \$200,000.00.

4. FACTS WHICH JUSTIFY SINGLE SOURCE PROCUREMENT:

- A. Life Technologies is the sole manufacturer and distributor of Applied Biosystems models 310, 3130, 3500, 7000, 7500, and 9700 instrument systems, which are unique instruments validated for Human Identification applications. A market survey was conducted and it was confirmed that Life Technologies does not authorize distribution by any third party.
- B. In accordance with section 404(a) of the Procurement Practices Reform Act of 2010, Life Technologies is the only source for the required good.
- C. Life Technologies is the exclusive distributor of AmpFISTR kits, all reagents, GeneMapper ID-X software, capillary arrays, consumables, service, and training

used in conjunction with these instruments. These products are sold direct, and are available exclusively from Life Technologies.

- D. The Applied Biosystems Genetic Analyzers, and other AB Instrument Systems are unique as such, Life Technologies does not have authorized distributors in the United States, hence, a market survey is not required.
- E. Life Technologies is the “Single Source” supplier for the Applied Biosystems instruments, software, consumables and services that is needed to perform DNA Analysis, for the purpose of Human Identification.
- F. The DFS/Forensic Sciences Laboratory currently operates on an Applied Biosystems/Life Technology platform. Applied Biosystems/Life Technologies manufactures the corresponding reagents used in conjunction with these analytical instruments.
- G. The DFS Laboratory must meet accreditation standards, as well as adhere to the FBI Director’s Quality Assurance Standards for Forensic DNA Testing Laboratories, which are the national standards required for participation in the national DNA database.
- H. The laboratory is audited yearly for compliance with these standards, Equipment, reagent and supplies used by the DFS Laboratory for DNA testing must be evaluated prior to use in DNA analysis. Once validated, the laboratory must use the specified reagents, supplies or equipment in the DNA testing procedures. Any deviation from the approved validated procedures would jeopardize the laboratory’s accreditation status and access to the national DNA database.
- I. Applied Biosystems has been providing service to the District of Columbia since 2006, which is when this equipment/instrumentation was acquired.
- J. Public Notice of OCP’s intent to award a sole source contract was posted to our website for 10 calendar days pursuant to the requirements of OCP Policy 3000. The new posting was submitted to OCP’s website on August 21, 2013.

5. CERTIFICATION BY AGENCY HEAD:

I hereby certify that the above findings are true, correct and complete.

Date

Max M. Houck, PhD
Director
Department of Forensic Sciences

6. CERTIFICATION BY CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the single source method of procurement under the cited authorities, it is hereby determined that this procurement is in the best interest of the District.

Date

Shafiq R. Choudhary, CPM, CPPB
Contracting Officer

DETERMINATION

Based on the above findings and in accordance with the cited authorities, it is hereby determined that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

James D. Staton, Jr.
Chief Procurement Officer