

**DETERMINATION AND FINDINGS
FOR A
SOLE SOURCE PROCUREMENT**

CONTRACT NO.: DCHC-2015-A-0002

CAPTION: INSTI Rapid HIV Tests and Control Kits

PROPOSED CONTRACTOR: bioLytical Laboratories

PROGRAM AGENCY: Department of Health (DOH) HIV/AIDS, Hepatitis, Sexually Transmitted Diseases (STD) and Tuberculosis (TB) Administration (HAHSTA)

AUTHORIZATION: D.C. Official Code §2-354.04; 27 DCMR 1304 1700 and 1701

1. MINIMUM NEED:

The Department of Health, Office of Procurement Services (DOH-OPS), on behalf of HAHSTA (the "District") requires a contractor to provide Rapid INSTI-HIV-1 antibody tests and controls, to assist in reducing the transmission of the HIV/AIDS disease and to provide care and treatment to persons with the disease. A primary focus for HAHSTA is providing effective routine HIV/AIDS testing for District residents.

2. ESTIMATED REASONABLE PRICE:

The estimated reasonable price shall not exceed \$250,000.00. An indefinite quantity of test and control kits will be procured. Period of Performance will be for one year from the date of award of the contract.

3. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

INSTI Rapid HIV Tests is an HIV/AIDS screening which produces very quick results. Such testing methods are becoming more commonly used because of the significant benefits resultant of their use which include: ease of use, fast results, and accuracy. Unlike currently available rapid HIV testing technology which requires approximately 10 to 20 minutes to generate results, bioLytical Laboratories' cutting edge technology, INSTI utilizes flow-through testing technology, which produces results in as little as 60 seconds. There is no other rapid HIV test available in the industry that provides results in 60 seconds. This offers the potential of significant reductions in office visit times and labor costs, thus saving the District additional health care cost.

Through extensive market research, it was determined that aside from bioLytical, there are no other agents or dealers authorized to represent this product. The bioLytical INSTI HIV-1 tests and controls are manufactured, sold and distributed exclusively by bioLytical laboratories.

Public health officials have advocated for making HIV testing more widely accessible as increasing the number of people who know their status may be the most effective way to curb the spread of HIV/AIDS. It is widely accepted that when people are aware of their HIV status, may be less likely to engage in risky behavior and spread the virus. Additionally, when HIV positive people are on antiretroviral therapy and have undetectable levels of the virus, their ability to transmit the virus may be significantly reduced.

The District's Department Of Health recommends approval of this Sole Source procurement for the bioLytical INSTI HIV-1 test and control kits. The usage of INSTI Rapid HIV Tests and Control Kits will represent a huge step moving forward in DOH's fight against HIV/AIDS and protecting District residents as well as others.

4. CERTIFICATION BY AGENCY HEAD

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

Date

Joxel Garcia, MD, MBA
Director
Department of Health

5. CERTIFICATION BY CONTRACTING OFFICER

I have reviewed the above findings and certify they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code §2-354.04) and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Allison Robertson
Contracting Officer
Office of Contracting and Procurement for DOH

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine 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 § 2-354.04 See (a)(b)(c) and DCMR 1700. Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

James D. Staton, Jr.
Chief Procurement Officer
Office of Contracting and Procurement