

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Health

AGENDA DATE: May 26, 2020

CONTACT PERSON/PHONE: Robert Resendes, Public Health Department, 915-212-6500
Bruce D. Collins, Purchasing Director, 915-212-1181

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 8: Nurture and Promote a Healthy, Sustainable Community

The linkage to the strategic plan is subsection 8.1 – Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community. This contract will support the Public Health Department to conduct programs to control and prevent the spread of Sexually Transmitted Diseases.

SUBJECT:

Discussion and action on the request that the Director of the Purchasing and Strategic Sourcing Department be authorized to issue a Purchase Order(s) to Gen-Probe Sales & Services, Inc (a subsidiary of Hologic, Inc) the sole source for the Aptima Combo 2 Assay and Panther Instrument System supplies. This contract will allow the Public Health Department to purchase associated kits, assays and reagents for their Panther Instrument System.

BACKGROUND / DISCUSSION:

These items are needed to conduct programs to control and prevent the spread of Sexually Transmitted Diseases (STDs), including human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and viral hepatitis in accordance with the Centers for Disease Control and Prevention's (CDC) STD Program Operations Guidelines. City of El Paso DPH has the responsibility to provide medical and laboratory services in order to comply with the responsibilities as a DSHS grantee.

SELECTION SUMMARY:

Sole Source – Gen-Probe Sales & Services, Inc (a subsidiary of Hologic, Inc) is the sole source for the Aptima Combo 2 assay and Panther instrument system supplies. The Aptima assays have been validated for use with the Panther system. The firmware in the Panther system is necessary for running the Aptima assays and is unique to Hologic. Hologic is the sole source of this firmware. Hologic does not sell through dealers or distributors in the U.S. All sales are made directly to end users.

PRIOR COUNCIL ACTION:

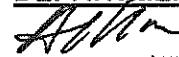
This is a first time contract with this vendor.

AMOUNT AND SOURCE OF FUNDING:

Amount: \$225,000.00
Funding Source: 531120-341-2140-41270-GT412020

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


Angela Mora, Interior Director

5/5/2020
Date

**COUNCIL PROJECT FORM
(SOLE SOURCE)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR** agenda for the Council Meeting of **May 26, 2020**.

Strategic Goal 8: Nurture and Promote a Healthy, Sustainable Community

The linkage to the strategic plan is subsection 8.1 – Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community. This contract will support the Public Health Department to conduct programs to control and prevent the spread of Sexually Transmitted Diseases.

Discussion and action on the request that the Director of the Purchasing and Strategic Sourcing Department be authorized to issue a Purchase Order(s) to Gen-Probe Sales & Services, Inc (a subsidiary of Hologic, Inc) the sole source for the Aptima Combo 2 Assay and Panther Instrument System supplies. This contract will allow the Public Health Department to purchase associated kits, assays and reagents for their Panther Instrument System.

Department:	Public Health
Award to:	Gen-Probe Sales & Services, Inc (a subsidiary of Hologic, Inc) San Diego, CA
Initial Term:	3 years
Annual Estimated Amount:	\$ 75,000.00
Initial Term Estimated Award:	\$ 225,000.00(3 years)
Total Estimated Award:	\$ 225,000.00 (3 years)
Account No.:	531120-341-2140-41270-GT412020
Funding Source:	Federal Funds
District(s):	All
Sole Source No.:	2020-764

This is a Sole Source, requirements contract.

Contact person:

Purchasing & Strategic Sourcing, Bruce D. Collins, (915) 212-1181
Public Health Department, Angela Mora, (915) 212-6564



PURCHASING & STRATEGIC SOURCING DEPARTMENT

SOLE SOURCE AFFIDAVIT

THIS IS AN OFFICIAL PURCHASING DOCUMENT-RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared _____ a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Peter P. Dunne. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Gen-Probe Sales & Service, Inc.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
Aptima Combo 2 assay, Panther Instrument System
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.**

Signature

1/14/2020

SUBSCRIBED AND SWORN to before me on this _____ day of _____

NOTARY PUBLIC

PRINTED NAME

MY COMMISSION EXPIRES

See attached

COMPANY NAME: Gen-Probe Sales & Service, Inc.

ADDRESS, CITY, STATE & ZIP CODE 10210 Genetic Center Drive, San Diego, CA 92121

PHONE: (800) 442-9892

FAX NUMBER: (800) 409-7591

CONTACT NAME AND TITLE: Steve Veit, Account Executive, Diagnostics Solutions

WEB ADDRESS: www.hologic.com

EMAIL: steve.veit@hologic.com, DxContracts@hologic.com

FEDERAL TAX ID NUMBER: 33-0767987

TEXAS SALES TAX NUMBER: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Diego)On 1/14/2020 before me, Claudia Deutsch, Notary Public,
Date Here Insert Name and Title of the Officerpersonally appeared Peter P. Dunne
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Claudia Deutsch
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: Sole Source Affidavit Document Date: 1/14/2020Number of Pages: 1 Signer(s) Other Than Named Above: none**Capacity(ies) Claimed by Signer(s)**Signer's Name: Peter P. Dunne☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☒ Other: VP, Finance & AccountingSigner Is Representing: Hologic, Inc. &Gen-Probe Sales & Service, Inc.

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

January 7, 2020

To Whom It May Concern:

This letter is to verify that Hologic, Inc. ("Hologic") is the sole source of the instrument system, assay kits, and associated kits and reagents listed below.

Instrument System

Cat. #303095 Panther System

Assay Kits for Use on the Instrument System

Cat. #303094 Aptima Combo 2 Assay Kit – Panther System (250 test kit) and Cat. #302923 Aptima Combo 2 Assay Kit – Panther System (100 test kit) for the detection of *Chlamydia trachomatis* and *Neisseria gonorrhoeae*

Cat. #303585 Aptima HPV Assay Kit – Panther System (250 test kit) and Cat. #303570 Aptima HPV Assay Kit – Panther System (100 test kit) for the detection of human papillomavirus (HPV)

Cat. # 303537 Aptima *Trichomonas vaginalis* Assay Kit – Panther System (250 test kit) and Cat. #303536 Aptima *Trichomonas vaginalis* Assay Kit – Panther System (100 test kit) for the detection of *T. vaginalis*

Cat. # PRD-04037-D Aptima Zika Virus Assay, Kit – Panther System (1000 test kit)*

Cat. # PRD-03565 Aptima HIV-1 Quant Assay, Kit – Panther System (100 test kit)

Cat. # PRD-03705 Aptima HCV Quant Assay, Kit – Panther System (100 test kit)

Cat. # PRD-03568 Aptima HSV 1 & 2 Assay, Kit – Panther System (100 test kit)

Cat. # PRD-03868 Aptima HBV Quant Assay, Kit – Panther System (100 test kit)

Cat. # PRD-03919 Aptima Mycoplasma genitalium Assay, Kit, Panther System (100 test kit)

Cat. # PRD-05186 Aptima BV Assay, Kit – Panther System (100 test kit)

Cat. # PRD-05189 Aptima CV/TV Assay Kit – Panther System (100 test kit)

The Aptima assays have been validated for use with the Panther system. The firmware in the Panther system is necessary for running the Aptima assays and is unique to Hologic. Hologic is the sole source of this firmware.



Kits and Reagents Associated with the Assay Kits

The following kits and reagents were developed and qualified to be used with the Aptima assays and may include proprietary technology. Hologic is the sole source of these kits and reagents.

Cat. #301040 Aptima Urine Specimen Collection Kit for Male and Female Urine Specimens

Cat. #301041 Aptima Unisex Swab Specimen Collection Kit for Endocervical and Urethral Swab Specimens

Cat. #PRD-03546 Aptima Multitest Swab Specimen Collection Kit

Cat. #301154C Aptima Specimen Transfer Kit

Cat. #301048 Aptima Auto Detection Reagent Kit

Cat. #301110 Aptima Controls Kit

Cat. #303001 Aptima Assay Fluids Kit

Cat. #303000 Aptima Auto Detect Kit

Cat. #303096 Panther System Run Kit

Cat. #303085 Advanced Cleaning Solution

Cat. #303099 Panther System Start-Up kit

Cat. #PRD-03455 Panther Run Kit for Real Time Assays (for real time assays only)

Hologic does not sell through dealers or distributors in the U.S. All sales are made directly to end users. Representative patents covering the above products in the U.S. include the following: 6,245,519, 6,910,720, 7,381,811, 9,523,133 9,598,723, and 9,624,557. For additional patent information concerning the above products, please visit <https://www.hologic.com/patent-information>.

If you have any questions or require additional information, please call Hologic Customer Service at 1.800.442.9892.

Sincerely,

Keith Gantner

SVP, Group Sales & Commercial Excellence

**The U.S. Food and Drug Administration (FDA) has issued an Emergency Use Authorization (EUA) to authorize the use of the Aptima Zika Virus Assay on the Panther System for the in vitro qualitative detection of RNA from Zika virus in human serum and plasma specimens. This EUA will terminate when the Secretary of Health and Human Services' declaration terminates, unless the FDA revokes the EUA sooner. The Customer acknowledges and agrees that the Aptima Zika Virus Assay is only available for sale and use while the EUA is in effect. Hologic reserves the right to discontinue the Aptima Zika Virus Assay product at any time.*

Gen-Probe Sales & Service, Inc. is a subsidiary of Hologic, Inc.