

MODIFICATION

**State of Maine****Master Agreement****Effective Date:** 02/01/17**Expiration Date:** 01/31/20**Master Agreement Description:** Illumina Master Agreement for Supplies and Reagents**Buyer Information**

Justin Franzose 207-624-7337 ext. justin.franzose@maine.gov

**Issuer Information**

LISA ROBBINS 207-287-2727 ext. lisa.robbins@maine.gov

**Requestor Information**

Lisa Robbins 207-287-2727 ext. lisa.robbins@maine.gov

**Authorized Departments**

10A DEPT OF HUMAN SERVICES

**Vendor Information****Vendor Line #: 1****Vendor ID**  
VC0000211042**Vendor Name**  
ILLUMINA INC  
**Alias/DBA****Vendor Address Information**

5200 ILLUMINA WAY

SAN DIEGO, CA 92122  
US**Vendor Contact Information**

ANNA AMCHESLAVSKY

858-246-9972 ext.

AAMCHESLAVSKY@ILLUMINA.COM

## Commodity Information

**Vendor Line #:** 1

**Vendor Name:** ILLUMINA INC

**Commodity Line #:** 1

**Commodity Code:** 49043

**Commodity Description:** Laboratory and Scientific Equipment and Supplies (Not Otherw

**Commodity Specifications:** As per the specifications attached made part of this Master Agreement. 2018 Pricing attached

**Commodity Extended Description:** Ongoing Master Agreement for Illumina supplies & reagents for use while using Illumina equipment. No Capital equipment to be purchased thru this MA

<b>Quantity</b>	<b>UOM</b>	<b>Unit Price</b>
0.00000		\$0.00

<b>Delivery Days</b>	<b>Free on Board</b>
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<b>Contract Amount</b>	<b>Service Start Date</b>	<b>Service End Date</b>
\$0.00	02/01/17	01/31/20

<b>Catalog Name</b>	<b>Discount</b>
	0.0000 %

<b>Discount Start Date</b>	<b>Discount End Date</b>
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# State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

**Form Instructions:** Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

<b>Requesting Department's Contract Administrator:</b>	Nicholas Matluk, Supervisor of Microbiology	<b>Office/Division/Program of Contract Administrator:</b>	DHHS, MECDC, HETL
<b>Est. Contract Amount:</b>	master agreement for supplies and reagents	<b>Contract or RQS Number:</b>	RQS to be created after approval
		<b>DHHS Agreement Number:</b>	N/A
<b>Proposed Start Date:</b>	February 2017	<b>Proposed End Date:</b>	None: ongoing need for supplies/reagents
<b>Vendor/Provider Name, City, State</b>	Illumina, Inc. 5200 Illumina Way San Diego, CA 92122		
<b>Short Description of Good or Service:</b>	master agreement for supplies and reagents		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>2/16/2017</u> To: <u>2/22/2017</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0220170204	
<b>1. Statutory Justification:</b> State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.			
<input type="checkbox"/>	A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		
<input type="checkbox"/>	B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;		
	<i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<input checked="" type="checkbox"/>	C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the State from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs;		
	<i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Purchases "GOVCOOP" form; found here: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		
<input type="checkbox"/>	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of		

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the Bureau of General Services may accept oral proposals or bids;

G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.

If a different authorization specifically allows for this non-competitive procurement, please provide that reference here: N/A

**Please note that the following four points below (#2 through 5) all require a response.**

**2. Description of Specific Need**  
Please identify, and fully describe, the specific problem, requirement, or need the resulting non-competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.

Federal CDC is eliminating the use of Pulsed-field Electrophoresis (PFGE) for foodborne outbreak surveillance across the nation as early as 2018. States which are proficient in whole genome sequencing will no longer be funded for PFGE. HETL will become proficient in whole genome sequencing in the Winter of 2016. Therefore, federal funds will not be available for PFGE reagents/supplies.

The miSeq DNA next-gen sequencer (Illumina) would be used in the following applications:

- Supplement PFGE/Pulsenet program for foodborne outbreaks
- Analysis of antibiotic resistance plasmids
- Influenza mutations
- Molecular identification of E.coli and Shigella (16s sequencing cannot discriminate) and other bacteria
- Molecular identification of Mycobacterium outbreaks and discrimination of species
- Instrument will support the development of sequencing methodology for a variety of emerging pathogens that are anticipated to be tested within public health labs.

This is a document to put Illumina on a State of Maine Master Agreement. Federal CDC and HETL protocols require that only Illumina reagents supplies be used for protocols designed on the Illumina MiSeq

**3. Availability of other Public Resources**  
Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor..

- a) Nucleic Acid Testing is a highly technical technique requiring dedicated staff, laboratory space, hardware and software. HETL is the 'go-to' contract laboratory that hospitals, Primary Care Providers (PCPs) and external laboratories count on for performing Nucleic Acid Testing for foodborne outbreaks in the State of Maine, and therefore does not and will not contract out this service.
- b) HETL is the State Health and Environmental Testing Laboratory and the sole source of the state to provide such services. Testing for infectious disease via Nucleic Acid Testing is a highly technical technique requiring dedicated staff, laboratory space, hardware and software. HETL is the laboratory that hospitals, PCP's and external laboratories and Infectious Disease Epidemiology at the Maine CDC count on for performing Polymerase Chain Reaction testing in the State of Maine for vaccine preventable diseases, Bioterrorism Agents, pandemic Influenza, antibiotic resistance, viral resistance, , and foodborne outbreaks and therefore does not and will not contract out this service..
- c) HETL is the State Health and Environmental Testing Laboratory and the sole source of the state to provide testing for biological terrorism agents and DNA fingerprinting for foodborne outbreaks. Many of the protocols used by HETL are unavailable to the general private laboratory (they are not part of the LRN or do not have access to Federal CDC protocols)

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## 4. Cost

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are fair and reasonable.

- a) Only Illumina sells the MiSeq whole genome sequence. Federal CDC and FDA released funds to purchase this equipment through the Epidemiology and Laboratory Capacity (ELC) grant awarded to the Maine CDC.
- b) The federal CDC/FDA in many cases sets the rules and guidelines in the form of standard operating procedures (SOPs). In order to provide diagnostic testing to the State of Maine HETL must follow the guidelines instituted by the federal CDC/FDA. Therefore, HETL has purchased and currently maintains the equipment required to run CDC/FDA approved diagnostic tests.

## 5. Future Competition

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

- a) While HETL recognizes the need for competition in order to acquire the lowest price, in this specific case, the federal agency which sets the standard operating procedures has determined that the MiSeq from Illumina will be replacing the legacy PFGE protocols. Because HETL follows the federal CDC/FDA guidelines, this does mean that HETL is 'locked-in' to specific test/machine/reagents.
- b) HETL cannot change vendors as the SOPs we use are instituted/regulated by the CDC/FDA
- c) HETL is the only laboratory in the State which can offer this type of service

**Please note that only one of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.**

## 6. Uniqueness

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

- a) HETL is the only laboratory in the state of Maine that conducts outbreak investigations through Federal CDC PulseNet program. PulseNet is a network of local and state public health laboratories that use a subtyping technique called Pulsed-Field Gel Electrophoresis (PFGE), also called DNA fingerprinting, to detect, investigate, and control outbreaks of foodborne infection and hospital acquired infections. Subtyping allows scientists to see the differences between bacterial strains of the same species and monitor the trends of those bacteria. Federal CDC is eliminating the use of PFGE as a method and migrating to whole genome sequencing.
- b) Only Illumina sells the MiSeq whole genome sequence. Federal CDC will require this instrument as a replacement for PFGE as soon as HETL becomes proficient in whole genome sequencing (Winter 2016)


## 7. Timeframe

Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

- a) Immediate Need. HETL has run out of reagents and supplies and cannot continue the following
  - Validation studies
  - Supplement PFGE/Pulsenet program for foodborne outbreaks
  - Analysis of antibiotic resistance plasmids
  - Influenza mutations
  - Molecular identification of E.coli and Shigella (16s sequencing cannot discriminate) and other bacteria
  - Molecular identification of Mycobacterium outbreaks and discrimination of species

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- Instrument will support the development of sequencing methodology for a variety of emerging pathogens that are anticipated to be tested within public health labs.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
<b>Printed Name:</b>	Alexander Rose
<b>Date:</b>	2-15-17

VENDOR CUSTOMER CODE	SUPPLIER PART NUMBER	SUPPLIER NAME	MANUFACTURER NAME	MANUFACTURER PART NUMBER	COMMODITY CODE	ITEM DESCRIPTION	EXTENDED DESCRIPTION	UNIT OF MEASURE	LIST PRICE	DELIVERY DAYS
VC0000211042	15025394	Illumina			49043	EBT			\$12.35	
VC0000211042	MS-102-2001	Illumina			49043	MiSeq Reagent Kit v2 50 cycles (comes in 2 boxes)		kit	\$798.00	
VC0000211042	MS-102-3001	Illumina			49043	MiSeq Reagent Kit v3 150 cycles (comes in 2 boxes)		kit	\$883.50	
VC0000211042	MS-102-2002	Illumina			49043	MiSeq Reagent Kit v2 300 cycles (comes in 2 boxes)		kit	\$1,026.00	
VC0000211042	MS-102-2003	Illumina			49043	MiSeq Reagent Kit v2 500 cycles (comes in 2 boxes)		kit	\$1,149.50	
VC0000211042	FC-131-1096	Illumina			49043	Nextera XT DNA Library Prep Kit (comes in 2 boxes)		kit	\$3,106.50	
VC0000211042	FC-131-1002	Illumina			49043	Nextera XT Library Prep Index Kit (96 Indexes, 384 samples)		kit	\$949.05	
VC0000211042	FC-110-3001	Illumina			49043	PhiX Control v3		kit	\$152.00	