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MEMORANDUM

SOLE SOURCE JUSTIFICATION

TO: Hidalgo County Commissioner's Court

FROM: Eduardo Belmarez, MBA, CPM

DATE: March 07, 2023

RE: Sole Source Justification for bioMérieux, Inc., DBA BioFireDiagnostics, LLC

The Hidalgo County Health and Human Services, in conjunction with the Hidalgo Urban County Program, seeks to procure the purchase of a BioFire®FilmArray®Torch system (PCR testing machine) from bioMérieux, Inc. BioFireDiagnostics, LLC, a wholly owned subsidiary of bioMérieux, Inc., is the sole legal manufacturer of the BioFire®FilmArray®Torch system and bioMérieux, Inc. is the sole sales and service provider of this product.

The United States Patent and Trademark Office has issued U.S. Patent No. 8,394,608 covering the company's FilmArray® system with exclusive right to the patented technology. This patent covers methods for sample preparation and two-step multiplex polymerase chain reaction (PCR) in a sealed container. Further, the BioFire®FilmArray®Torch system utilizes the only multiplex assay cleared by the FDA for twenty-two (22) gastrointestinal pathogen targets. The utility of multiplex gastrointestinal panels will aid the Hidalgo County Health and Human Services Department in epidemiological outbreak investigations.

Texas Local Government Code Chapter 262.024 (a)(7)(A) states, "(a)A contract for the purchase of any of the following items is exempt from the requirement established by section 262.023 if the commissioners court by order grants the exemption: (7)Any item that can be obtained from only one source, including: (A) Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies."

Based on the information provided herein, we humbly request that the Hidalgo County Commissioners Court declare bioMérieux, Inc., DBA BioFireDiagnostics, LLC. a Sole Source Vendor, for the purpose of procuring the purchase of a BioFire®FilmArray®Torch system. This sole source declaration will remain in effect through the life term of BioFire®FilmArray®Torch system and any supplemental service agreements, unless otherwise revoked by the Hidalgo County Commissioners Court.


Eduardo Belmarez
Eduardo Belmarez, MBA, CPM
Hidalgo County Purchasing Director