




## MEMORANDUM SOLE SOURCE DECLARATION

TO: Hidalgo County Commissioner's Court

FROM: Ignacio Amezcua MBA, CTCM, CTCD 

DATE: July 18, 2023

RE: Sole Source Declaration for Becton, Dickinson Diagnostic System "MGIT960 and 320 System and Consumables"

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The Hidalgo County Health and Human Services, in conjunction with the Hidalgo Urban County Program, seeks to procure the purchase of BD BACTEC MGIT 960 and 320, BD EpiCenter NUC Computer, BD EpiCenter Basic Software, Service, and Consumables from Becton, Dickinson Diagnostic Systems.

Becton, Dickinson Diagnostic Systems in Sparks, MD is the Sole Source Supplier, sole distributor and sole manufacturer in Sparks, MD for the MGIT960 and 320 System and consumables (as listed in proposal). For Customers in the United States who want to purchase the MGIT 960 and/or 320 System and consumables, the only source is direct purchase from Becton Dickinson.

The BD BACTEC™ MGIT™ 320 Instrument is the only fully automated system for the incubation and rapid detection of mycobacteria in clinical specimens other than blood. Currently the Becton Dickinson (BD) BACTEC MGIT 320 automated system, a FDA approved test system, specially designed for rapid growth and propagation of Mycobacteria. The MGIT products are manufactured and distributed by BD. These reagents are components of the FDA approved test system and must be used in part of the testing process for mycobacteria cultivation and to determine the drug resistance status of Mycobacterium tuberculosis isolates. No other reagents may be substituted to use with the BACTEC MGIT 320 instrument.

In Accordance with the Texas Local Government Code Chapter 262.024 (a)(7)(A),  
(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;

Therefore, for the reason stated herein, we humbly request that the Hidalgo County Commissioners' Court declare a Sole Source Vendor, for the purpose of procuring the purchase with Artel, Inc. This sole source declaration will remain in effect through the life term of the contract, unless otherwise revoked by the Hidalgo County Commissioners Court.



2812 S. Bus. Hwy 281  
 Edinburg, Texas 78539  
 Phone: (956) 318-2626  
 Fax: (956) 318-2629  
[www.co.hidalgo.tx.us/purchasing](http://www.co.hidalgo.tx.us/purchasing)

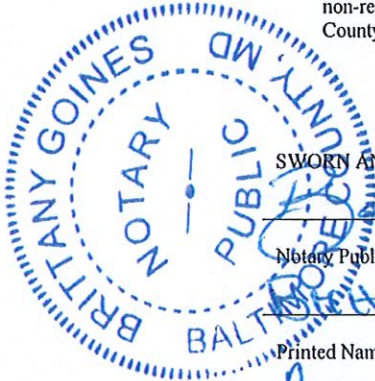
**Hidalgo County Purchasing Department Sole Source Affidavit**

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

Before me, the undersigned official, on this day, personally appeared Julia Bell 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 Julia Bell. I am over the age of 18, have never been convicted of a crime, and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Becton Dickinson
3. The above-named company or firm is the sole source for the following item(s), product(s), or service(s):  
MGIT
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 262.024(a)(7)(A), of the Local Government Code. 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 discontinuations of any/all business with Hidalgo County.

Signature: Julia Bell  
 SWORN AND SUBSCRIBED TO under oath before me on 11 day of July, ~~2022~~ 2023



Brittany Goines  
 Notary Public  
 Printed Name  
August 20, 2025  
 My Commission Expires



Company Name: Becton, Dickinson & Company  
 Address, City, State & Zip Code: 7 Loveton Circle, Sparks MD 21152  
 Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Contact Name and Title: Samuel Cauter WEB Address: \_\_\_\_\_  
 Email: Samuel.Cauter@bd.com Federal Tax ID Number: \_\_\_\_\_ Texas Sales Tax Number: \_\_\_\_\_





July 6, 2023

Hidalgo County  
Edinburg, TX 78539  
Attn: Veronica Curate

Customer:

This is to inform you that **Becton, Dickinson Diagnostic Systems in Sparks, MD** is the Sole Source Supplier, sole distributor and sole manufacturer in Sparks, MD for the MGIT960 and 320 System and consumables (listed below). For Customers in the United States who want to purchase the MGIT 960 and/or 320 System and consumables, the only source is direct purchase from Becton Dickinson.

Catalog#	Description
245122	BACTEC MGIT Tubes
245124	BACTEC MGIT Supplement
245128	BACTEC MGIT PZA Kit
245123	BACTEC MGIT Sire Kit
245115	BACTEC MGIT PZA Medium
245126	Bactec MGIT 960 INH 0.4kit

BD Integrated Diagnostic Solutions can ship the consumables for delivery within 7 to 10 days after receipt of order.

Thank You for your continued support in BD products.Sincerely,

*Samuel Coulter*

Contracts Consultant  
BD Integrated Diagnostic Solutions

Equipment Description- Mycobacterial detection system fully automated for mycobacterial liquid culture and antimicrobial susceptibility testing of Mycobacterium tuberculosis complex designed to help smaller-capacity laboratories quickly and accurately detect TB.

System must include:

- Onboard Incubation- Safe and efficient onboard incubation eliminates sharps, and the need to handle or transfer tubes once the system is loaded, reducing labor requirements while adding a layer of operator safety.
- Data Management- Will perform statistical analyses and accommodates different customer preferences. It must also provide simple specimen tracking along with a flexible and dynamic reporting system for more in-depth data management needs.
- Tube placement- The system will automatically directs tube placement and indicates positives with both a visual and an audible signal as they occur.
- Performance- The system was designed with simplicity in mind, helping maximize productivity with minimal staffing and training. The system identifies positives as they occur, speeding results to improve patient care, reduce hospital stays and optimize equipment and staff utilization.
- Nonradiometric technology- The system uses BD BBL™ MGIT™ media and patented sensors, which efficiently leverage advanced fluorometric technology to facilitate highly accurate detection of O<sub>2</sub> consumption without sharps.
- Quality Control- The system continuously performs automated quality control to ensure precise and reliable operation, and provides results as positive/negative and numerical growth units.
- The system lets you simply scan and load the plastic sample tubes, and then walk away.



# BD BACTEC™ SYSTEM QUICK QUOTE

Prepared for Health And Human Services Hildalgo County

### Customer Information

Customer Contact: Veronica Cuate  
 City, State: Edinburg, TX  
 GPO Affiliation: Standard

Quotation date: 19-Jul-23  
 Expiration date: 17-Oct-23

### Key Contract Parameters

Contract Term (years): 5  
 Price Protection (month): 12  
 Annual Price Increase: 3%  
 Purchase Channel: Direct

### Financing Methodology

Instrument: Cash  
 SW & Licenses: Cash  
 Service: Service Contract

Instruments	SKU	Qty	Proposed Price	Total Price	Purchase Method
BD BACTEC MGIT 320	441743	1	\$28,900	\$28,900	Cash
BD EpiCenter NUC Computer	443753	1	\$4,000	\$4,000	Cash
UPS 120V MGIT	445880	1	\$2,059	\$2,059	Cash
<b>Total</b>				<b>\$34,959</b>	

Software	SKU	Qty	Proposed Price	Total Price	Purchase Method
BD EpiCenter Basic Software	441007	1	\$8,000	\$8,000	Cash
<b>Total</b>				<b>\$8,000</b>	

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34,959.00 +

8,000.00 +

002 \$ 42,959.00 \*

\*PM as applicable, certain instruments do not require annual preventative maintenance

Other important Terms that will be part of a contract resulting from this Quick Quote;

- ▶ Payment Terms for all direct purchases from BD are net 30 days
- ▶ Shipping of direct purchases from BD is FOB Destination, Pre-pay and Add for consumables and FOB Destination, Pre-pay and Absorb for Instrumentation
- ▶ Customer may be subject to certain disclosure requirements under Section 1128B(b)(3)(A) of the Social Security Act [42 U.S.C. Sec. 1320a-7b(b)(3)(A)].
- ▶ Other Terms & Conditions as applicable; subject to BD's most current General Terms & Conditions for the type of Agreement proposed

This Quick Quote does not constitute a contract and is intended for financial planning purposes only. All prices in this proposal are subject to approval by the BD Contracting & Pricing department and acceptance of the terms and conditions set forward in the final contract signed by both parties.

The information disclosed in this Quote is considered confidential and intended for review by the above listed institution and BD only.