



Randy Barker, CPPO, CPPB
PURCHASING AGENT / DIRECTOR

7/9/18

Williamson County Commissioners Court

Re: Sole Source recommendation for M-VAC Systems, Inc.

Dear County Judge and Commissioners,

Recently our county Sheriff's Office made a request for qualifying the **sole source purchase of a Forensic DNA collection system from M-VAC Systems, Inc.** This purchase will provide an advanced procedure for extracting DNA from evidence where "touch" DNA may be the only means of identifying the offender.

After reviewing all documentation requested and provided to me, **I recommend qualifying this request as a sole source purchase, per Texas Local Government Code sections 262.003 (a) and 262.024 (a) (7).**

The process has included the following:

- A signed Sole Source Justification Request
- A letter of justification from the supplier, establishing why their product / service is only available from their company
- A notarized Sole Source Affidavit completed by the supplier
- A signed letter of recommendation from Robert Chody, Williamson County Sheriff
- 1 quote for FY2018 totaling \$36,509.00

If you have any questions or concerns, please contact me at any time.

Sincerely,

Randy Barker
Williamson County
Purchasing Agent / Director



Tim Ryle
Chief Deputy

Robert Chody
WILLIAMSON COUNTY SHERIFF

508 South Rock Street
Georgetown, Texas 78626
Phone (512) 943-1300 Fax (512) 943-1393

Roy Fikac
Asst. Chief Deputy -- Law Enforcement

Randolph Doyer
Asst. Chief Deputy - Corrections

To: Williamson County Purchasing
From: Sheriff Robert Chody
Subject: Sole Source Purchase of M-VAC system
Date: June 15, 2018

I am writing this in support and recommendation of purchasing the M-VAC system. This is an advanced procedure for extracting DNA from evidence which has proven itself an invaluable tool in solving crimes, especially in cases where "touch" DNA may be the only means of identifying the offender. Deaths and assaults may occur without the perpetrator leaving behind any obvious physical evidence; either due to the weapon leaving with the suspect or the body being moved or left at a secondary location. We believe that the suspect will come into contact with the victim at some point during a struggle and that is where "touch" DNA can be left behind. This system has been tested and the extractions are yielding 35% to 189% more DNA than traditional swabbing techniques due to the advanced methodology and ability to extract from a larger area.

I truly believe this machine will be a great asset to Williamson County and the victims depending on us to solve their crime.

As to competitively bidding the product, this is brand new technology, a unique tool and currently the only one of its kind, therefore putting it out for bid would be futile. There is no other similar system for comparison pricing but I feel the crime solving capabilities are well worth this small price.



Williamson County Purchasing Department
901 South Austin Avenue
Georgetown, Texas 78626
(512) 943-3553
www.wilco.org/purchasing
purchase@wilco.org

Sole Source Justification Request

Definition of a Sole Source Purchase

Sole Source Item – goods and/or services which can only be obtained from ONLY ONE source, including:

- Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies
- Films, manuscripts, or books
- Electric power, gas, water, and other utility services,
- Captive replacement parts or components for equipment which there is no commercially available substitute, and which can be obtained only from the manufacturer and/or manufacturer's distributor; item where compatibility is the overriding consideration, such as computer operating software enhancements for an existing system, continuation of an existing contract when work is so closely related to that of the uncompleted basic contract that it would not be feasible to consider another potential contractor.

This Sole Source justification requires additional documentation and requirements as listed below. **One of these steps may require placing a public notice in BidSync for 14 days, in order to allow any possible competitors to come forward with equivalent goods or services.** This step will be completed by the Purchasing Team that supports your office or county department after all required documents have been submitted. In addition, **all Sole Source Justifications must be approved in Commissioners Court.**

Required Documentation that must accompany this request before this purchase can be considered (any missing documentation will result in delays). *Check all included documents:*

- ☒ This request form completed and signed
- ☒ A written quote from the supplier, listing the goods, services and pricing
- ☒ Letter of justification from the supplier (on company letterhead and signed by an authorized representative) establishing why they are the only Sole Source provider of the service or item needed.
- ☒ Notarized Sole Source affidavit completed by the supplier
- ☒ Signed letter of recommendation from the Elected Official or County Department Head. Must provide a detailed written explanation as to why competitively bidding the product or service would be impracticable and that the cost charged by the supplier is reasonable and customary.

Requestor Name and County Office/Department:

Requestor Title and Phone Number: Crime Scene Supervisor Jennifer Smith
(512) 943-1331

Requested Single Sole Source Supplier:

Company Name: M-Vac Systems, Inc
Contact Name: Jared Bradley
Address: 640 West Sandy Pkwy
City, State, Zip: Sandy, Utah 84070
Phone Number: (801) 523-3962
Email: jared@m-vac.com
Website: www.m-vac.com

Is the recommended supplier the manufacturer? Yes? No?

Does the manufacturer sell the item(s) through distributors? Yes? No?

Description of the Product or Service: (If additional space is needed, include in a separate page)
Describe the full scope of work, including installation if required; items should include brand, model and part number if applicable.

The M-VAC Forensic DNA collection system is a wet-vac based forensic DNA collection device. The device will be delivered to our crime lab personnel who will subsequently be trained in the proper use of the system. The items are an SEC - field unit (support equipment case) w/ cart, sampling heads, sterile filter units, extension tubing, sampling harness, sterile pre-filters, pre-filter vacuum shield

This system is a state of the art, maximum DNA extraction machine and is a great tool for working some of our more complicated cases, especially cold cases. This system works by applying a buffering solution to the item suspected of containing suspect DNA, thusly releasing the DNA from the substrate and then vacuuming the liquids back up. It is then filtered until only the dried DNA particles remain. This will then be sent to a lab for developing a DNA profile.

Schedule: *Identify the date items are needed to be delivered, or month work is to be performed. Please be specific and do not use "ASAP":* August 1st, 2018 (the company representative / trainer is in Texas and available on Aug 2nd.

Estimated Cost: \$ 36509.00

SOLE SOURCE RATIONALE

Complete the following checklist:

The requested supplier is the only source of required item(s) or service(s) because:

Check all that apply:

- ☒ The required item or service is proprietary to the supplier
- ☒ The recommended supplier holds the patent on the requested item(s)
- ☒ The recommended supplier is the only supplier capable of performing the requested service
- ☒ **A specific item is needed:**
 - ☐ To be compatible or interchangeable with existing hardware
 - ☐ As a spare or replacement hardware
 - ☐ For the repair or modification of existing hardware
 - ☒ For technical evaluation or testing

- ☐ Have there been any prior attempts to obtain competitive bids or proposals for the items or services that failed? If so, please list and describe such attempts: _____

- ☐ There is a substantial risk in selecting another product or service provider. If so, please describe: _____

- ☒ It is not possible to obtain competitive bids for consideration. If so, why: _____

This is a new technology and is not offered by any other companies, specifically any that have been certified for DNA testing as this one has.

- ☐ Are there any other companies who can provide the services or needed items? If so, please list and provide explanation of why they were unable to meet the requirements: _____

- ☐ List any other sources, suppliers, products or service providers that you reviewed in your selection process: _____
- _____
- _____
- ☒ List all research methods that you reviewed in your selection process (i.e.: specific internet searches, trade publications, references, etc.): internet search conducted for DNA vacuum systems and phone calls with DPS DNA Lab confirming no other similar advanced technology is known
- _____
- _____

ACKNOWLEDGEMENT

- ☒ I affirm and acknowledge Williamson County's requirements, justification and criteria for Sole Source purchases. I have gathered the required technical information, provided all required documentation, have made a concerted effort to review comparable / equal equipment or services to the best of my ability, and further affirm that there is no conflict of interest in my recommendation of the selected item(s), service(s) or supplier.
- ☒ I also acknowledge and understand that I may be subject to criminal prosecution for the willful falsification of information in this document. I, by the act of signing or typing my name below, hereby certify under penalty of perjury, under the laws of the State of Texas, the foregoing is true and correct.

Date: June _____ 14th, 2018

Signature*: Jennifer Smith _____

** By typing your name, this is equivalent to a legal signature*

NOTE: After a passage of time, an item or service may no longer qualify as a sole source purchase due to other similar items or services becoming available from other suppliers. Thus, all prior sole source determinations must be reapproved by the Williamson County Purchasing Department following completion of a new Sole Source Justification Request Process and satisfactory completion of such process must be noted on requisitions and purchase orders. The sole source term is generally aligned with the contract term. In certain cases, the Purchasing Agent may determine that the 14-day public posting in BidSync is not necessary. This depends on the circumstance of the particular item/service and the type of sole source.



12 January 2018

To Whom It May Concern:

This correspondence is to verify that M-Vac Systems, Inc., is the sole manufacturer and supplier of the M-Vac System, a new wet-vacuum based surface sampling system. All customers worldwide - private, industry, government or otherwise - are offered the M-Vac System and its components exclusively through M-Vac Systems, Inc. as the sole source manufacturer. This also includes all M-Vac System specific training. The M-Vac System is patent protected and, as far as our searches have shown, there is no other surface sampling system that is like it.

Also let it be known that M-Vac Systems, Inc. is a private, Service Disabled Veteran Owned Small Business entity.

If there are any questions or concerns regarding this equipment or M-Vac Systems Inc. please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Bradley", is written over a light blue horizontal line.

Jared Bradley
President/CEO
M-Vac Systems, Inc



640 West Sandy Pkwy
Sandy, Utah 84070
Phone: (801) 523-3962

Sales Quote

Name / Address:

Williamson Co Sheriff's Office	
c/o Jen Smith	
508 S Rock St	
Georgetown, TX	
78626	
Telephone #	512-943-1331

Ship To:

Williamson Co Sheriff's Office	
c/o Jen Smith	
508 S Rock St	
Georgetown, TX	
78626	

Date	S.O. No.
6/4/18	

		P.O. No.	Due Date	Sales Rep	
				Jared Bradley	
Item	Description	Ordered	Rate	Amount	
M-Vac 100-Case	M-Vac and Sampling Head - Case of 10	3	\$540.00	\$1,620.00	
SRS 1000-Case	Sterile Solution - 1 Liter - Case of 10	2	\$150.00	\$300.00	
SEC 100	SEC - Field Unit	1	\$31,000.00	\$31,000.00	
Filter 100-Case	Sterile Filter Unit 0.45 µm, 250 mL PES - Case of 12	3	\$139.00	\$417.00	
TB 05	SEC Extension Tubing 5 ft	4	\$23.00	\$92.00	
TB 10	SEC Extension Tubing 10 ft	2	\$34.00	\$68.00	
MVH	M-Vac Sampling Harness	1	\$115.00	\$115.00	
PF 040	Sterile Pre-Filter, 40 micron	8	\$7.50	\$60.00	
PF Shield	Pre-filter Vacuum Shield - Non Sterile	2	\$30.00	\$60.00	
TRN M-Vac Sys	Training - M-Vac System	1	\$1,800.00	\$1,800.00	
Annual Service	Annual Equipment Service - 1 Yr	1	\$650.00	\$650.00	
Customer					
Email Address	jensmith@wilco.org		Sub-total		\$36,182.00
Customer			Sales Tax		
Signature			TBD	\$0.00	
Comments	Quote is valid for six months.	Shipping			\$327.00
		Total			\$36,509.00

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
M-Vac Systems, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☒ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
640 W Sandy Parkway

6 City, state, and ZIP code
Sandy, UT 84070

7 List account number(s) here (optional)

8 Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-						
--	--	--	---	--	--	--	--	--	--

or

Employer identification number

0	3	-	0	4	5	6	3	5	6
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person  Date **5/3/18**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.



Williamson County Purchasing Department
901 South Austin Avenue
Georgetown, Texas 78626
(512) 943-3553
www.wilco.org/purchasing
purchase@wilco.org

NOTARIZED SOLE-SOURCE PURCHASE AFFIDAVIT

STATE OF TEXAS
COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS THAT:

Before me, the undersigned authority duly authorized to take acknowledgments and administer oaths, on this day personally appeared Darrel Verl Bradley, who after being duly sworn on oath stated the following:

My name is Darrel Verl Bradley. My title is President, M-Vac Systems.
I am aware that the Williamson County Purchasing Department is required to comply with competitive bidding requirements of Chapter 262 of the Texas Local Government Code. I am aware that the statutory competitive bidding provisions do not apply to the purchase of an item that can be obtained from only one source. See, Texas Local Government Code section 262.003.

Sole-source items include:

Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies, films, manuscripts, or books, electric power, gas, water, and other utility services, and captive replacement parts or components for equipment.

I have represented to the Purchasing Department of Williamson County and I hereby warrant that as of the date below, I am the sole-source supplier of the following item: M-Vac System and consumables.
I am the sole-source supplier of this item because: Our company is the only manufacturer and authorized supplier of this system. I agree that if I ever cease being the sole-source supplier of this item, I shall immediately make a full disclosure in writing to the Williamson County Purchasing Department of all relevant facts and circumstances.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit on the 19th day of June, 2018.

[Signature]
[Signature]

Darrel Verl Bradley President
[Printed Name] [Title]

SWORN TO AND SUBSCRIBED
Darrel Verl Bradley
[Printed Name]

before me on June 19, 2018

[Signature]
[Signature] Notary Public

State of North Carolina
My Commission expires on May 8 2019

