



Travis County Commissioners Court Agenda Request

Meeting Date: April 3, 2012

Prepared By/Phone Number: Jesse Herrera, 854-1184

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language:

APPROVE ORDER EXEMPTING THE PURCHASE OF AGILENT 5975C CHROMATOGRAPH/MASS SPECTROMETER (GC/MS) SYSTEM FROM AGILENT TECHNOLOGIES FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (a) (7) (A) OF THE COUNTY PURCHASING ACT.

Purchasing Recommendation and Comments: Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.

The Travis County Office of the Medical Examiner recommends the purchase of a Gas Chromatograph/Mass Spectrometer for the Medical Examiners toxicology laboratory and has requested this exemption because of copyright and patents. Travis County has invested over 7 years in method development, instrumental condition optimization, and GC/MS methods utilizing Agilent hardware and software. The ME's office currently has three (3) Agilent units and a fourth will allow a consistent analytical approach in software and hardware, and accurate data for expert witness testimony. In addition, training for the entire laboratory staff to use the new instrument will essentially be eliminated.

Agilent provides a standard one (1) year warranty that provides software upgrades and repair recovery service from the date of installment. There is no external software included; there is only internal software, so license signatures are not required.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

➤ **Contract-Related Information:**

Award Amount: \$74,214.00

Contract Type: Exemption

Contract Period: N/A

➤ **Special Contract Considerations:**

Award has been protested; interested parties have been notified.

Award is not to the lowest bidder; interested parties have been notified.

Comments:

➤ **Funding Information:**

Purchase Requisition in H.T.E.: 551347

Funding Account(s): 001-3810-823-8053

Comments:

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

March 19, 2012

TO: Commissioners Court
Travis County, Texas

SOLE SOURCE PURCHASE FROM AGILENT TECHNOLOGIES OF 5975C GAS
CHROMATOGRAPH/MASS SPECTROMETER (GC/MS) SYSTEM

I certify that the purchase of the 5975C Gas Chromatograph/Mass Spectrometer (GC/MS) System for the Travis County Office of the Medical Examiner constitutes a sole source procurement, and is available through Agilent Technologies. I, therefore, find that this is a sole source purchase pursuant to V.T.C.A. Local Government Code 262.024 (a) (7) (A) and is exempt from competitive bidding.

This statement is submitted pursuant to V.T.C.A. Local Government Code 262.024 and is to be entered into the Commissioners Court minutes.

Cyd V. Grimes, C.P.M., CPPO,
Travis County Purchasing Agent

APPROVED () DISAPPROVED ()

BY COMMISSIONERS COURT ON _____
(DATE)

(COUNTY JUDGE)

**ORDER EXEMPTING
PURCHASE OF AGILENT 5975C GAS CHROMATOGRAPH/MASS
SPECTROMETER (GC/MS) SYSTEM FROM AGILENT TECHNOLOGIES
FROM REQUIREMENTS OF THE COUNTY PURCHASING ACT**

WHEREAS, the Commissioners Court of Travis County, Texas has received a Sole Source Justification from Travis County Records Management Department and an Affidavit of Single Source sworn and submitted by the Purchasing Agent in accordance with TEXAS LOCAL GOVERNMENT CODE, 262.024 (a) (7) (A) and

WHEREAS, based on the evidence presented, the Commissioners Court of Travis County, Texas finds that there is only one source available, for the purchase of the Agilent Technologies 5975C Gas Chromatograph/Mass Spectrometer system for Travis County.

NOW, THEREFORE, the Commissioners Court of Travis County, Texas hereby orders that the purchase of Agilent 5975C Gas Chromatograph/Mass Spectrometer system from Agilent Technologies are exempt from the requirements of the County Purchasing Act because of copyright and patents proprietary to Agilent and can be obtained from only one source.

Signed and entered this ____ day of _____, 2012.

Samuel T. Biscoe, County Judge
Travis County, Texas

Ron Davis
Commissioner, Precinct 1

Sarah Eckhardt
Commissioner, Precinct 2

Karen L. Huber
Commissioner, Precinct 3

Margaret J. Gomez
Commissioner, Precinct 4.



Agilent Technologies

Agilent Technologies
10 North Martingale Road
Schaumburg, IL 60173

847/944-6031 877/841-4824
847/944-6200 Fax

Travis County Medical Examiner's office
PO Box 1748
Austin, TX 78767

Dr. Brad Hall
512-854-9861

January 5, 2012

Dear Dr. Brad Hall:

It is my understanding that your laboratory is considering the purchase of a GC/MS system. As a long time user of Agilent Technologies analytical equipment, you have already benefited from Agilent's support and service. Customer surveys continue to show Agilent as the leading provider of analytical equipment to high productivity laboratories.

It is the intent of the Travis County Medical Examiner's Office to purchase an Agilent 5975C Mass Spec system for the analysis of forensics. It is in the department's best interest to sole source the Agilent 5975C from Agilent Technologies. Please see the reasons below as to why the 5975C is the instrument of choice and as justification as to why we intend to sole source this instrument.

First and foremost, I know first-hand that the department has dumped a lot of man hours and training into the chromatography data system that is proprietary to Agilent and is the only data system compatible with the Agilent 5975C analyzer. Using this data system will allow you to transfer already departmental developed methods directly to the new analyzer with the push of a button. Having anybody else's system would mean starting from scratch and developing new methods, setting the department back months. Each chemist has been trained and proficiency tested on the Agilent GC/MS systems to allow expert witness testimony. Again, having any other equipment will disrupt the workflow of the lab and would require retraining and testing resulting in loss of productivity.

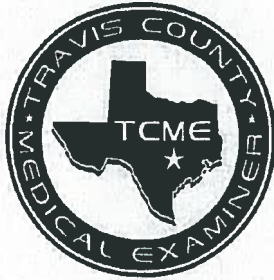
It is my understanding that the department is forced to defend its data in the court of law, it is important that you have technology that will allow you to generate solid data, day in and day out. The Agilent system has a few patents that prove to be critical with our analysis. First, Agilent has an inert ion source constructed of a solid inert material, rather than a coating that can wear away. The proprietary (US patent numbers 6765215 and 6608318) inert ion source design delivers the ultimate GC/MS performance for active compounds. This inert source may allow you to gain speed, linearity and sensitivity for your samples and to have better spectra for library matching. Secondly, No one, but Agilent, offers a Hyperbolic Quadrupole (US patent number 5,298,745) for better resolution and transmission across the entire mass range. The quadrupole is heated. Agilent achieves the best mass axis stability and backs this statement with a written specification to provide you confidence that your instrument performance will remain stable day after day. Mass stability means that the Agilent 5975C has the ability to provide useful and stable information for more than just a moment in time. Agilent also has another "lockout performance" for the 5975C is high sensitivity autotune, called Gain Autotune. Agilent doesn't tune, then up the EM voltage for increased signal, as others will do. Instead, Agilent does a high sensitivity, gain normalization, autotune that maintains compound response consistency, shows better performance agreement from instrument to instrument, and provides superior diagnostics in tuning and troubleshooting. In addition to these Agilent is using 5th generation EPC modules with a control precision of 0.001 psi; more than 10 times better than any other! This translates to more retention time locking precision; especially important for low-pressure applications. Retention time locking (US patent numbers 5987959 and 6153438) takes advantage of EPC flow performance to eliminate the need to reset the calibration table every time you have a column change or transfer to a different Agilent GC or GC/MS system. Atmospheric pressure and temperature compensation is standard, thus, you have further confidence that environmental changes in your lab will have no effect on the output of your results. You'll enjoy having sample retention times that stay constant within a particular system, or from one piece of equipment (with Agilent EPC) to another.

The above technical specifics are what make Agilent the analytical instrument of choice in any forensic lab. All of these uniquely Agilent specifications are needed so that you can properly defend your data in the court of law and maintain a consistent workflow in the lab. The department has negotiated a price for the equipment at a 20% discount that is equal to or greater than the discount level that any other Texas state agency has been awarded through the bidding process this last year. We feel that eliminating the bidding process by getting the same price that a bidding scenario would secure while enabling the department to procure the equipment that best fits its needs is in everybody's best interest including the tax payer's.

In summary, not only does Agilent have some very compelling analytical reasons to be the instrument of choice for the Travis Country Medical Examiner's Office, but the fact that analyst have already been proficiency tested on this instrument, and the fact that the department's currently developed methods is 100% compatible with the 5975C will save an enormous amount of time and resources, while at the same time providing the best analytical solution on the market for forensic samples.

Kindest regards,

Tracy Smith
Account Manager
979-774-3866
979-774-3807 fax



**TRAVIS COUNTY OFFICE
OF THE MEDICAL EXAMINER**

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DAVID DOLINAK, MD
Diplomate of American Board of Pathology
CHIEF MEDICAL EXAMINER

SATISH CHUNDRU, DO
Diplomate of American Board of Pathology
DEPUTY CHIEF MEDICAL EXAMINER

KENDALL CROWNS, MD
Diplomate of American Board of Pathology
DEPUTY MEDICAL EXAMINER

LEISHA WOOD, MD
Diplomate of American Board of Pathology
DEPUTY MEDICAL EXAMINER

VICKIE WILLOUGHBY, DO
Diplomate of American Board of Pathology
DEPUTY MEDICAL EXAMINER

DATE: January 11, 2012

TO: Cyd V. Grimes, C.P.M., Purchasing Agent

FR: Sarah Scott, Chief Administrative Officer
Brad J. Hall, Ph.D, DABFT, Chief Toxicologist
Travis County Office of the Medical Examiner

RE: Purchase of an Agilent Gas Chromatograph/Mass Spectrometer
(GC/MS) – FY2012

Purpose

This request will allow us to replace a 7 year-old malfunctioned GC/MS and maintain sensitive/modern GC/MS instruments for drug analysis all on the same hardware/software platform. This will help us meet increased demands of quality control and validation work as recommended by accreditation committee and improve our turnaround time.

History

It is necessary for us to have multiple GC/MS instruments in our toxicology laboratory process for several reasons. First, specific tests and chemicals can be dedicated to a particular GC/MS. This eliminates contamination or interference when one routinely switches types of analysis on one GC/MS. Often an unusual test is requested that forces us to shut down a GC/MS for an equipment change and dedication of time for that testing. Thus with available GC/MS instruments, we will not interrupt our routine workflow that insures quick turnaround time. Maintaining four GC/MS instruments allows us to dedicated time to validation of new methods, which otherwise would also interrupt our workflow.

This request will provide us a new state-of-the-art GC/MS that will allow us to conduct more analyses simultaneously. This will lead to a measurable improvement in turnaround time and efficiency and will help offset the increased work we are required to do with quality control testing and testing of new drugs.

Instrument Evaluation and Selection

Because years have been invested in method development, instrumental condition optimization, and GC/MS methods, it is essential to purchase a GC/MS as similar to the Agilent 5973 Inert that was purchased in FY04 such that analytical results may be directly comparable. Both Agilent instruments will have

the same software for generating and processing data therefore data can be directly comparable and viewable on each instrument. In addition training for the entire laboratory staff to use the new instrument will be essentially eliminated. Thus there are highly significant benefits in obtaining another Agilent GC/MS instrument in order to maintain a consistent analytical approach in software and hardware. The cost of instrument service will also be less. Repair and maintenance issues for multiple instruments can be addressed with one service call.

Recommendation

The analytical needs of the toxicology laboratory will be best fulfilled by the purchase of an Agilent 5975C inert GC/MS system. For the reasons listed above, I request a sole source purchase of the Agilent Technologies analytical equipment package to include a 5975C Inert MSD with 7890GC, Chemstation software, Laser Jet printer, and autoinjector with tray. A discounted price can be negotiated with trade in of a malfunctioned GC/MS in our laboratory. The budgeted line item amount is \$75,000. The funds for this purchase are located in Capital Line Item # 001-3810-823-8053.

Detailed Specifications

Agilent Gas Chromatograph/
Mass Spectrometer to include:

Agilent #G3242A 5975C Inert MSD Standard-Turbo El
MS Productivity ChemStation Software Bundle includes CPU, DVD/CDRW, 17"
Flat screen monitor, laser printer, Windows XP Professional operating system.
Mainframe with Installation & Familiarization

Agilent #G3442A, 7890 Network GC with Split/Splitless
Injector and Interface Card to MSD

Agilent #G7693A, 7683B Autoinjector Module with installation and
familiarization

Agilent #G4514A, 7693 Autosampler 150 Position Tray with installation and
familiarization

- One-year warranty to cover any malfunctioning part associated with the gas chromatograph, mass spectrometer, vacuum pumps, software, and data system through the vendor. Warranty shall include labor and travel costs to be covered by the vendor through out the first year from the date of sale.
- Gas chromatograph shall accommodate a 4.0 mm ID Split / Splitless Tapered Liner from Agilent with dimensions: (P/N 5190-3167) – Crucial for chromatographic consistency throughout the laboratory.

Suggested Vendor

Authorized Local Agilent Instrument Sales Representative:

Tracy Smith
John Benzinger
979-774-3866
512-869-2611

Agilent Technologies

10 North Martingale Road
Schaumburg, IL 60173

847/944-6031 877/841-4824
847/944-6200 Fax

PURCHASE REQUISITION NBR: 0000551347

REQUISITION BY: BRAD HALL X49861

STATUS: READY FOR BUYER PROCESS
REASON: SOLE SOURCE

DATE: 1/26/12

SHIP TO LOCATION: MEDICAL EXAMINER

SUGGESTED VENDOR: 53312 AGILENT TECHNOLOGIES

DELIVER BY DATE: 3/19/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	SEE EXTENDED DESCRIPTION G3242A - 5975C INERT MSD/DS STD TURBO EI SYSTEM. INCLUDES G3171A MSD WITH EI SOURCE, MSD CHEMSTATION, PC AND LASERJET PRINTER. INSTALLATION AND FAMILIARIZATION. COMMODITY: LAB EQUIP/SUPPLIES ANALYT SUBCOMMOD: MASS SPECTROMETERS/ACCESS	1.00	EA	48932.6000	48932.60	
2	SEE EXTENDED DESCRIPTION G3442A - AGILENT 7890A GC WITH SSL INLET. INCLUDES 100PSI SPLIT-SPLITLESS INLSET, LAN INTERFACE AND MS INTERFACE. INSTALLATION AND FAMILIARIZATION. COMMODITY: LAB EQUIP/SUPPLIES ANALYT SUBCOMMOD: MASS SPECTROMETERS/ACCESS	1.00	EA	13996.1600	13996.16	
3	G4513A - 7693A AUTOINJECTOR FOR GC COMMODITY: LAB EQUIP/SUPPLIES ANALYT SUBCOMMOD: MASS SPECTROMETERS/ACCESS	1.00	EA	5144.4400	5144.44	
4	G4514A - 7693 TRAY, 150 VIAL CAPACITY COMMODITY: LAB EQUIP/SUPPLIES ANALYT SUBCOMMOD: MASS SPECTROMETERS/ACCESS	1.00	EA	6140.8000	6140.80	
REQUISITION TOTAL:					74214.00	

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	00138108238053	CAPITAL EQUIPMENT LABORATORY EQUIPMENT	100.00	48932.60
2	00138108238053	CAPITAL EQUIPMENT LABORATORY EQUIPMENT	100.00	13996.16
3	00138108238053	CAPITAL EQUIPMENT LABORATORY EQUIPMENT	100.00	5144.44
4	00138108238053	CAPITAL EQUIPMENT LABORATORY EQUIPMENT	100.00	6140.80
				74214.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

PRICE QUOTE # 1166443 1/25/12 VALID TO 3/25/12

PURCHASE REQUISITION NBR: 0000551347

REQUISITION BY: BRAD HALL X49861

STATUS: READY FOR BUYER PROCESS
REASON: SOLE SOURCE

DATE: 1/26/12

SHIP TO LOCATION: MEDICAL EXAMINER

SUGGESTED VENDOR: 53312 AGILENT TECHNOLOGIES

DELIVER BY DATE: 3/19/12

REQUISITION COMMENTS:

LOCAL SALES REPRESENTATIVE: JOHN BENZINGER
512-869-2611

FAX 302-633-8953

SEE LETTER TO PURCHASING FOR SOLE SOURCE PURPOSE
TO MAINTAIN INSTRUMENT CONSISTENCY IN TOXICOLOGY
LABORATORY

SPECIAL DISCOUNT OF 24% IS APPLIED PER QUOTE
THIS REQUISITION CONSISTS OF INDIVIDUAL LINE ITEMS
THAT COMPRISE A COMPLETE GAS CHROMATOGRAPH/
MASS SPECTROMETRY SYSTEM. WARRANTY ONE YEAR.
2/7/12 SOLE SOURCE.APVD.GMC