

**Follow Up to Questions
from the November 17, 2015, Board of Trustees Meeting
re: Sole Source Purchases**

Question: What evidence do we have that the purchases from Pasco are sole-source purchases, and, do we check other vendors prices to be sure the College is getting the best deal/value?

Answer: As I mentioned in my verbal response to this question sole source purchases are authorized without an accompanying solicitation process by the Texas Education Code Section 44.031(j) which states:

- (j) Without complying with Subsection (a), a school district may purchase an item that is available from only one source, including:***
- (1) an item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;***
- (2) a film, manuscript, or book;***
- (3) a utility service, including electricity, gas, or water; and***
- (4) a captive replacement part or component for equipment.***

In the context of the recommendation for approval of reference #3905, the sole source justification is predicated on subparagraph (j)(4), a captive replacement part or component for equipment. This exemption from bidding is predetermined and approved by the College's Purchasing staff by requiring a "Sole Source Justification Form". In this case, the form was completed by Collin science faculty and approved by Purchasing ("Pasco Sole Source Form" - copy attached). The documented justifications were:

- ***The equipment and accessories listed as sole source with PASCO Scientific are not available for purchase from our other science suppliers. This equipment is designed and manufactured to work in conjunction with the ScienceWorkshop 750 and 700 Interfaces from PASCO Scientific.***
- ***Our chemistry and physics labs are currently outfitted with the ScienceWorkshop 750 and 700 Interfaces from PASCO Scientific. We must purchase the compatible accessories and probes directly from PASCO Scientific in order to make use of these interfaces.***


- ***Competing products would require us to also purchase the user interface and computer software that would be required for the competing product.***

In addition we received a written justification from Roseanne Ciccio, PhD, Spring Creek Campus Lab Supervisor, describing the Pasco equipment used and the costs to replace at in which she says, in part,

“We have been using PASCO interfaces and equipment for more than 14 yrs. We recently purchased new 850 interfaces, as the old interfaces were no longer being supported by PASCO. Many of our old interfaces were broken and unrepairable too. The cost to purchase 8 new interfaces for PHYSICS only was over \$10,000. The cost to replace all of the PASCO equipment used in PHYSICS only would probably run over \$100,000.”

The second part of the question dealt with whether or not the College prices products from other vendors. Yes, we do. Attached is a listing of currently awarded contracts for scientific lab equipment and supplies (“Documentation for Competitive Bids for Scientific Lab Equipment Supplies” – copy attached).

Kenneth D. Lynn
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 COLLIN COLLEGE	Sole Source Justification Form	
	Supplier ID	
	Supplier	Pasco Scientific
	Fulfillment Address	Business 1: (preferred) 10101 Foothills Blvd Roseville, CA 95747-7100 US
	Supplier Phone	+1 (800) 772-8700
	Distribution	
The system will distribute purchase orders using the method(s) indicated below:		
Check this box to customize order distribution information. <input checked="" type="checkbox"/>		
Email (HTML Attachment)	dgreen@pasco.com	

This completed form must be included as an internal attachment with each requisition/contract that provides for sole source (proprietary) acquisition of goods or services and **must** not be more than 12 months older than the "submitted" date of the requisition. Sole Source requests must be in compliance with the District's Sole Source Procurement Policy, which can be found in CougarWeb under Intranet Links, Business Administrative Services, Purchasing, General Procedures, Sole Source Purchases. If more space is needed, please attach additional pages (s).

Justification Explanations

1. Unique Features: Specify the unique features or characteristics of the goods or services that are requested.

Unique Features Text Area

The equipment and accessories listed as sole source with PASCO Scientific are not available for purchase from our other science suppliers. This equipment is designed and manufactured to work in conjunction with the ScienceWorkshop 750 and 700 Interfaces from PASCO Scientific.

2. Special Needs: Briefly explain why the unique specifications restrict the requisition to one manufacturer or provider.

Special Needs Text Area

Our chemistry and physics labs are currently outfitted with the ScienceWorkshop 750 and 700 Interfaces from PASCO Scientific. We must purchase the compatible accessories and probes directly from PASCO Scientific in order to make use of these interfaces.

3. Other Sources: State the reason or reasons why competing products are not satisfactory, e.g., a justification for the sole source (proprietary) acquisition.

Other Sources Text Box

Competing products would require us to also purchase the user interface and computer software that would be required for the competing product.

I certify that the above statements are true and correct, to the best of my knowledge. I also certify that neither I, nor my family members, will gain or receive any additional benefit because I have recommended that this acquisition be obtained solely from a designated vendor or contractor.

Cindy White

From: Rosanne Ciccia
Sent: Wednesday, November 18, 2015 11:38 AM
To: Cindy White; Joy LaFon
Subject: PASCO

Importance: High

Cindy,

I am writing this letter at Joy's request re: PASCO and sole source.

Currently, in five labs, we used PASCO interfaces. Interfaces are an intermediary unit or box that is hooked to the computer and then pieces of equipment are attached to the box. When students perform classroom experiments, using PASCO equipment, they attach other PASCO equipment such as a pH probe, a force sensor, a voltage sensor, or a CO2 probe, to the interface. Using the interface software on the computer and the interface, with the equipment, the student's data/results are analysed and recorded.

Our Chem and Bio labs use the interfaces with pH probes to determine chemical pH, temperature probes and others. Physics entire set of University Physics I & II experiments are based on PASCO equipment and interfaces. Some of the freshman level experiments also use PASCO equipment.

As needed, we order replacement or new pieces from PASCO. ONLY PASCO equipment is compatible with the PASCO interfaces and other PASCO equipment. We can only purchase new and replacement pieces from PASCO for PASCO interfaces. Equipment from other vendors are not compatible with PASCO interfaces.

We have been using PASCO interfaces and equipment for more than 14 yrs. We recently purchased new 850 interfaces, as the old interfaces were no longer being supported by PASCO. Many of our old interfaces were broken and unrepairable too. The cost to purchase 8 new interfaces for PHYSICS only was over \$10,000. The cost to replace all of the PASCO equipment used in PHYSICS only would probably run over \$100,000.

We have not yet replaced the interfaces in Chemistry and Physics. These units are still in good working order, as they are not used as often as the PHYSICS units. At some point, we will need to replace these interfaces, so we can continue using our existing probes, meters, etc.

If you need additional information, please feel free to contact me.

Rosanne

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Submitted By Person, Department,
Administrator, Date

Use of this form in CougarMart will record Submitter
(requestor), Requestor (of Proprietary Purchase),
Campus/Department, Department Administrator
(Organization Manager), and Date.

To be a bona fide exemption to the Texas Education Code purchasing law requirements, there must be no other like items available for purchase that would serve the same purpose or function, and only one price for the product because of exclusive distribution or marketing rights. The fact that a particular item is covered by a patent or copyright is but one factor in determining if the purchase falls under the sole source exemption to the purchase requirements (Texas Education Code 44.031(j)(1)).

Total 0.00

Competitive Bids for Scientific Labs Equipment, Supplies and Services

Current Contracts and One-time Bids for Purchases of Science Lab Equipment, Supplies and Services:

Bid 3697 Annual Contract for Lab Supplies and Equipment

Term of Contract: 7/27/2015-7/26/2016

Board Approval Amount: \$87,000.00

- Delta Education, LLC
- DOT Scientific
- Sargent-Welch/VCR
- Ward's Natural Science

Reference 3033 for Cooperative Purchases through BuyBoard and US Communities Contracts

Term of Contract: 7/27/2015-7/26/2016

Board Approval Amount: \$100,000.00

BuyBoard Contract #487-15:

- Carolina Biological
- Flinn Scientific
- Frey Scientific

US Communities Contract #C15-JL-12:

- Thermo Fisher/Fisher Science Education

Reference 3013 for Annual Contract for Supplies and Equipment for District Science Labs –E&I Cooperative Contract

Term of Contract: 5/28/2015-5/27/2016

Board Approval Amount: \$63,000.00

- VWR International, Inc.

Bid 3686 Annual Contract for Labpack Services for Hazardous Waste Pickup and Disposal

Awarded vendor: Stericycle (formerly PSC Environmental Services, LLC)

Bid 3689 Annual Contract for Texas Hazardous Waste Management and DOT Certification

Awarded vendor Environmental Team Resources, LLC

Bid 3719 Annual Contract for Medical and Chemo/Pathological Waste Removal and Disposal

Awarded vendor: BioCycle, Inc.

Bid 3891 Isocratic System – one-time purchase

Awarded vendor: Agilent Technologies

Bid 3675 Annual Contract for Fume Hood Inspections

Awarded Vendor: ENV Services, Inc.

Reference 3648 Support Plan for Thermo Electron Instruments

Sole Source Vendor: Thermo Electron North America LLC

Bid 3675 Annual Contract for Fume Hood Inspections

Awarded vendor: ENV Services, Inc.