

Reference:	FY18-010
Date Posted :	1/31/2018
Description:	3 Year Maintenance Agreement
Department:	Chemistry
Proposed Vendor:	Bruker Bio Spin Corp
Pending Sole Source:	(PDF)

Fy 18-010

NMHU PURCHASING DEPARTMENT SOLE SOURCE JUSTIFICATION FORM

A sole source procurement is one for which only one vendor is capable of or allowed to perform a particular service and/or construction or for a tangible item that can be offered by only one vendor. A sole source procurement must comply with §13-1-126 and §13-1-128 N.M.S.A. 1978 and all other state statutes and federal regulations pertaining to sole source procurements.

Submittal of this form is one of the steps required prior to approval of the procurement (approved via issuance of a purchase order). If this procurement is approved by the NMHU Purchasing Department it will then be posted onto the University's website and the State of New Mexico's Sunshine Portal. The posting will be for no less than thirty (30) calendar days. If a potential vendor submits a protest against a sole source procurement within that timeframe, the sole source will not be awarded until, and if the protest is resolved.

This form must be completed in its entirety. If it is not completed in its entirety it will not be accepted and will be returned to the requestor.

Describe the tangible item(s), construction and/or service(s) you would like to procure.

3-Year Maintenance Agreement with Brüker-BioSpin for NMHU Brüker Avance III Nuclear Magnetic Resonance (NMR) Spectrometer...

Tangible Items:

- Custom Workstation/Computer (initially as an upgrade and then replacement every three years) to interface with and run the NMR instrument in conjunction with Brüker supplied software
- Proprietary Software for Workstation includes complete coverage for all software/firmware updates and installations
- Liquid Helium for superconducting magnet purchased is covered (with technician to perform the fill)
- Replacement (with Brüker parts) of any and all malfunctioning parts as needed, including workstation, electronics console, magnet, and probe (*i.e.*, everything covered: parts, travel, labor)

Services:

- Remote Total System Monitoring by Brüker technical support
- Provision of all required maintenance of the instrument
- Priority Guaranteed Onsite Repair Service by Brüker technical support including all travel expenses
- Remote Liquid Helium Level Monitoring by Brüker technical support
- Onsite Liquid Helium Filling by Brüker technical support including all travel expenses
- Provision by Brüker of technical training to designated NMHU employee

Provide the following:

Vendor Name: Brüker BioSpin Corp.
Address: 15 Fortune Drive, Billerica, MA 01821 USA
Name of Company Representative: Dina Coyle
Company Contact Information:
Email: DINA.COYLE@BRUKER.COM
Telephone: +1 978-667-9580 Ext 5454

Fax: +1 978 667 0985

Amount of Proposed Sole Source \$ 85000.00

Can this procurement be made by the regular Invitations for Bids (lowest bid amount) or Request for Proposals (qualifications-based) process? If not, explain why.

No. All of the services and tangibles (except the liquid helium) that are offered under this agreement are proprietary and provided exclusive by Brüker for the particular instrument (nmr) that NMHU purchased from Brüker about ten years ago. (The process by which Brüker was awarded the bid *at that time* was competitive by invitation.)

What other tangible items, services or construction methods did you consider? Specify the specifications, sources, technical data and any other non-tangible factors that you considered.

There is no other comparable provider of this level of comprehensive maintenance service for our NMR instrument.

Which other companies did you contact for the tangible item(s), construction and/or service(s)? Provide the name of the company, representatives you spoke to and contact information.

There are no other companies that provide this type and level of proprietary, comprehensive maintenance service for our NMR instrument. Of the two other suppliers of nmr instruments and associated maintenance in the United States, one (Varian, the major competitor to Brüker) is as of recently no longer in the nmr supply/maintenance business, and the other JEOL, provides exclusive support for only their own instruments.

Did you rely on information from other individuals to make your determination, if so by whom and what information did they provide?


Dr. Jan Shepherd, faculty member, has perhaps thirty years of experience with nmr instrumentation and maintenance agreement coverage as supplied by both original vendor and by third party *after* original vendor ceases support of an older instrument. His recommendations were to the necessity, level, and source of the maintenance coverage.

Provide any additional information that may be useful in making a determination.


Brüker-BioSpin is the manufacturer and sole distributor of Avance III Nuclear Magnetic Resonance systems. Bruker-BioSpin does not sell individual parts to third parties or allow third parties to perform service/maintenance contracts.

Attach to this department quotes, technical specifications or other data that describes the tangible item(s), service(s) and/or construction.

I certify that all the information provided in this document and all attachments (if applicable) are to the best of my knowledge and I understand that there are penalties for willful violations of the State of New Mexico Procurement Code.

<u>David Samueth, Chair, Dept. of Chem.</u>	<u></u>	<u>01/30/18</u>
Requestor Name and Title	Signature	Date

APPROVALS:

<u>Department Head or Dean (if different from above) Name and Title</u>	<u>Signature</u>	<u>Date</u>
<u>MARIO RIVERA, Buyer</u>	<u></u>	<u>1-31-18</u>
Purchasing Department Name and Title	Signature	Date

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