

## **\*\*Exceeds Contract Value Authority\*\***

### **Definitions**

Single Source: A direct purchase of professional or client services from one particular contractor even though other competitive sources may be available. Having a contractor provide additional services based on the experience and knowledge they have gained, along with their unique talents, allows the county to advance important county initiatives while saving the county time and money.

Sole Source: A situation created due to the inability to obtain competition. May result because only one contractor possesses the unique ability or capability to meet the particular requirements of the solicitation.

### **Department Section**

Department: MEDEX  
Requisition ID: 0000004320  
Requestor: ANDREW.GREENLEE  
Date: January 08, 2020  
Procurement Description: Laboratory Services  
Contractor Name: NMS labs  
Contract Term (including renewals): 3 years, 5 months, 24 days  
Anticipated Contract Value (including renewals): rate-setting

1.

Is this a single or sole source request?

Single Source

2.

Select the good or service category:

Professional Services

3.

Will the purchase be made using grant, state and/or federal funding? No

4.

Describe in detail how this procurement meets either the single source or sole source definition:

National Medical Services (NMS) is a nationally recognized and certified laboratory with unique qualifications. NMS Labs is the leading provider of postmortem toxicology testing services. They are the only lab listed on the American Board of Forensic Toxicology's (ABFT) website as being accredited by both the ABFT and the ANSI National Accreditation Board (ANAB) – see [https://www.abft.org/index.php?option=com\\_content&view=article&id=55&Itemid=64](https://www.abft.org/index.php?option=com_content&view=article&id=55&Itemid=64). They are on the cutting edge of testing and are positioned better than competing labs to test for an ever-changing variety of designer drugs. The scope of their abilities to test a wide variety of both prescription and illegal drugs is always expanding. They offer over 2,500 tests that are exclusive to NMS labs, available at no other commercial labs ([https://www.nmslabs.com/tests?name=a&name\\_op=starts](https://www.nmslabs.com/tests?name=a&name_op=starts)). The equipment is state of the art. The staff at NMS is forensically trained in both testing and testifying.

Their team of experts has worked thousands of civil and criminal cases at the local, state, and federal levels (<https://www.nmslabs.com/expert-services>). NMS provides turn-around time that is exceptional and allows us to complete death certificates for families in a timely manner. The turn-around time also allows for expedient results for law enforcement in the case of criminal matters. NMS is used by the 3 metro medical examiner's offices.

5.

What other contractors and/or goods or services did you consider before you arrived at your conclusion? List all findings.

Regions Hospital no longer holds forensic certification or employs a board-certified toxicologist. Hennepin County's scope does not cover designer drugs nor many of the prescription drugs needing to be tested. A review of NMS and HCMC's test catalogues shows that HCMC offers 55 tests (<https://www.testmenu.com/hcmc/search?category=14>), while NMS has over 2,500 ([https://www.nmslabs.com/tests?tname=a&tname\\_op=starts](https://www.nmslabs.com/tests?tname=a&tname_op=starts)). Medtox Laboratory does not have the certification required to maintain the RCME's certification with the International Association of Coroners and Medical Examiner's (IACME). Dr. Mills requested a quote from Medtox for a price comparison on 1/23/2020, but they have not responded as of 2/3/2020. The State of Minnesota has a contract with Collaborative Testing Services for forensic lab testing, but the prices are astronomical compared to the quoted prices from NMS. For example, a blood test for alcohol from NMS is \$48; from Collaborative Testing services (under the MN contract) the blood test for alcohol is \$185. An expanded drug panel and quant for NMS is \$270, which screens and quantifies for 233 drugs. A drug test for Collaborative Testing Services is \$480 and then additional costs for the quant. From the list on the contract cocaine would cost an additional \$425 and Methamphetamine \$270.

6.

List previous solicitations and/or contracts for these goods or services:

Regions Hospital, Hennepin County Medical Center, Medtox Laboratory

7.

Explain how the contractor's cost is fair and reasonable.

NMS offered a year trial period in order to evaluate and obtain the best possible prices for this office. Many of the tests are being offered at a considerable reduction. See the attached quote for list prices and quoted prices for Ramsey County. See answer to question #5 for price comparisons. After completing the pilot program, NMS is offering prices that are specifically catered to the needs of the Ramsey County Medical Examiner's office.

8.

Are there any conflict of interest that you are aware of related to this proposed acquisition? No

9.

Single Source - Obtain documentation from the contractor to support its claim that they are uniquely qualified for this particular service and any documentation stating the work to be performed, proposal, quote/invoice. Documentation may be attached and forwarded to the Procurement Specialist.

10.

Yes, I certify that, to the best of my knowledge, there is no conflict of interest or collusion with the recommended contractor. The above information is true and accurate and that no other material fact or consideration offered or given has influenced this recommendation for a single or sole source purchase.

Name: Tiffany Krob

Date: 01/23/2020

---

## Procurement Specialist Section

1. Is there a State Master contract available to CPV members for this purchase? ☐ Yes ☒ No

2. If yes, did the Department consider using the State Master contract? ☐ Yes ☐ No ☒ N/A

3. Is this a single source or sole source purchase?

☐ No Provide information about other available sources for the requested good or service (e.g., Master Agreement, names of contractors) and a solicitation recommendation.

☒ Yes State justification for single source or sole source classification: while there is a State of MN contract that offers *some* of the same tests, it does not cover the full range of toxicology tests required by the Ramsey County Medical Examiner's Office. Some lab services are already received from Hennepin County Medical Center (HCMC) under contract MEDEX000061, but, as noted above, HCMC does not offer all the tests required by the RCME office. NMS Labs is uniquely qualified to provide the tests they are not able to get under other contracts. They have the accreditations required for the RCME office to maintain its dual certification from the National Association of Medical Examiners (NAME) and the International Association of Coroners and Medical Examiners (IACME). The lab's unique qualifications are attested to by the fact that its services are used by all three metro-area medical examiner's offices. The prices quoted from NMS provide a good value for the County. We are unlikely to get better pricing from a similarly qualified vendor on the open market, using a competitive solicitation. The prices compare extremely favorably to the prices from State contract T-731(5), which offers some, but not all, of the required services. Previous Ramsey County solicitations for lab services have not received responses from vendors with NMS' qualifications. The two previous RFQs for lab services (MEDEX2130 and MEDEX3026) received a single response, which came from HCMC. Importantly, the NMS quote includes discounts that are catered specifically to the needs of the RCME office – the tests they request the most frequently are discounted at the highest rates. Based on projected quantities, the quoted price would reduce costs over two years from \$215,335 to \$139,515 – a huge discount. I conclude that this is a justifiable single source request and complies with applicable State and Federal regulations.

☒ Yes I certify that, to the best of my knowledge, there is no conflict of interest or collusion with the recommended contractor. The above information is true and accurate and that no other material fact or consideration offered or given has influenced this recommendation for a single or sole source purchase.

Name: Andrew Greenlee  
Title: Procurement Specialist  
Date: 1/23/2020