FY 26 ***Maintenance for Government owned BacT/ALERT 3D Equipment.***

Control No: 25-MRCO-WEST-167

Memorandum for Record – Limiting Competition at or below the Simplified Acquisition Threshold

1. Contracting Activity: Medical Health Contracting Office-West, Fort Cavazos Health Contracting Branch.

2. Description of Action:

Nature: New Requirement X Follow-on Requirement

Contract Vehicle: X Purchase Order Number [redacted]

Pricing/Contract Type: [X] Fixed Price [ ] Time & Materials/Labor Hours [ ] Cost Reimbursable [ ] Hybrid

Funds: X Operations & Maintenance, Army (OMA) [ ] Other Funds: DHP
FY: 26

Name of Proposed Contractor(s) and Address:
Biomerieux, Inc.
100 Rodolphe Street
Durham, NC 27712-9402

Brand Name Buy: [ ] Yes [ ] No

3. Description of Services: This FY26 follow on requirement for Irwin Army Community Hospital (IACH), Fort Riley, Kansas has a requirement for maintenance service of the BacT/ALERT 3D equipment. The Period of Performance is for a twelve (12) month base period plus four (4) twelve (12) month option years beginning 01 October 2025.

Period of Performance: 01-October-2025 to 30 -September-2030

Total Estimated Value: [redacted]

Estimated Value: The estimated value [redacted] of this effort is including all options and extensions in accordance with FAR 52.217-8.

[redacted]

FY 26 ***Maintenance for Government owned BacT/ALERT 3D Equipment.***

Control No: 25-MRCO-WEST-167

BASE 01 October 2025-30 September 2026					
Item No	**Description**	QTY	UNIT	UNIT PRICE	Amount
0001	Base Year: FULL SERVICE AGREEMENT BacT/ALERT 3D 0120. Include: AGING SYSTEM FEE BTA 3D COMBO 120, L2-MAINT. CONTRACT BacT/ALERT 3D 0120, HOTLINE 24/7, ON-SITE REPAIR 7/7 LOCAL BUSINESS HRS	[redacted]	EA	[redacted]	[redacted]
				BASE Total	[redacted]
OPTION YEAR 01 October 2026-30 September 2027					
1001	OY1 Year: FULL SERVICE AGREEMENT BacT/ALERT 3D 0120. Include: AGING SYSTEM FEE BTA 3D COMBO 120, L2-MAINT. CONTRACT BacT/ALERT 3D 0120, HOTLINE 24/7, ON-SITE REPAIR 7/7 LOCAL BUSINESS HRS	[redacted]	EA	[redacted]	[redacted]
				OY1 Total	[redacted]
OPTION YEAR 2 01 October 2027-30 September 2028					
2001	OY 2: FULL SERVICE AGREEMENT BacT/ALERT 3D 0120. Include: AGING SYSTEM FEE BTA 3D COMBO 120, L2-MAINT. CONTRACT BacT/ALERT 3D 0120, HOTLINE 24/7, ON-SITE REPAIR 7/7 LOCAL BUSINESS HRS	[redacted]	EA	[redacted]	[redacted]
				OY2 Total	[redacted]
OPTION YEAR 03 October 2028-30 September 2029					
3001	**OY 3: FULL SERVICE AGREEMENT BacT/ALERT 3D 0120. Include: AGING SYSTEM FEE BTA 3D COMBO 120, L2-MAINT. CONTRACT BacT/ALERT 3D 0120, HOTLINE 24/7, ON-SITE REPAIR 7/7 LOCAL BUSINESS HRS**	[redacted]	EA	[redacted]	[redacted]
				OY3 Total	[redacted]
OPTION YEAR 04 October 2029-30 September 2030					
4001	**OY 4: FULL SERVICE AGREEMENT BacT/ALERT 3D 0120. Include: AGING SYSTEM FEE BTA 3D COMBO 120, L2-MAINT. CONTRACT BacT/ALERT 3D 0120, HOTLINE 24/7, ON-SITE REPAIR 7/7 LOCAL BUSINESS HRS**	[redacted]	EA	[redacted]	[redacted]
				OY4 Total	[redacted]

4. Authority:

[X] FAR 13.106-1(b)(1): For purchases not exceeding the simplified acquisition threshold (SAT), only one source reasonably available, urgency, exclusive licensing agreements, brand name, or industrial mobilization.

5. Reasons for Authority Cited:

Currently the Department of Logistics, Medical Maintenance Section at IACH does not have the capability or personnel that can maintain and support the Government owned Biomerieux equipment. Biomerieux, Inc. is the sole manufacturer of this equipment and presently provides the care, maintenance and service of their equipment. Biomerieux, Inc. currently does not have any authorized third-party maintenance service providers for their products. Biomerieux, Inc. maintains all proprietary and technical date rights to their equipment and does not sell any of its parts, original equipment or services to any third-party vendor. Biomerieux, Inc. also does not provide any training on their equipment to outside personnel. The Contract Specialist conducted research and determined that if there are unauthorized third-party repairs or has been any alteration or modification to the equipment, Biomerieux, Inc. has indicated that they will not be responsible for any defects that may come about from such unauthorized repair or modifications. At this time, Biomerieux, Inc. is the only authorized service provider for their products, therefore if any third-party maintenance is performed, the end user could be without their equipment for an unspecified amount of time, which may lead to possible disruption of patient care at IACH.

6. Publicizing Contract Actions: For FAR Part 13 actions, the public display and synopsis requirements of FAR 5.101 and FAR 5.203 ☐ do not apply due to the $ threshold, ☒ apply and will be followed, or ☐ do not apply due to an exception at 5.202 _____.

Requirement to post justification in accordance with FAR 8.405-6(b)(3), FAR 13.105(c), or FAR 16.505(a)(4)(iii)(A)

X Action is NOT a brand name restriction and is under $250K, no posting required.

7. Market Research:
This is a follow-on requirement Market research was conducted to ascertain if this requirement can be properly classified as commercial item. The basis of research is predicated on the FAR definition of a commercial item. Specifically, the FAR states, "any item, other than real property, that is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and has been sold, leased, or licensed to the general public; or has been offered for sale, lease, or license to the general public" (see FAR 2.101-Commercial Item). Based on market research various Biomerieux equipment are broadly available in the commercial industry. Biomerieux equipment is provided to the general public under terms and conditions similar to those offered to the Federal Government. Based on market research IAW FAR 10.001(a)(3)(ii), this requirement meets the definition of a commercial supply in accordance with FAR 2.101.

FY 26 ***Maintenance for Government owned BacT/ALERT 3D Equipment.***

Control No: 25-MRCO-WEST-167

As the authorized vendor, Biomerieux, Inc. is the Original Equipment Manufacturer (OEM), sole proprietary manufacturer; there are no authorized third-party distributors or vendors that service the equipment. The Contract Specialist conducted a dynamic small business search with the NAICS code ***811210*** and the capabilities narrative "BacT/ALERT 3D equipment", that revealed no small businesses that fit within these guidelines.

On 21 April 2025 received letter is to confirm that bioMérieux, Inc. is the sole source manufacturer and service provider of the BacT/Alert instruments. All bioMérieux Field Service Engineers are certified and qualified with extensive factory training and experience in working on the entire range of bioMérieux products including the BacT/Alert. If any unauthorized third-party repairs, alters or modifies a bioMérieux instrument is not responsible for defects arising from such repair or modifications. bioMérieux, Inc. as the manufacturer of the equipment requires one (1) Preventative Maintenance Inspection to be performed on an annual basis for the BacT/Alert.

DLA ECAT and Medical Master Catalog were researched and no found results for" BacT/ALERT 3D".

United States Patent was search and found Patent No: US8,420,383 B2 Date: April 16, 2013, BacT/ALERT 3D

Note: A notice to award sole source will be posted to SAM.gov with an attached redacted J&A.

Per FAR 19.502-2 a review for small business socioeconomic contracting programs was conducted. A search of the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS) using ***811210 – Electronic and Precision Equipment Repair and Maintenance,*** using keyword, "**BacT/ALERT 3D equipment".**

Economic Group	Number of Firms Found
Service-Disabled Veteran	0
Currently SDB Certified	0
Woman or Women Owned	0
Currently 8(a) Certified	0
Veteran	0
Currently HUBZone Certified	0

8. Other Facts:

Procurement History:

W81K00-20-P-0226, Biomerieux, Inc.
Method of procurement: Sole Source
Period of Performance: 01 October 2021 to 30 September 2025
Description of requirements: Maintenance of the BacT/ALERT 3D equipment
Contract type: Firm fixed Price
Total awarded amount: [redacted]
Number of option periods: 4
Number of Offerors: One-Large Business
Source Selection Method: Best Value Sole Source Basis for fair and reasonable pricing: Only one vendor complies with the terms of the solicitation. Historical prices paid.

W81K00-17-P-0377, Biomerieux, Inc.
Method of procurement: Sole Source
Period of Performance: 01 October 2017 to 30 September 2020
Description of requirements: Maintenance of the BacT/ALERT 3D equipment
Contract type: Firm fixed Price
Total awarded amount [redacted]
Number of option periods: 4
Number of Offerors: One-Large Business
Source Selection Method: Best Value Sole Source Basis for fair and reasonable pricing: Only one vendor complies with the terms of the solicitation. Historical prices paid.

36C26023P0474, Biomerieux, Inc.
Customer: Veterans Affairs
Method of procurement: Sole Source
Description of requirements: MYLA, VITEK MS LOW USE, BACT/ALERT 3D, AND VITEK 2 W/CC FULL-SERVICE PLAN
Contract type: Firm fixed Price
Total awarded amount: [redacted]
Number of option periods:3
Number of Offerors: One-Large Business
Source Selection Method: Best Value Sole Source Basis for fair and reasonable pricing: Only one vendor complies with the terms of the solicitation. Historical prices paid

9. Technical/Requirements Certification: I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name [redacted]
Title: Contracting Officer Representative (COR)

[redacted]

10. Contracting Officer Certification/Approval:

I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable based upon price analysis.

I certify that this justification is accurate and complete to the best of my knowledge and belief, and that completing this purchase as a sole source is in the best interest of the Government. Additionally, I approve this justification to limit competition subject to the availability of funds and provided that the services or supplies herein described have otherwise been authorized for acquisition.

Typed Name [redacted]
Title: Contracting Officer
Signature: [redacted]