



A Keep America Beautiful Affiliate

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Sole Source Justification Letter

Shirlene E. Sitton
City of Santa Fe
Environmental Service Division Director
1142 Siler Road
Santa Fe, NM 87507

April 18th, 2022

Keep Santa Fe Beautiful (KSFB) has partnered with the City of Santa Fe (City) in supporting the New Mexico litter control and beautification Act of 1985, which provides public funds in the form of Grants for the purpose of enhancing local litter control and beautification program. The City has entered into a Contract with State of New Mexico Tourism Department as the Fiscal Agent for the Grant fund, and has delegated the administration of the Grant funded program to KSFB.

Within FY21 KSFB through its volunteer base has generated monetary value of \$163,181.64 in-kind value to the City efforts, this amount does not include donations, or fund raisers. KSFB is providing a valuable service to the City. The Agreement will ensure KSFB compliance in administrating the Grant and assuring the City legal obligations are meet.

Sincerely,

Carol Branch,
Executive Director
Keep Santa Fe Beautiful

Carol Branch
Carol Branch (Jun 27, 2022 15:28 MDT)

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Environmental Services Division
Recycling | Trash | Sustainability
Keep Santa Fe Beautiful

Date: April 18th, 2022

To: Fran Dunaway, Chief Procurement Officer

Via: Shannon Jones, Public Utilities Department Director 
Shannon Jones (Jun 27, 2022 15:51 MDT)

From: Shirlene Sitton, ESD Director 
SS (Jun 27, 2022 15:45 MDT)

Re: Sole Source Procurement Request

Subject

Request for approval of a Sole Source, Professional Service Agreement between the City of Santa Fe Public Utilities Department/Environmental Services Division, and Keep Santa Fe Beautiful Inc.

Background and Summary

The City of Santa Fe (City) has contracted yearly with State of New Mexico Tourism Department (NMTD) through the New Mexico "Litter Control and Beautification Act," NMSA 1978, 67-16-1 et seq. (the act). Keep Santa Fe Beautiful, Inc. (KSFB) since the 1980's as an affiliate of Keep America Beautiful, manages the grant funding for the City. The Contract between the City and NMTD requires the City to provide 25% of in kind funding, this is partly accomplished by providing staff, office, and a vehicle to support planning and executing programs and events. The requested \$10,000.00 compensation will assist maintaining this valuable service. The Environmental Services Division (ESD) is home to the KSFB program. ESD's Environmental Programs Manager acts in a capacity similar to an Executive Director for the non-profit; and also oversees the Graffiti Abatement team.

KSFB is a 501 (c) (3), registered non-profit organization, with a volunteer Board of Directors that provide governance, direction, and oversight for the organization. KSFB has three sources of funds: a yearly grant through NMTD, Clean and Beautiful program, fundraising from donors, and its volunteer base, a value to the City programs.

KSFB is providing a valuable service to the City. The advantage to this arrangement is that the non-profit is able to raise money outside of the City-provided funding, utilize volunteers for projects, and obtain grants from the State. Within FY 21 KSFB has raised \$163,181.64 for beautification projects within the City; thus amplifying the funds provided by the City for staffing

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and basic supplies. In typical “*Keep it Beautiful*” programs, this amplification of City funding is at least 10:1 ratio.

In previous years, the annual grant contract/agreement with the State of New Mexico has served as only formal agreement between the City and KSFB. Without a formal agreement that speaks to expectations for both the City and the non-profit, we have found that inconsistencies have existed in executing by-laws and ensuring appropriate Board practices. This oversight speak to a lack of formally expressed contractual expectations on the City’s behalf.

This contract is designed to ensure the City’s contribution to the partnership is in line with contractual governmental obligations. The contract specifies KSFB to be in good standing as a Keep America Beautiful affiliate. It states that the value spent by the city should not exceed the value provided by the non-profit. Additionally, it outlines ethical expectations about the Board of Directors, financial record keeping, and auditing rights of the City. It speaks to the city’s rights regarding Board meeting notifications and minutes, and limits any political activities.

In return, the City will provide \$10,000 contractual payment direct to the non-profit, described programs in litter abatement, waste reduction and public education. To institute a sound, equitable agreement going forward, we agree that a payment providing a small level of assured funds to the non-profit will ensure a good return on investment for years to come. This contract is intended to be renewed annually based on the desires of both the City and KSFB, Inc. and will help ensure a healthy working relationship with the non-profit through shared expectations and standards.

Action Requested

ESD is respectfully requesting approval to post the Professional Service Agreement as a Sole Source.



City of Santa Fe, New Mexico



SOLE SOURCE REQUEST AND DETERMINATION FORM

This sole source request form **must** be submitted to the City of Santa, Purchasing Division for authorization, determination and processing by the Chief Procurement Officer (CPO).

Please ensure to complete this form in its entirety - () must be completed.*

*Date: April 14, 2022

*Prepared By: Kayla M Conner

*Title: Project Specialist

*Vendor Name: Keep Santa Fe Beautiful Inc.

*Address: 1152 Siler Road building C

*City: Santa Fe

*State: NM

*Zip Code: 87505

*Description of Goods/Service to be procured:

*Estimated Cost: 10,000.00

Term of Contract: One (1) to Four (4) year from award 4 YEARS

*Sole Source Request Justification Questions 1-3.

1. Explain the purpose/need of purchase. Ensure to include a thorough scope of work for the services, construction or items of tangible personal property (if this is an amendment request to an existing contract, attach current contract).

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City of Santa Fe, New Mexico



2. Provide a detailed explanation of the criteria developed and specified by the department as necessary to perform and/or fulfill the contract.

The contractor has affirmed sole source for the services, construction or items of tangible personal property (*Attach memo from vendor*). Provide documentation of due diligence for other possible vendors/contractors to provide the requested services/goods proved unsuccessful; or

Other: explanation of the reasons, qualifications, proprietary rights or unique capabilities (*unique and how this uniqueness is substantially related to the intended purpose of the contract*) of the prospective contractor that makes the prospective contractor *the one source* capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the “best” source or the “least costly” source. Those factors do not justify a “sole source.”) *Unique and how this uniqueness is substantially related to the intended purpose of the contract.*

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3. Explain why other similar professional services, services, construction or item(s) of tangible personal property *cannot* meet the intended purpose of the contract.

