



# 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: 1/11/2023

\*Prepared By: Shirley Spencer

\*Title: Administrative Manager

\*Vendor Name: Santa Fe Fiestas Inc.

\*Address: PO Box 4516

\*City: Santa Fe

\*State: NM

\*Zip Code: 87502

\*Description of Goods/Service to be procured:

\*Estimated Cost:

200,000

Term of Contract:

One (1) to Four (4) year from award) FY24 – FY27

\*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).

The Contractor should provide the following services for the City:

- A. Advertise, publicize and promote Santa Fe as tourism destination by reference in response to Resolution No. 2013-29 – for: Fiesta years FY24-FY27.
- B. Promote and market the project regionally and nationally through media coverage and placements that emphasize target markets. All advertising must be targeted at an audience more than 60 miles from Santa Fe to increase the probability of overnight visitors.
- C. Improve Marketing effectiveness by providing Santa Fe businesses with opportunities to tie-in to cultural events in Santa Fe by attracting audiences as demonstrated with statistical and demographic information about audience attendance.
- D. Encourage the cultural development of Santa Fe by maintaining high standards of artistic and cultural excellence as demonstrated by an ongoing series of performances, exhibitions and/or services.
- E. Strengthen the position of the arts and culture as an integral part of Santa Fe by:
  - a. Providing cultural benefits and preserving the cultural identity of Santa Fe; and
  - b. Providing access to all special constituencies
- F. Demonstrate administrative competency through planning, quality programming and realistic budgeting.
- G. Coordinate all advertising planning and execution efforts with the staff of TOURISM Santa Fe for the purpose of uniting the advertising message with the theme of the overall city efforts. A marketing plan (any advertising being purchased) will be delivered to TOURISM Santa Fe prior to implementation and must be approved in writing by TOURISM Santa Fe.
- H. Allow the TOURISM Santa Fe advertising agency of record to participate in the development and implementation of the marketing plan including creative work and advertising placement. Costs related to the use of the agency will be a part of the use of the funds provided by this agreement.
- I. Provide a report to the City of the results of the advertising project 90 days after the end of the event.



# 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.*

The funds are set aside for Santa Fe Fiestas Inc. per Resolution 2013-29

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

Lodger's tax funds in exchange for in-kind services that are equal or exceed the allowable \$50,000 funding.



# City of Santa Fe, New Mexico



**\*Approvals:**

Based on the above facts, the City of Santa Fe Purchasing Officer has made the determination that the justification for a Sole Source procurement is in accordance with the State Procurement Code, Section 13-1-126 Sole source procurement., NMSA 1978 and shall be posted for a 30-day period prior to award.

Jan 30, 2023

Joanne Lovato, CPO  
Purchasing Officer for the  
City of Santa Fe

Date

**Pursuant to the State Procurement Code, Section 13-1-126 Sole source procurement., NMSA 1978, the 30-day posting period of the Notice of Intent to Award this Sole Source request was met and no obligation to the award to the above referenced contractor were received. *This Sole Source determination will be valid for a period of one (1) year from the date of the award.***

Joanne Lovato  
Purchasing Officer for the  
City of Santa Fe

Date

**\*Required Attachments:**

***\*Letter from Contractor acknowledging they are the only source (on their business letterhead and signed by the head of business or financial operations),***

***\*Quote from sole source Contractor***

***\*Agenda Item to be presented to City Council if over \$60,000 for Professional Services and \$60,000 for Goods and Non-Professional Services***

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2013-29**

3 **INTRODUCED BY:**

4  
5 **Mayor Coss**  
6 **Councilor Bushee**  
7 **Councilor Wurzbarger**

8  
9  
10 **A RESOLUTION**

11 **RELATING TO THE 2013/2014 BUDGET AND SUBSEQUENT FISCAL YEAR BUDGETS,**  
12 **SUBJECT TO AVAILABLE APPROPRIATIONS MADE BY THE GOVERNING BODY;**  
13 **AUTHORIZING THE DESIGNATION OF CONVENTION AND VISTOR BUREAU (CVB)**  
14 **FUNDS FOR AGREEMENTS THAT WILL PROMOTE TOURIST RELATED**  
15 **ATTRACTIONS, FACILITIES AND EVENTS WITH THE SANTA FE FIESTA COUNCIL,**  
16 **THE LENSIC AND THE SANTA FE BANDSTAND USING LODGERS' TAX PROCEEDS.**

17  
18 **WHEREAS,** pursuant to the Lodgers' Tax Act Sections 3-38-13 to 3-38-24 NMSA 1978,  
19 and the New Mexico Taxation and Revenue regulation 2.105.2.8 NMAC, the City of Santa Fe is  
20 authorized to adopt ordinances imposing occupancy tax for revenues on lodging establishments  
21 within municipal boundaries or within that part of the county outside of municipal boundaries; and

22 **WHEREAS,** the City has enacted it's Lodgers' Tax Ordinance SFCC 18-11 and collects and  
23 receives lodgers' tax; and

24 **WHEREAS,** eligible uses for the lodgers' tax proceeds include the promoting tourist-related  
25 attractions, facilities and events of the city and tourist facilities or attractions within the area; and

1           **WHEREAS**, the Santa Fe Fiesta Council, the Fiesta de Santa Fe, the Santa Fe Bandstand,  
2 and the Lensic are tourist-related events and/or tourist facilities and/or tourist attractions that need  
3 promotion by the City as detailed herein; and

4           **WHEREAS**, the Fiesta de Santa Fe has been annual New Mexico tradition since 1712 when  
5 the original Fiesta Proclamation was issued by the Santa Fe City Council; and

6           **WHEREAS**, the annual event brings together the community of Santa Fe, visitors from  
7 around New Mexico and our Country as well as international visitors; and

8           **WHEREAS**, the Santa Fe Fiesta Council has been, and continues to be, a not-for-profit  
9 organization whose only function and purpose is to be primarily responsible for Fiesta de Santa Fe,  
10 including securing funding for the annual event; and

11           **WHEREAS**, the Santa Fe Bandstand was founded in 2002 and since that time has become an  
12 essential part of an authentic “Summer in Santa Fe” experience- for locals and tourists alike; and

13           **WHEREAS**, many new and exciting changes are coming to the Bandstand this year,  
14 including:

- 15           • Expanded Bandstand season length, from seven weeks last year to over nine weeks this
- 16           year
- 17           • Selected Friday and Saturday Nights have been added to 2013 season schedule, allowing
- 18           more young families and working Santa Feans to come down to the Plaza in the evening
- 19           • More Programming Diversity – more types of music for more types of music lovers
- 20           • Live Premium Night Webcasting to a national audience

21           **WHEREAS**, the Lensic, Santa Fe’s Performing Arts Center, is recognized as a major tourist  
22 attraction and tourist facility and economic driver for the overall Santa Fe economy and particularly  
23 the downtown area; and

24           **WHEREAS**, the Lensic contributes to the overall reputation of Santa Fe as a cultural and arts  
25 tourism destination; and

1           **WHEREAS**, Fiesta de Santa Fe, Santa Fe Bandstand and the Lensic provide substantive  
2 programming that promotes tourism in Santa Fe and, therefore, enhances Santa Fe's economy; and

3           **WHEREAS**, the City's lodgers' tax funding is needed to be used for the promotion of tourist  
4 attractions and events related to the Fiesta de Santa Fe, Santa Fe Bandstand and the Lensic because  
5 such tourist attractions and tourist events draw tourists from around the Country and the globe which  
6 contributes to Santa Fe's economy and increases gross receipts tax revenues of the City which  
7 benefits all citizens of Santa Fe; and

8           **WHEREAS**, currently Fiesta de Santa Fe, Santa Fe Bandstand and the Lensic each receive  
9 funding in varying amounts that do not total \$50,000 each, on an annual basis through grants and  
10 contracts administered by the CVB and the Arts Commission.

11           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
12 **CITY OF SANTA FE** that the Governing Body authorizes for the 2013/2014 budget and  
13 subsequent fiscal year budgets, subject to available appropriations made by the Governing Body, a  
14 set-aside designation of lodgers' tax funds for:

- 15           1.       An annual agreement with the Santa Fe Fiesta Council in a total amount of \$50,000  
16                   in lodgers' tax funds in return for in-kind services that equal or exceed \$50,000 in  
17                   total services provided by the Santa Fe Fiesta Council to the City. The Santa Fe  
18                   Fiesta Council shall use the funds for eligible uses of lodgers' tax proceeds in  
19                   accordance with the Lodgers' Tax Act and the New Mexico Taxation and Revenue  
20                   Department regulation 2.105.2.8 NMAC.
- 21           2.       An annual agreement with the Santa Fe Bandstand in a total amount of \$50,000 in  
22                   lodgers' tax funds in return for in-kind services that equal or exceed \$50,000 in total  
23                   services provided by the Santa Fe Bandstand to the City. The Santa Fe Bandstand  
24                   shall use the funds for eligible uses of lodgers' tax proceeds in accordance with the  
25                   Lodgers' Tax Act and the New Mexico Taxation and Revenue Department regulation

1 2.105.2.8 NMAC.

2 3. An annual agreement with the Lentic in a total amount of \$50,000 in lodgers' tax  
3 funds in return for in-kind services that equal or exceed \$50,000 in total services  
4 provided by the Lentic to the City. The Lentic shall use the funds for eligible uses of  
5 lodgers' tax proceeds in accordance with the Lodgers' Tax Act and the New Mexico  
6 Taxation and Revenue Department regulation 2.105.2.8 NMAC.

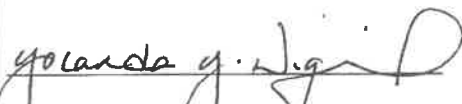
7 **BE IT FURTHER RESOLVED** that the funding designated in this resolution is intended to  
8 replace all future fiscal years' funding agreements and is effective beginning July 1, 2013."

9 PASSED, APPROVED, and ADOPTED this 27<sup>th</sup> day of March, 2013.

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12 DAVID COSS, MAYOR

13 ATTEST:

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16 YOLANDA Y. VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

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19   
20 GENO ZAMORA, CITY ATTORNEY

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22  
23  
24  
25 M/Melissa/Resolutions 2013/2013-29 Fiesta\_Lentic\_SF Bandstand