



Date: May 12, 2022
To: Fran Dunaway, CPO
From: Monique Maes, Contracts Administrator MM
Via: Rick Carpenter, BDD Facilities Manager RC
Antoinette Armijo-Rougemont AA
Subject: Sole Source Procurement for FY2023

ITEM:

Request for Sole Source Award Approval to Snell and Wilmer.

BACKGROUND:

In 2018 Snell and Wilmer was granted an award for Professional Services to provide legal representation in pending litigation matters. Although the case has been settled, there are still processes and documentation that need to be prepared, completed, and filed by Snell & Wilmer. Because they have been the provider of representation and have the necessary documentation and records to complete and close out their litigation process, it is necessary to continue this process with our awarded vendor beyond the four year contract.

ACTION REQUESTED:

Approval of sole source determination and posting for the required 30-day period.

ATTACHMENTS:

- Sole Source Request and Determination Form





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:

*Prepared By

*Title

*Vendor Name

*Address:

City:

*State:

*Zip Code:

*Description of Goods/Service to be procured:

*Estimated Cost:

Term of Contract:

*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 purpose of this purchase is to continue beyond a four year time frame and complete our litigation settlement with the awarded vendor of RFP '18/12/P. Snell and Wilmer has provided the representation in a litigation matter that is in its final stages and in the processes of completion. This vendor has all the information, documentation, testimonies, and expertise needed in this case to effectively complete and finalize this matter.



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.

JoAnn Lovato for F.D.
JoAnn Lovato for F.D. (Jun 28, 2022 10:23 MDT)

Jun 28, 2022

Fran Dunaway, 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.*

Fran Dunaway, CPO
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*

Signature: 
Rick Carpenter (May 12, 2022 13:24 MDT)

Email: rrcarpenter@santafenm.gov

Signature: 

Email: amarmijo@santafenm.gov

Signature: Monique Maes
Monique Maes (May 12, 2022 12:51 MDT)

Email: mmmaes@santafenm.gov



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 vendor Snell & Wilmer is unique to all matters of this lengthy and costly settlement case. The case was in our favor therefore this is another reason we need to exceed the four year contract. They have discovery, reviews of detailed documents, and evidence uniquely pertaining to this settlement. They are the sole beholders of all the information, documentation, aspects, and evidence in this matter.

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

Other Attorneys do not have the documentations, testimonies, and the expertise of the matter.

Snell & Wilmer

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303.634.2020 F

Daniel R. Frost
(303) 634-2038
dfrost@swlaw.com

June 22, 2022

VIA E-MAIL

Monique Maes
Contracts Administrator
Buckman Direct Diversion (BDD)
341 Caja Del Rio Road
Santa Fe, NM 87506

Re: Buckman Direct Diversion Board v. CDM Smith, et al.
Sole Source Procurement for FY 2023

Dear Monique:

This letter is in reference to the May 12, 2022 memorandum captioned: "Sole Source Procurement for FY 2023" ("Memo") for the Buckman Direct Diversion Board. This is to acknowledge that because of its extensive past background in the litigation with the owner's consultant and the design-builder, Snell & Wilmer LLP is the only source for the services referred to in the Memo. Our budget for those services is \$180,000 for FY 2023, at \$15,000 per month. It is anticipated that those services would be provided by Daniel Frost at the rate of \$560 per hour.

Please let me know if you have questions. We very much appreciate the continued opportunity to be of service.

Very truly yours,

Snell & Wilmer



Daniel R. Frost

cc: Nancy Long
Rick Carpenter
Jennifer Catero

4881-4344-9893