



City of Santa Fe, New Mexico



Memorandum

DATE: June 21, 2021

TO: Frances Dunaway, Chief Procurement Officer

FROM: Regina Wheeler, Public Works Director RW
RW (Sep 16, 2021 10:53 MDT)
Melissa McDonald, Parks Division Director/River & Watershed Manager
Zoe Isaacson, River and Watershed Project Administrator *ZRI*

SUBJECT: Sole Source Procurement Request

ITEM AND ISSUE: The Public Works River and Watershed Section respectfully requests a sole source procurement to be approved by the City's CPO, Fran Dunaway. The purchase is between William J. Miller Engineers, Inc. (WJM) and the City of Santa Fe for the purchase of Bidding and Construction Management for the CIP 500 C: River at La Joya Street Bank Stabilization Repair (Phase 3B) and Flood Damage Repair, Ricardo Bridge to Don Jose Storm Drain Outfall (the "Project").

To ensure the engineered design of repairs to the Santa Fe River channel and associated bank stabilization are implemented properly and are of the highest quality, it is essential that the Engineer-of-Record for the design plan manage construction phase activities and conduct regular inspections. This will help guarantee the project's success and keep liability solely with the Engineer-of-Record. WJM has designed and managed construction on all previous phases of the Project and is uniquely qualified in their ability to manage this next phase of repairs. WJM is a local firm that has provided a wide range of work for the City of Santa Fe that has often exceeded expectations. To provide continuity in services and to eliminate any learning curve that would be necessary for a third party firm to manage a complex project of this type, we request the approval of a sole source procurement. A sole source for this purchase will help facilitate a thoughtful completion of this project likely saving the City of Santa Fe both time and money. Please see the attached sole source procurement form for a more detailed discussion of their unique qualifications.

The City of Santa Fe follows the New Mexico State Procurement code.

SUMMARY: This purchase meets NM Statute § 13-1-126 (2016) Sole Source Procurement.

A. A contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office determines, in writing, that:

- (1) There is only one source for the required service, construction or item of tangible personal property;
- (2) The service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract; and
- (3) Other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract.

Proposed Contract Purchase Amount: \$56,523.24

Term: 2 years from execution of contract

ACTION REQUESTED: Approval for sole source procurement



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: 6/11/2021

*Prepared By: Zoe Isaacson

*Title: Project Administrator

*Vendor Name: William J Miller Engineers, Inc.

*Address: 1511 Third Street

*City: Santa Fe

*State: NM

*Zip Code: 87505

***Description of Goods/Service to be procured:**

*Estimated Cost: \$56,523.24

Term of Contract: (One (1) year from award) Two (2) years from award

***Sole Source Request Justification Questions 1-4.**

- 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).**

This purchase is essential for the construction of the CIP 500 C: River at La Joya Street Bank Stabilization Repair (Phase 3B) and Flood Damage Repair, Ricardo Bridge to Don Jose Storm Drain Outfall (the "Project"). On-site construction management and inspection, by the Engineer-of-Record, is vital to ensure a project of this nature, with a high degree site-specific variables and complexity, will be built to the specifications and standards necessary for success.

To provide continuity from design to construction management, we ask that William J Miller Engineers, Inc. (WJM), Engineer-of-Record, be awarded sole source for the construction management and inspection for this phase of the Project. Please note that WJM also designed and managed construction for the previous phase of the Project.

Construction phase management will include, but is not limited to:

1. Facilitate pre-bid meeting and respond to Contractor's questions
2. Prepare bid tabulation and evaluate contractor qualifications (if necessary)
3. Prepare for, and attend, pre-construction conference
4. Coordination/Communication: respond to Contractor requests for clarification, administration of construction contract
5. Construction inspections
6. Preparation of "Inspector's Daily Reports"
7. Verification of quantities and contractor billing
8. Final inspection, prepare Record Drawings and Final Report



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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.*

WJM is unique in their ability to properly inspect and manage the construction site activities for the next phase of the Project. The engineers at WJM are the best and most qualified to perform this work because of their knowledge of the site (they are the Engineer-of- Record for the design) and their record of past performance (they have designed and managed construction on all phases of work associated with this project and have exceeded expectations on all levels).

For projects that occur in and along the River corridor, that directly affect hydrology and hydraulics of water moving through the system, it is especially important to have a strong understanding of the field conditions and to provide continuity in design to prevent unravelling of the riparian corridor. WJM is unmatched in their knowledge of this reach of the River and understands the importance on-site construction management to ensure the project they designed, as the Engineer-of-Record, is built properly and to their specifications.

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 engineering firms in Santa Fe are not well suited for this work because they lack the knowledge and understanding that can only come from experience working in and along the Santa Fe River at this location. As Engineer-of- Record, WJM had to perform an exhaustive study of the area, including modeling and hydrologic analyses, in order to design a project of this scope. Other firms do not have information readily available, nor do they possess a thorough understanding of the field conditions and how they might impact the feasibility of construction, project timeline, and ultimately, the quality of the work. Other firms would have a steep learning curve overseeing construction that could negatively impact the execution of the Project costing the City both time and money.



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***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.


Fran Dunaway (Oct 1, 2021 11:46 MDT)

Oct 1, 2021

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*



June 21, 2021

Zoe Isaacson
River and Watershed Project Administrator
City of Santa Fe
500 Market Street Station
Santa Fe, New Mexico 87501

RE: Santa Fe River & Trail (CIP 500 C) Additive Alternatives #1, #3, & #4

Dear Ms. Isaacson:

This letter is to confirm that William J. Miller Engineers, Inc. is the sole Engineer of Record for CIP 500 C: Santa Fe River at La Joya Street River Bank Stabilization Repair (Phase 3B) and Flood Damage Repair, Ricardo Bridge to Don Jose Storm Drain Outfall. In 2019-2020, William J. Miller Engineers, Inc. provided to the City of Santa Fe professional engineering services for bidding and construction oversight of Base Bid and Additive Alternative #2 of the Santa Fe River Flood Damage Repair, Ricardo Bridge to Don Jose Storm Drain Outfall. The City of Santa Fe desires to proceed with bidding and construction oversight of the remaining work under this project (Additive Alternatives #1, #3, & #4).

William J. Miller Engineers, Inc. submits the attached cost quotation for professional engineering services to assist the City of Santa Fe with bidding, construction inspections, and preparation of record drawings for Santa Fe River & Trail (CIP 500 C) Additive Alternatives #1, #3, & #4. Included with Task No. 1 would be a review of the site conditions and minor topographic data collection as needed to update the drawings for La Joya St. bank protection. Given that the construction drawings are several years old, minor updates to earthwork material quantities may be necessary to avoid unanticipated changes to the Construction contract once construction activity has begun. Please contact me at (505) 983-7694 should you have any questions.

Sincerely,

William J. Miller, P.E.
President

Enclosure

WILLIAM J. MILLER ENGINEERS, INC.
 PROJECT COST ACCOUNTING
 Cost Proposal for Engineering Services
 Bidding and Construction Supervision
 Santa Fe River & Trail (CIP 500C) Additive Alternatives #1, #3, & #4
 City of Santa Fe
 June 21, 2021

Task no.	Task Description	Total Labor	Equipment/ Supplies	Total
1	Revise Bid Package, facilitate Pre-bid meeting and respond to Contractor's questions	\$3,556.28		\$3,556.28
2	Prepare bid tabulation and evaluate Contractor qualifications	\$816.98		\$816.98
3	Prepare for and attend pre-construction conference	\$978.16		\$978.16
4	Coordination/Communication: Response to Contractor requests for clarification, administration of construction contract	\$9,511.60		\$9,511.60
5	Construction Inspections	\$31,065.50		\$31,065.50
6	Preparation of Inspector's Daily Reports	\$3,427.72		\$3,427.72
7	Final Inspection, Prepare Record Drawings & Final Report	\$2,646.44	\$122.50	\$2,768.94

Subtotal: \$52,125.18
 NMGR (@ 8.4375%): \$4,398.06
 Total Cost (including NMGR): \$56,523.24