

### SOLE SOURCE PURCHASE REPORT

To: Jonathan Daniels, Purchasing Officer

From: Mark Kelly, Water Resources Manager

Date: 3/30/2023

1. Name and address and contact information of supplier:

Kyle Harwood  
Egolf, Ferlic, Martinez & Harwood LLC  
123 W San Francisco Second Floor  
Santa Fe, NM 87501

2. Goods and/or services to be purchased: San Juan Chama Project Contractors Association Administration

3. Estimated total dollar amount of expenditures pursuant to this request: \$91,943.18

4. Term for which goods and/or services will be purchased pursuant to this request (mark only the option which applies):

- a.  through 6/30/2023 \_\_\_\_\_ Years/Months/Weeks/Days (circle one)  
b.  This is a one-time sole source purchase, to be completed within the next fiscal year.

5. Identify the specific circumstances that require a sole source purchase of the goods and/or services requested:

a. Brief description of the purpose of the goods or services to be purchased:

**This contract is for ongoing administrative services for the San Juan Chama Project Contractors Association. This PO may be extended or increased as additional grant funding is approved.**

b. Reasons for need of goods and/or services from the specific supplier. Any one reason, by itself, does not necessarily justify a sole source purchase (mark all that apply):

- i.  A diligent inquiry failed to identify any source for the same or similar goods and/or services that will substantially accomplish the same or similar functions to those provided by the source identified above. If so, identify which of the following steps were taken to establish a good-faith review of available alternative sources and provide written justification verifying the actions below were taken (mark all that apply):
- Contacted various suppliers of similar goods to discuss alternative options;
  - Performed product research for potential alternative sources;
  - Consulted with subject matter experts to identify potential alternative sources;
  - Other (specifically describe any actions taken, attach additional sheets if necessary):

## SOLE SOURCE PURCHASE REPORT

(Inability to locate other sources via internet search will not suffice as acceptable due diligence.)

- ii.  The goods and/or services offered are unique or proprietary in form, fit, and function. If so, describe the unique or proprietary qualities of the goods and/or services; if available, provide documentation of their unique or proprietary nature, e.g. evidence of patent/copyright/secret processes/limited rights in data (attach additional sheets if necessary):
  - iii.  Use of goods and/or services from sources other than an Original Equipment Manufacturer will require substantial modification to equipment or systems currently in use, resulting in substantial duplication in cost to the Water Authority that is not expected to be recovered through competition and/or unacceptable delays in fulfilling the Water Authority's requirements. If so, describe the modifications, potential costs, and/or delays associated with making substitute goods and/or services compatible with current equipment or systems (attach additional sheets if necessary):
  - iv.  The procurement requires a specific supplier of goods or services. If so, identify one or more of the following reasons and provide written justification verifying that the statement below is true:
    1.  Limited availability of goods or services;
    2.  Proven quality, accuracy, and/or dependability;
    3.  Compatibility considerations;
    4.  Safety considerations;
    5.  Warranty issues or guarantee of parts performance;
    6.  During the system design process, several alternatives were evaluated and the current proprietary process was selected;
    7.  Other (specifically describe any other reasons, attach additional sheets if necessary):
  - v.  The goods and/or services cannot be purchased by the Water Authority from any other supplier, e.g. the supplier has a protected territory established by the original producer of the goods or services. If so, attach written documentation from the original producer verifying the availability of sources for goods and/or services.
6. Describe the reasons the purchase is in the public's interest (attach additional sheets if necessary):  
As described above, no other provider has the unique knowledge necessary to assist the San Juan Chama Project Contractors Association. Services provided by another law firm would not suffice. Kyle Harwood currently represents the Contractors Association.
7. Attach negotiated cost or fee schedule, as applicable, along with evidence confirming that the price is most advantageous to the Water Authority.

Requirement:

At least fifteen days before a sole source contract is awarded, the Central Purchasing Office shall post this notice of intent to award any sole source contracts for goods, services, or construction, on its website.

Any qualified potential contractor may protest an intent to award a sole source procurement to the Central Purchasing Office. The protest shall be submitted in writing within fifteen calendar days of the notice of intent to award a contract being posted by the Central Purchasing Office.

# SOLE SOURCE PURCHASE REPORT

The signature below certifies that this justification is accurate and complete to the best knowledge and belief of the individuals signing:

Requestor's Signature:



\_\_\_\_\_  
Mark Kelly, Water Resource Manager

4/6/23 09:52 MDT

Date

Signature Acknowledgement from the Division Manager:



\_\_\_\_\_  
Elizabeth Anderson, Chief Planning Officer

4/6/23 11:12 MDT

Date

Review and Verification by Purchasing Officer:



\_\_\_\_\_  
Jonathan Daniels, Purchasing Officer

4/6/23

Date