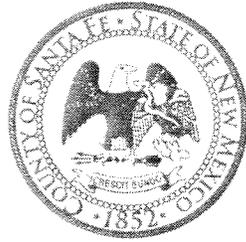


Danny "Daniel" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

August 4, 2014

TO: Procurement File

FR: Pamela Lindstam, Procurement Specialist Senior

VIA: Bill Taylor, Procurement Manager
Patricia Boies, H&HS Director

RE: Sole Source Determination Food to Table to serve as fiscal sponsor for the City of SF and Santa Fe County Advisory Council on Food Policy

Issue

The Santa Fe Community Services Department/Health & Human Services Division has requested a Sole Source Determination for Farm to Table, a non-profit 501 (c) (3) organization, to serve as the contractor and fiscal agent for the Food Policy Council. The Food Policy Council is responsible for integrating City and County departments and nonprofit organizations and food businesses to improve the availability of nutritious food at reasonable prices to area residents.

Farm to Table has been performing the required services and acting as a fiscal sponsor for the Food Policy Council since 2008. In the past, the City of Santa Fe had entered into a professional services contract with Farm to Table to provide the services and the County had entered into a Memorandum of Agreement (MOU) with the City to provide for the County's financial contribution towards Farm to Table's services. The County would then transfer its contribution to the City to be distributed to Farm to Table.

The City has decided that they will continue to contract with Food to Table for fiscal year 2015 but they no longer wish to enter into a separate MOU with the County for the distribution of the County's contribution to the project. Therefore, the County needs to contract with Farm to Table for these services.

Farm to Table's core mission is food and agriculture policy research and implementation and is home to the New Mexico Food and Agriculture Policy Council which is an important link between statewide and local food policy work to align local and state priorities. They also house the coordinator hired to staff the Food Policy Council and perform all the administrative, outreach, and accounting responsibilities on behalf of the Food Policy Council. This working relationship between the two groups has been cultivated over the past seven years and is important to the functioning and stability of the Food Policy Council.

Determination

Therefore, it is the determination of the Santa Fe County Purchasing Division that due the uniqueness of the services and the hybrid nature of the Food Policy Council as a City/County body, the selection of Farm to Table as a fiscal sponsor for the Food Policy Council and the existing professional services contract between the City and Farm to Table, all make Farm to Table the sole source available to provide the services necessary to meet the required functions of the Food Policy Council.

This Purchasing Division after conducting due diligence has made the determination that this is a sole source procurement pursuant to NMSA 1978 13-1-126 that *“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 make a determination, after conducting a good-faith review of available sources and consulting the using agency, that other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract.”*

Vendor Information:

Vendor- Farm to Table
618 B Paseo de Peralta
Santa Fe, NM 87501

Deliverables- Serve as fiscal sponsor for the City of Santa Fe and Santa Fe County Advisory Council on Food Policy

Provide staffing, administrative and accounting services for the Food Policy Council, including attendance at all meetings for the Food Policy Council

Administer grants on behalf of the Food Policy Council

Collaborate with members of the Food Policy Council in developing a comprehensive food plan, *“Planning Santa Fe’s Food Futures”*, including researching and developing policy recommendations and conducting community outreach throughout the County

Report on all efforts undertaken in support of the priority goal of the “Santa Fe County Health Action Plan FY 2015-17” to increase the consumption of healthy food

Amount of Contract- \$25,000.00 for FY 15



SANTA FE COUNTY SOLE SOURCE REQUEST AND DETERMINATION FORM

A sole source *determination* is not effective until the *sole source request for determination* has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the County Purchasing Agent. The foregoing requirement is regardless of whether the *sole source request for determination* has been signed by the Agency and/or the Contractor.

I. Department/Division: Community Services Department/Health Services Division

Director: Rachel O'Connor, Department Director; Patricia Boies, Division Director

Telephone Number: 995-9538

II. Name of prospective Contractor: Farm To Table

Address of prospective Contractor: 618B Paseo de Peralta, Santa Fe NM 87501

Amount of prospective purchase: \$25,000

Term of prospective contract: One year

III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract:

1. Serve as fiscal sponsor for the Santa Fe City and County Advisory Council on Food Policy ("Food Policy Council"), which was jointly created by the City of Santa Fe and the County in 2008 (see BCC Resolution 2008-5) to integrate City and County departments, nonprofit organizations, and private sector food and farm businesses in a common effort to improve the availability of nutritious food at reasonable prices for residents, particularly those in need.

2. Provide staffing, administrative and accounting services for the Food Policy Council, including for all meetings of the Food Policy Council and its committees.

3. Administer grants on behalf of the Food Policy Council.

4. Collaborate with members of Food Policy Council in developing a comprehensive food plan, "*Planning Santa Fe's Food Future*," including researching and developing policy recommendations and conducting community outreach throughout the County.

5. Report on all efforts undertaken in support of the priority goal of the “*Santa Fe County Health Action Plan FY 2015-17*” to increase the consumption of healthy food.

- IV. Provide an explanation of the criteria developed and specified by the agency as necessary to perform and/or fulfill the contract and upon which the state agency reviewed available sources. (Do not use “technical jargon;” use plain English. Do not tailor the criteria simply to exclude other contractors if it is not rationally related to the purpose of the contract.)

The Food Policy Council was established in 2008 as a joint City/County effort, and is not itself a standing organization able to receive and expend funds. From the inception, the Food Policy Council recognized the need for a fiscal sponsor to ensure oversight and accountability and a professional services contractor to perform the required functions. The Food Policy Council selected Farm to Table, a 501(c)(3) organization, because its mission most closely matches that of the Food Policy Council. The core mission of Farm to Table is food and agriculture policy research and implementation, ensuring that public policies that impact New Mexico’s food and farm systems promote community health and economic well-being. Farm to Table is home to the New Mexico Food and Agriculture Policy Council and serves as the New Mexico Grown procurement hub for schools. Farm to Table has been performing the required functions and acting as fiscal sponsor for the Food Policy Council since 2008.

- V. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities 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.”)

The core mission of Farm to Table is food and agriculture policy research and implementation, ensuring that public policies that impact New Mexico’s food and farm systems promote community health and economic well-being. Farm to Table is home to the New Mexico Food and Agriculture Policy Council and serves as the New Mexico Grown procurement hub for schools. Farm to Table has been performing the required functions and acting as fiscal sponsor for the Food Policy Council since 2008. Farm to Table is under contract with the City of Santa Fe to perform the functions of the Food Policy Council.

- VI. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are ***unique and how this uniqueness is substantially related to the intended purpose of the contract.***

The professional services contractor must be a 501(c) organization whose mission is closely aligned with that of the Food Policy Council and which can serve as the fiscal sponsor for the Food Policy Council. Because of the hybrid nature of the Food

Policy Council as a City/County entity, the contractor must also be under contract with the City of Santa Fe.

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

No other professional service provider is a 501(c)(3) organization serving as the fiscal sponsor for the Food Policy Council or has a contractual relationship with the City of Santa Fe to perform services for the Food Policy Council. It is essential that the City and County use the same body for purposes of serving as a fiscal sponsor and providing the required services.

- VIII. Provide a narrative description of the agency’s due diligence in determining the basis for the procurement, including procedures used by the agency to conduct a review of available sources such as researching trade publications, industry newsletters and the internet; reviewing telephone books and other advertisements; contacting similar service providers; and reviewing the State Purchasing vendor list. Include a list of businesses contacted (*do not state that no other businesses were contacted*), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, perform the contract; or an explanation of why the agency has determined that no businesses other than the prospective contractor can perform the contract.

Farm to Table has been serving as fiscal sponsor for the Food Policy and has a current contract with the City of Santa Fe to perform services for the Food Policy Council, and the mission of Farm to Table matches that of the Food Policy Council more than any other (501)(c)(3) organization, as determined by research into other 501(c)(3) organizations connected with food issues. The following organizations were also approached but declined:

New Mexico Community Foundation (telephone conversation with Linda Millbourn, 505-820-6860, on July 25, 2014): not accepting new applications for fiscal sponsorships.

Santa Fe Community Foundation (telephone conversation with Lori Spillman, 505-988-9715, on June 4, 2014): do not offer fiscal sponsorships.

Kitchen Angels (telephone conversation with Tony McCarty, 505- 471-7780, on July 11, 2014): do not have staff or fiscal sponsorship capability to perform the required functions.

Food Depot, (telephone conversation with sherry Hooper, 505-471-1633 ext. 10 on July 11, 2014): do not have staff or fiscal sponsorship capability to perform the required functions.

Certified by: Requesting Agency Staff

Date: _____

Requesting Agency Staff (Patricia Boies)

Requesting Agency Approval by:

Date: _____

Dept. Director/Manager (Rachel O'Connor)