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Commissioner, District 4

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Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM FOR FILE

DATE: October 4, 2016

TO: File

FROM: Bill Taylor, Procurement Manager *BT*

RE: **Sole Source Procurement Determination per Section 13-1-126 NMSA 1978 to Award a Contract to Tierra Right of Way, Inc. to Provide Property Acquisition Services to Santa Fe County for the Santa Fe River Greenway Project in the Amount of \$336,920.00, exclusive of NMGRT.**

BACKGROUND:

In October 2012, Santa Fe County entered into Agreement No. 2012-0237-OS/PL to provide property acquisition services for the Santa Fe River Greenway Project to assist the County in property acquisitions identified as Priority Areas A, B & C. The Agreement expired on September 25, 2016. For the last 4 years Tierra Right of Ways has been providing acquisition services for the project and has worked exclusively with the County Legal Department, Planning and Land Use Division and personal property owners to work through the intricate details of government acquisition documents.

ISSUE:

Agreement No. 2012-0237-OS/PL expired on September 25, 2016, with properties still remaining to be acquired within Priority Area B and C. In order for the County to complete the Santa Fe River Greenway Project the property acquisition in these areas must be completed. Due to the fact that the Agreement has already expired, it cannot be extended to complete the services, and such the Public Works Department, Open Space Division is requesting that a sole source procurement determination be made based on the intricate familiarization and specific project information the Contractor already has, that it would be in the best interest of the County to continue these services with Tierra Right of Way, Inc.

DETERMINATION:

It is apparent that Tierra Right of Way, Inc. has significant information regarding this project and has already initiated property negotiations with owners in Priority Area B. Due to the information that has already been provided to Tierra Right of Way, Inc. regarding the project deliverables as to the property ownerships, initiated acquisition negotiations and the knowledge of government acquisition documents, the Contractor has significant information that would meet the initial intent of the contract scope. It is the determination of this office that it would not be in the best interest of

the County to award a contract for these services through a competitive process. In addition, any other Firm who can provide these services would be duplicating and overlapping negotiations already begun by Tierra Right of Way, Inc. This would result in delays and possibly jeopardize the completion of any land acquisitions.

Therefore, based on this determination it is in the best interest of Santa Fe County to enter into a new contract with Tierra Right of Way, Inc. under sole source procurement, pursuant to NMSA 1978, 13-1-126.

Contract Information:

Vendor: Tierra Right of Way, Inc.
128 Grant Ave. #216, Santa Fe, NM 87501

Property Acquisition Services to include:

Pass-Through Expenses include Title Work, Appraisals, Appraisal Reviews, Environmental Phase I Assessments- **\$ 137,000.00**

Section or Priority "A"

- 1) Finalize the 6 remaining acquisitions in Section "A". Finish negotiations and closings.
- 2) Complete survey coordination and platting with City of Santa Fe.
- 3) Complete Boylan Relocation (business and residential).
- 4) Oversee and coordinate Boylan environmental remediation.
- 5) Prepare and file releases for Right of Entries.
- 6) Close out Section "A" files and submit to County.

Section or Priority "B"

- 1) Finalize Richards Avenue easement with City of Santa Fe.
- 2) Finalize 6 Acquisitions that have title, appraisal, appraisal review, Phase I ESA and Legal-approved Offer Packages that have been prepared but not presented. Complete negotiations and take to closing.
- 3) Acquire and record remaining 12 Right of Entries.
- 4) Begin and complete acquisition process on remaining 20 parcels necessary for construction as described on the Right of Way map prepared by Dawson Surveys for Section "B" of the Greenway.
- 5) Prepare and file releases for Right of Entries.
- 6) Close out Section "A" files and submit to County.

Section or Priority "C"

1. Complete and close out BLM Patent Application for 10-plus acres in Section "C."
2. Acquire any opportunistic parcels.
3. Complete any comments required by the BLM on the Environmental Assessment prepared by Tierra to acquire the needed right of way for the project from the BLM.

\$ 199,920.00

Total Contract Amt:

\$ 336,920.00.

NOTE: The initial term of the Agreement is for two (2) years and may be extended two (2) additional years.

