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SANTA FE COUNTY

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Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: March 3, 2020

TO: File

FROM: Bill Taylor, Procurement Manager BT

RE: Sole Source Determination per Section 13-1-126 NMSA 1978 to Continue Architectural Design Services Contract with Lloyd & Associates for the Design of the District Attorney Building Renovation and Improvements.

BACKGROUND

On December 17, 2012, Santa Fe County executed Agreement No. 2013-0111-PW/MS with Ellis/Browning Architects, Ltd. to provide architectural design for renovations to the Santa Fe District Attorney's building located at 3127 Sandoval Street, Santa Fe, New Mexico.

On April 25, 2016, the Agreement was amended to provide for an assignment and assumption between Ellis/Browning and assignee Lloyd & Associates Architects.

The original scope of design services remains unchanged for this project. Delays with the completion of services were a result of unforeseen and uncontrolled circumstances with the original Architect, as well as a change in District Attorney.

The project is currently in 100% construction document phase of design.

ISSUE

The Agreement as amended expired on April 25, 2017 and the County requires the Architect to complete the design services and deliverables originally contracted to provide Bidding and Negotiating, Construction Administration, Project Close-Out and 11 month warranty, in order to complete the project. Santa Fe County requires the services of Lloyd & Associates to complete the services for the project. Public Works has requested a sole source determination in order to proceed with the design services under a new 4 year contract/agreement.

DETERMINATION

The original EJCDC Agreement with Ellis/Browning, as does the amendment assignment states that each design deliverable will be considered complete on the date when the deliverables have been delivered to the owner. In this case, all of the deliverables required have not been delivered to the owner.

In addition, although other design professionals can perform the design, those professionals will not accept all design liabilities of the Architect of Record at full Construction Documents and, therefore does not meet the original intended purpose of the contract.

Due to the specific and technical intent of the original procurement and Agreement for Engineering Services, including the aforementioned liability issues, the County has determined that a new Agreement between Santa Fe County and Lloyd & Associates, Architect be executed based on a sole source procurement, pursuant to 13-1-126, NMSA 1978.

Contract Information:

Vendor:	Lloyd & Associates, Architects 321 W. San Francisco St., Suite A Santa Fe, New Mexico, 87501
Basic Design Services & Deliverables:	100% Construction Documents Bidding and Negotiation Phase Construction Administration Phase 11 Month Warranty Phase
Delivery:	Though project completion
Total Compensation-	**$ 56,773.08, excluding NMGRT**

NOTE: This agreement may be extended an additional 3 years in 1 year increments.