

Henry Roybal
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Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4


Hank Hughes
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: April 23, 2021

TO: File

FROM: Bill Taylor, Procurement Manager, CPO 

SUBJECT: Sole Source Determination – Engineering Design Services to Finalize the Design for the County Road 55A, General Goodwin Road Improvement Project with Miller Engineering Consultants for an Amount not to Exceed \$106,419.04, Exclusive of NM GRT, Pursuant to NMSA 1978, 13-1-126. Sole Source Procurement

BACKGROUND:

In October of 2006, as a result of a competitive sealed proposal solicitation, Santa Fe County entered into a contract with Miller Engineering Consultants (MEC) to provide Engineering services to include; 1) Topographic Survey, 2) Civil Engineering Services, 3) Geotechnical Services to reconstruct 2.1 miles of existing dirt roadway. Engineering plans were completed; however, the design was “shelved” until funding for the construction could be allocated. In September 2013, the County experienced a heavy rain season, resulting in significant flooding, particularly on CR 55A. It was determined by the County that a drainage study was now needed for this area as well as an updated design to include preliminary and final design to jack and bore under the adjacent railroad tracks. In October of 2013, MEC was again contracted as the Engineer of Record to update their 2006 design and modify the design to include improvements along NM 14 and a new drainage structure at the intersection of Rainbows End Road and CR 55A to relieve some of the existing water flow into the Galisteo Creek. In December of 2014, the County requested that a detention pond be added to the design on property being offered by a private land owner. Negotiations with the land owner regarding the property were termination after two years of discussions. The County determined that the purchase of a maintenance easement and agreement were not in the best interest of the County.

In December 2016, Santa Fe County Public Works Department/Projects Division determinate that the project must be completed as originally intended for the safety and benefit of the County Residents and that Miller Engineering Consultants be contracted to complete the final design to meet the initial intent of the contract for road and drainage improvements to CR 55A.

In 2017, the contract with MEC again expired while the County experiences turnover and the project was suspended. The County entered into a sole source contract in 2018 with MEC that has now

expired. The Public Works has requested a sole source determination to complete the CR55A design in order to proceed with bidding the project.

DETERMINATION:

It is the opinion of the Chief Procurement Officer for the Santa Fe County that the procurement of design services from Miller Engineering Consultants is a sole source procurement for the following reasons:

- Miller Engineering Consultants are the Engineer of Record for the design of drainage and road improvements for General Goodwin Road, County Rd. 55-A .
- The representation by the Engineer of Record of the viability and accuracy of the current design creates a proprietary and unique condition that require the design services to be continued to meet the original intended purpose of the contract.

Therefore, it is the determination of the Santa Fe County Purchasing Office that the procurement of design services needed to complete drainage and road improvements on County Road 55A is a sole source procurement pursuant to the 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 makes a determination, after conducting a good-faith review of available sources and consulting the using agency, that there is only one source for the required service, construction or item of tangible personal property”.

Vendor Information:

Vendor- Miller Engineering Consultants
3500 Comanche NE, Bldg. F
Albuquerque, New Mexico 87107

Deliverables- Revise existing construction documents previously prepared by the Vendor and provide all basic services required to complete project completion, including the construction.

Design Services-

- Bid Tabs & Recommended Award Selection
- Bid Negotiations
- Construction Administration Services; submittals and shop drawings; RFI's; 5 site visits; review pay apps; pre-final inspection; punch-list; final inspection
- Prepare final record drawings

Additional Services-

- Topographic Survey
- Easement Survey
- Construction observation services

Total Fee Proposal Amount- **\$106,419.04**



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: Public Works/Projects

Director: Gary L.J. Giron

Telephone Number: 505-992-3023

II. Name of prospective Contractor: Miller Engineering Consultants

Address of prospective Contractor: 3500 Comanche NE, Bldg. F
Albuquerque, NM., 87107

Amount of prospective purchase: \$35,051.83 + \$71,367.21 = \$106,419.04

Term of prospective contract: 4 Year

III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract for CR55A General Goodwin Road:

1. Topographic Survey: Topographic survey of approximate 150' x 1500' corridor along existing centerline and prepare topographic base map with a 1-foot contour interval.
2. Easement Survey:
 - a. Research with SFC for plats/deeds of subject property and adjoining properties. Engineering Services
 - b. Field survey to locate existing property corners of subject property and adjoining properties
 - c. Boundary review, analysis and determination
 - d. Prepare easement exhibit for drainage channel (legal description) and engineer to provide channel alignment
3. Engineering Services: MEC will prepare a preliminary design (35%), final design (100%), and associated construction drawings for the proposed concrete channel system. MEC will prepare the necessary plan and profile sheets and typical sections for the channel system for incorporation into the overall plan set for the project. MEC

will also prepare the necessary hydraulic computations for the design of the channel system, and a letter report of findings at the 35% design level. MEC will prepare an engineer's opinion of probable construction cost for the project.

4. Additional Construction Administration: The Construction Observation hours in the original contract budget will be converted to Construction Administration hours for the duration of the project. This amount of \$9,120.00 will be invoiced as Construction Administration Services during the construction phase of the project.

- 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.)

In October of 2006, Santa Fe County entered into a contract with Miller Engineering to provide Engineering services for CR55A General Goodwin Road.

In October of 2014 Miller Engineering was hired to update their design.

The design addition was approved by the SFC Manager in April 2015.

On October 11, 2016 Miller Engineering contract expired and no work was done by MEC.

On April 11, 2017 SFC entered into an Engineering agreement with Miller Engineering for services.

An Amendment 1 was entered into between Miller Engineering and SFC 10-19-2017.

An Amendment 2 was entered into between Miller Engineering and SFC 11-5-2018.

An Amendment 3 was entered into between Miller Engineering and SFC 5-24-2019.

An Amendment 4 was entered into between Miller Engineering and SFC 8-26-2020

- 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.")

Using another contractor could pose a liability issue, which most contractors will most likely not want to deal with and if they did it would be time that we do not have on this project. The work that has already been done by Miller Engineering needs to be completed by Miller Engineering to keep the continuity of the original design and updated design. The majority of the project is completed with very little to be finished. I believe it's in the best interest of the County to allow for Miller Engineering to be given the request to finish what they had originally designed in 2006 and 2013.

- 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.

Miller Engineering had completed the initial design on this project in 2006 and using another Engineering contractor would pose a liability issue, which most contractors will probably not want to deal with. The work on the updated design is at 90% when their contract expires on April 2021. Due to changes noted above in Section IV, it would be in the interest of Santa Fe County and the Land owners in the area to have Miller Engineering complete their design and we get construction done as fast as possible before another major flood comes through the area and strands these land owners again.

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

The back ground and history of this project is well known by Miller Engineering and they have been with the design of CR55A General Goodwin Road since the beginning in 2006.

- 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.

CR55A General Goodwin Road is a unique project with Safety issues that need to be addressed immediately, before the monsoon season arrives. Hiring a new Engineering firm, to design the road, would only delay the construction being done this year. Santa Fe County has marked the design and construction of this project as a high priority. With the design being at 90% completed a redesign by another Engineering firm would not be feasible. Design needs only approximately 90 days to complete and then the construction section can be sent out for IFB.

Certified by: Requesting Agency Staff

Date: 4-6-21


Requesting Agency Staff