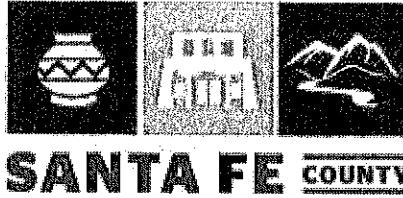


**Henry Roybal**  
Commissioner, District 1

**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:** September 13, 2021

**TO:** File

**FROM:** Bill Taylor, Procurement Manager, CPO *BT*

**SUBJECT: Sole Source Determination – To Enter into a New Contract With Otak, Inc. to Continue Engineering Services for the Completion of Segments 2 & 3 of the Arroyo Hondo Trail Project for an Amount not to Exceed \$169,186.00, Exclusive of NM GRT, Pursuant to NMSA 1978, 13-1-126. Sole Source Procurement**

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### **BACKGROUND:**

Santa Fe County originally contracted with Loris & Associates on November 28, 2012 as a result of a competitive sealed proposal solicitation, issued as RFP No. 2012-0210-OS/PL to provide engineering services for the design and construction oversight of the Arroyo Hondo Trail. The original Agreement expired November 28, 2016; however due to delays and suspensions regarding the project, as well as the project being segmented as funding is made available for each segment of the trail, that were no fault of the Engineer, the Engineer did not complete all the services and deliverables under that Agreement. Pursuant to Section 13-1-126, NMSA 1978, Sole source procurement, the Procurement Manager had determined that the Engineer's continuation of services met the elements of Section 13-1-126, NMSA 1978 and entered into a new Agreement No. 2017-0150-PW/MM with Loris & Associates to continue the engineering services required for the project.

In 2017 Loris & Associates was acquired by Otak, Inc. whose corporate office is 808 SW Third Ave., Suite 300, Portland Oregon. By Amendment No. 2 to Agreement No. 2017-0150-PW/MM the County consents to Engineer Loris & Associates assignment of all the terms, conditions and obligations of the Agreement to Otak, Inc. Otak, Inc. agreed to be bound by all the terms and conditions in the Agreement and honor and perform all obligations under the Agreement. All references to "Engineer" in the Agreement shall be Otak, Inc. In December 2020, that agreement expired and engineering services are still required for Segments 2 & 3 of the Arroyo Hondo Trail Project.

The funding has now been identified for the construction phase of the Arroyo Hondo Trail, Segments 2 & 3. The design services necessary to complete the construction documents for bidding include:

- 1.) Revise the Segment 3 60% construction documents to extend the trail to Richards Ave.
- 2.) Final design including final PS&E reviews with NMDOT for both Segments.
- 3.) Bidding & negotiating phase for both segments.
- 4.) Construction Administration services for both segments.

Otak, Inc. has completed 90% design and construction documents for Segment 2 and 60% design and construction documents for Segment 3 of the trail project. The intended purpose of the contract with Otak, Inc. was to finalize the design and construction documents for the project for the purpose of meeting the Federal Highway Administration Congestion Mitigation and Air Quality Improvement (CMAQ). The Public Works has requested a sole source determination to complete the design of Segments 2 & 3 of the Arroyo Hondo Trail in Santa Fe, New Mexico.

**DETERMINATION:**

It is the determination of the Chief Procurement Officer for the Santa Fe County that the procurement of design services with Otak, Inc. meet the provisions and requirements of a sole source procurement for the following reasons:

- Otak, Inc. is the Engineer of Record for the design of the Arroyo Hondo Trail.
- 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.
- No other Engineering firm would accept all design liabilities of another Engineers design, as well as relieving all accountability, responsibility and liability by the County to another Engineer.

Therefore, it is the determination of the Santa Fe County Purchasing Office that the procurement of design services needed to complete the design and construction services for Segments 2 & 3 of the Arroyo Hondo Trail meets the requirements of a sole source procurement pursuant to the NMSA 1978 13-1-126. Further; 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- Otak, Inc.  
371 Centennial Parkway, Suite 210  
Louisville, CO 80027

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

See attached:

Exhibit A - Compensation & Schedule  
Exhibit F – Consultant Listing

**Total Fee Proposal Amount-** **\$169,186.00, Exclusive of NMGRT**

**EXHIBIT A  
COMPENSATION AND SCHEDULE**

<b>BASIC SERVICES</b>			<b>Date to be Completed</b>
Study and Report Phase	0%	\$0.00	N/A
Preliminary Design, Study and Report Phase	10%	\$16,631	01/9/2022
Final Design Phase (Construction Documents)	58%	\$60,740	4/23/2022
Bidding and Negotiation Phase	3%	\$5,016	6/1/2022
Construction Phase	25%	\$26,248	1/23/2023
Project Closeout and 11 Month Warranty Inspection Phase	4%	\$7,884	12/23/2024
<b>Total Basic Services Amount</b>	<b>100%</b>	<b>\$116,519</b>	<b>In lieu of dates duration in weeks may be substituted.</b>
<b>REIMBURSABLES</b>			
Construction Site Visits (mileage, lodging, etc.)		\$2,700	
		\$0.00	
		\$0.00	
<b>Total Reimbursable Amount (Not to exceed)</b>		<b>\$2,700</b>	
<b>ADDITIONAL SERVICES</b>			
LIST SERVICES		\$0.00	
		\$0.00	
		\$0.00	
<b>Total Additional Services Amount</b>		<b>\$0.00</b>	
<b>CONSULTANT SERVICES</b>			
LIST SERVICES			
SMA (Survey, Environmental, SWPPP)		\$30,342	
Design Office (Landscape Arch)		\$19,625	
		\$0.00	
<b>Total Consultant Services Amount</b>		<b>\$49,967</b>	
<b>TOTAL SERVICES AMOUNT</b>		<b>\$169,186</b>	

**EXHIBIT F  
SANTA FE COUNTY  
CONSULTANT LIST**

**PROJECT NAME: Arroyo Hondo Trail, Segment 2 & 3**

<p><u>CIVIL ENGINEERING SERVICES</u>                  Company Name: Otak, Inc.                  Consultant Name: Scott Belonger, P.E.                  Address: 371 Centennial Pkwy, Suite 210                  Louisville, CO 80027                   Ph. No.: (720) 758-7717                  Fax No.: N/A                  E-mail: scott.belonger@otak.com</p>	<p><u>LANDSCAPE ARCHITECTURAL SERVICES</u>                  Company Name: Design Office                  Consultant Name: Claudia Horn                  Address: 1300 Luisa St. Suite 24                  Santa Fe, NM 87505                   Ph. No.: (505) 983-1415                  Fax No.: N/A                  E-mail: chorn@do-designoffice.com</p>
<p><u>ENVIRONMENTAL SERVICES</u>                  Company Name: Souder, Miller &amp; Associates                  Consultant Name: Angela Valdez, P.E., C.F.M.                  Address: 2904 Rodeo Park Drive East,                  Building 100,                  Santa Fe, NM 87505                   Ph. No.: 505-595-7739                  Fax No.: N/A                  E-mail: angela.valdez@soudermiller.com</p>	<p><u>SURVEYING SERVICES</u>                  Company Name: Souder, Miller &amp; Associates                  Consultant Name: Angela Valdez, P.E., C.F.M.                  Address: 2904 Rodeo Park Drive East,                  Building 100,                  Santa Fe, NM 87505                   Ph. No.: 505-595-7739                  Fax No.: N/A                  E-mail: angela.valdez@soudermiller.com</p>
<p><u>STRUCTURAL ENGINEERING SERVICES</u>                  Company Name:                  Consultant Name:                  Address:                    Ph. No.:                  Fax No.:                  E-mail:</p>	<p><u>GEOTECHNICAL SERVICES</u>                  Company Name:                  Consultant Name:                  Address:                    Ph. No.:                  Fax No.:                  E-mail:</p>
<p><u>MECHANICAL ENGINEERING SERVICES</u>                  Company Name:                  Consultant Name:                  Address:                    Ph. No.:                  Fax No.:                  E-mail:</p>	<p><u>ESTIMATING SERVICES</u>                  Company Name:                  Consultant Name:                  Address:                    Ph. No.:                  Fax No.:                  E-mail:</p>