



STATE OF NEW MEXICO 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. The foregoing requirement is regardless of whether the *sole source request for determination* has been signed by the Agency and/or the Contractor. A courtesy filing is submitted to the State Purchasing Agent.

I. Name of Agency: **New Mexico School for the Arts**

Agency Chief Procurement Officer: **Marie Tapia**

Telephone Number: **(505)310-4194**

Agency Contact for this request: **Marie Tapia**

Telephone Number & Email Address: **(505)310-4194 ext. 107**
mtapia@nmschoolforthearts.org

II. Name of prospective Contractor: **JenkinsGavin**

Address of prospective Contractor: **130 Grant Avenue, Suite 101, Santa Fe NM 87501 (505)820-7444**

Contact Name, Telephone Number and Email Address: **Colleen Gavin (505)820-7444 colleen@jenkinsgavin.com**

Amount of prospective contract before tax: \$80,000.00
Estimated tax amount (tax is subject to change): \$6,650.00

Term of prospective contract: **Less than One year from July 1, 2023-June 30, 2024**

III. Agency is required to state purpose/need of purchase and thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract (if this is an amendment request to an existing contract, include current contract number issued by SPD):

Scope of Work—The contractor, Jenkins Gavin, will continue to provide ongoing project management and Owner’s representative support services to the NMSA for Phase 2 B of the Cafeteria and Dormitory Project. The sole source contract will apply to the completion of the dormitory phase, as follows:

- A. Coordinate, manage and document weekly construction meetings with the construction team, including the NMSA, the contractor and the architect, subcontractors and specialty consultants;
- B. Conduct site visits on a regular basis and document and address issues of concern; and coordinate construction staging providing for minimal disruption of ongoing school activities and instruction while also making staff and students safety a priority.

C. Manage and oversee the project budget; review any proposed changes in scope of work, review contractor's pay applications, oversee and coordinate project schedule with contractor and design professionals, provide additional services with regard to obtaining entitlements as necessary in Santa Fe's Historic District and close out project.

IV. Provide a detailed 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.)

NMSA conducted a public procurement process for a Project Manager/Owner's Representative before beginning the cafeteria and dormitory project. It was an open procurement process, a multi-year proposal setting out the project which was to be constructed at the NMSA's new site at 500 Montezuma Ave. It was posted in the Albuquerque Journal on August 15, 16 and 19, 2019 after receiving a \$4.2 million dollar appropriation in the 2019 legislative session. It was anticipated that the NMSA could begin the necessary demolition and initial phase of the cafeteria and would request an additional appropriation in the next legislative session to obtain the remainder of the funds needed to complete the cafeteria. The school received 3 proposals for the Owner's Representative procurement process. A selection committee including experts in construction and members of the public was chosen to review and interview the proposers. Jenkins/Gavin was the successful proposer. The contract allowed for amendments to the contract for an additional 3 years, a time frame that was expected to be sufficient for the completion of a phased project for the cafeteria and the dormitory.

The remaining \$2 million for completing the cafeteria was appropriated in 2020 legislative session, but due to Covid and possible financial uncertainty for the state, the Governor vetoed all of the general fund projects, including the balance needed for the cafeteria. The project continued in the design and entitlements phase and continued some work on the final design for the dormitory phase of the project. The remaining \$2.5 million for the cafeteria was provided in the 2021 legislative session and it was completed in 2022. Also, in 2022, \$8.3 million was appropriated for the dormitory project. Because of the time delay due to Covid and to the shortage of materials and supply chain issues, NMSA was not able to complete the project in the original expected time frame but requires one more year to finish the dormitory phase of the project and thus, one year beyond the statutory 4-year contract limit.

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.")

From the very first phase of the cafeteria/dormitory project, following the public procurement process for an Owner's Representative, Jenkins/Gavin has provided service on the

cafeteria/dormitory project for the school. They assisted with initial space planning of the cafeteria; assisted in the development of a comprehensive project scope and critical path to develop the RFP for the contractor and A/E services. They assisted in the development of the criteria for the RFP selection committee for the A/E team and assisted in the review of the 6 proposals received and upon the selection assisted with the development and negotiation of the contracts. The firm has been continuously involved in the entire project, including site visits, photographic recordings of all phases of construction, coordinated construction staging including insuring minimal disruption of ongoing school activities and instruction. The firm also provided additional services regarding the necessary entitlements discussions with the City of Santa Fe which was critical to the development of the project and with which the firm is considered expert.

- 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.***

Having served as the primary representative for the NMSA at all weekly and monthly meetings, since the initial contract was executed in November, 2019, their familiarity with every detail of this project cannot be replicated in the short time frame necessary to finish the dormitory, construction, which commenced after receipt of the \$8.3 million from the legislature and the Governor in 2022, and is being continued to completion following a \$685,000 appropriation from the 2023 legislature. NMSA has a number of residential students from around the state and its current housing situation will end so must have the project completed by the end of December, 2023. But for the delays caused by Covid restrictions and the veto of the remainder of the necessary funding for the cafeteria in 2020, the NMSA project would have been completed in the original 4-year time frame. Jenkins/Gavin is the unique contractor serving as NMSA's Owner's Representative because of their knowledge and familiarity with every detail of this project. Both the short time frame for completion of the dormitory phase and the experience and working knowledge of all components of the construction project justify a sole source contract in this situation.

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

We are now in the middle of Phase 2 B, with many tasks in our timeline to be done (see scope above). JenkinsGavin as our current Owner's Representative was the successful bidder for the original competitively bid contract based on the professional skills and past performance on other construction projects. In their performance of the current contract, they have demonstrated the professionalism, and knowledge to successfully complete our project. With project completion anticipated prior to the end of the next fiscal year, it would not be cost or time efficient in the construction schedule to initiate a new procurement process. In addition, the cost of services for any expected bid responses would likely be higher since any bidder would likely require start up time to familiarize the bidder with the project. Time is of the essence for project completion and other potential providers will not be able to meet the challenge as is intended in our scope of work.

SIGNATURE PAGES FOLLOW

Certified by: Marie Tapia

Date: 5/11/23

Marie Tapia
Agency Chief Procurement Officer

Agency Approval by: Eric Crites

Date: 5/11/2023

Eric Crites
Head of School

If this sole source is being submitted by a governmental agency or governmental entity not under the final authority of the State Purchasing Agent, the State Purchasing Agent's signature is not required. The signature line may be removed from this form or marked as N/A. Hard Copy Documentation for Courtesy Postings do not need to be submitted to SPD for approval.