

“SOLE SOURCE” PROCUREMENT JUSTIFICATION

Sole source purchases are goods and services available from only one vendor. There may be just one vendor because of patents or copyrights or simply because the vendor is the only one which supplies the good or service. Using Department must provide a written explanation as to why only this particular product/service is acceptable and why no other will be suitable or acceptable to meet the need. A quote must accompany this form.

Department name: Engineering-Roads

1. Name of product or service: Engineering and Construction Administration Services
2. Name of product manufacturer: N/A
3. Name of “sole” product supplier or service provider: Smith Engineering Company
4. Describe in general terms the product/service you are requesting and the intended application.
We are requesting Smith Engineering Company provide engineering and construction administration services on the Doña Ana School and El Camino Real Project, as they are the engineer of record for the project.
5. Describe the unique features/capabilities/characteristics that distinguish it from other products/services.
Smith Engineering Company has designed this project since project inception, with them company completing the project study phase, preliminary engineering, final engineering and we hope they complete the project.
6. How did you determine there was only one source for the product or service? Provide information on the research that was performed to locate suppliers for this product(s) or service(s). (Please furnish names, addresses and other documentation).
Smith Engineering Company is the engineer of record, proceeding with another firm would increase costs. The engineer of record will also help in moving this project forward while reducing time.
7. What product supplier or service provider has your Department used until now to satisfy similar requirements?
Smith Engineering Company has been the sole firm working on this project, from inception to now, the construction management stage, which will be the project close out stage.



Signature of Department Head

4/29/2020

Date

(Attach Quote and Use Additional Sheets As Necessary)

**This form is used by Purchasing Department to determine if a “Sole Source” procurement criterion is met.
Completing this form does not guarantee approval of this type of procurement.



Doña Ana County
Engineering-Road Department

845 N. Motel Boulevard • Las Cruces, NM 88001 • (575) 525-6164 • Fax (575) 525-6179

TO: Donald E. Bullard, Purchasing Manager
FROM: Rene Molina, Engineer Supervisor
SUBJECT: Sole Source Determination
DATE: 04/20/2020
REF: LC00110 Doña Ana School and El Camino Real Project

Doña Ana County awarded a contract to Smith Engineering on September 11, 2012, from a Request for Proposal (RFP) process for the Doña Ana School Road and El Camino Real Project. For the past several years, Smith Engineering has worked diligently with Doña Ana County on the design for the construction of the reconstruction of the intersection of Doña Ana School Road and El Camino Real intersection. The design is 100% complete and with construction anticipated to begin in August 2020. The contract with Smith Engineering for professional engineering services has expired and it is prudent they complete construction management services as the engineer of record for the project.

Section 13-1-126 NMSA 1978 states in pertinent part that "A. 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 determines, in writing, that:

- (1) there is only one source for the required service, construction or item of tangible personal property;
- (2) the service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract; and
- (3) other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract.

B. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the sole source procurement, including reviewing available sources and consulting the using agency, and shall include its written determination in the procurement file"

In order to maintain the integrity of the design and not compromise the Engineer's liability, it is necessary for Doña Ana County to continue to use Smith Engineering's engineering services for construction management. Further, it would not be fiscally responsible to issue a new RFP. Therefore, Smith Engineering is the sole source entity to provide construction management services for this project.

Rene Molina, Engineer Supervisor

4/29/2020

Rene Molina, P.E.
Engineer Supervisor
Doña Ana County
845 N Motel Blvd
Las Cruces, New Mexico 88007

**Re: El Camino Real/Doña Ana School Road Intersection Improvements
Bid and Construction Phase Services
SEC# 813201**

Dear Mr. Molina:

Smith Engineering Company (Smith) appreciates the continued opportunity to provide Bid and Construction Phase Services to Doña Ana County for the El Camino Real/Doña Ana School Road Intersection Improvements. It is Smith's understanding the County is considering retaining Smith as a sole source provider for the services. The narrative below provides insight into Smith's project history and experience.

Smith was selected in 2013 for Engineering Design Services, under RFP 13-0022, for the subject project. During the previous seven (7) years, Smith has provided the following services for the County on the subject project:

- Completed the Road Safety Audit (RSA) in 2011 for the El Camino Real /Doña Ana School Road Intersection under NMDOT CN 9100010.
- Completed the preliminary engineering design and cost estimate for the intersection improvements.
- Completed the final engineering design and cost estimate for the intersection improvements to include the following:
 - Development of Right-of-Way Mapping
 - Environment Study
 - PS&E Reviews
 - Held public information meeting

The Bid and Construction Phase Services for this project could be handled by several qualified firms familiar with the NMDOT reporting process; however, it is our opinion based on Smith's previous and ongoing experience with this project the continuance of the established relationship would benefit the project.

Due to several factors the contract expired (June 2017) prior to bidding and subsequent construction of the project. The Agreement did not include completion dates, thus allowing the County the opportunity to retain Smith as a sole source provider through construction completion.

Rene Molina, P.E.

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4/29/2020

Smith would be in support of issuance of a sole source agreement to complete the Bid and Construction Phase Services as outlined in the provided Scope of Work Proposal dated April 27, 2020.

Please contact me at 575-523-2395 or rustyp@smithengineering.pro if you have questions or would like to discuss further.

Sincerely,
Smith Engineering Company



Rusty Payne, PE
Vice President

11/8/2019

Rene Molina, P.E.
Engineer Supervisor
Doña Ana County
845 N Motel Blvd
Las Cruces, New Mexico 88007

**Re: El Camino Real/Doña Ana School Road
SEC# 813201**

Dear Mr. Molina:

Smith Engineering Company (Smith) is pleased to submit this scope of work plan for a new Contract to complete the services on the expired Doña Ana County Contract # 14-030 related to the El Camino Real Road and Doña Ana School Road intersection reconstruction. It is our understanding that the County has engaged in a Cooperative Project Agreement with the NMDOT, Control Number LC00110, for project funding. Below is a detailed listing of services anticipated as part of this contract.

Design Phase Services:

It is our understanding that the NMDOT has requested an additional PS&E Meeting to be held prior to moving into the Bid and Construction Phase of the project. Comments received are expected to be minor in nature as the project has previously been through the PS&E Review. The County will be responsible for updating Project Certifications if required by the NMDOT. Our services shall include the following:

- Attend PS&E Meeting at the County Engineering Office
- Update Construction Specifications and Contract Documents per review comments
- Update Construction Plans

We anticipate no additional design related comments following submittal of the Final Plans, Contract Documents, and Specifications incorporating comments received at the PS&E Meeting. Should additional review meetings or significant design or specification modifications be requested by the NMDOT and/or County these will be considered an additional service.

Bid Phase Services:

It is our understanding that the County will administer the bid process through their in-house procurement services. Smith will provide a digital copy and/or hard copy of complete bid-ready documents for dissemination by County Purchasing. Smith will act in a technical support role during the bid phase services as detailed below:

- Attend a Pre-Bid Meeting to field technical questions related to the project design and/or Contract Documents. The meeting will be administered by the County.
- Provide written response to written questions received during the bid duration (30 calendar days) for Addenda to be compiled and delivered by the County (Two Addenda anticipated).
- Attend Bid Opening at County Purchasing Department.

- Review and tabulate bids and provide a recommendation letter to the County for Consideration and Award.

The County will be responsible for submittal and subsequent approval of Bids by the Department's Regional Division Manager or Designee (NMDOT). Should the NMDOT and/or County require additional Bid Phase Services beyond those listed above these will be considered an additional service.

Construction Phase Services:

It is our understanding that the Construction Procedures Handbook for Federal-Aid Local Government Projects will govern the construction phase services performed by Smith. The project shall be reported using the B2GNow and LCPTracker software (detailed below). Based on the Contract Documents from the previous PS&E Meeting the Construction Duration is estimated at 60 Calendar Days.

All activities shown below are estimated based on the construction duration; should this duration be extended additional services will be required.

Doña Ana County Responsibilities During Construction Phase:

- Provide project inspection services.
- Engage and reimburse Testing Laboratories for Quality Acceptance and Independent Assurance Testing services.
- Maintaining project files (hard copies) for the required five-year duration.

Smith's Construction Phase Services:

- Attend a preconstruction scoping meeting with NMDOT and County personnel to review and establish construction forms and procedures to be followed.
- Attend and administer a preconstruction meeting.
- Document and distribute preconstruction meeting minutes.
- Review Contractor submittals (estimated 12 submittals).
- Weekly site visits (eight-week construction duration so one-trip per week at four-hours per trip) to document quantities placed for development of weekly source books and Site Observation Reports with construction photos.
- Respond to Contractor Requests for Information (RFIs-estimated 4 RFIs).
- Recommend and prepare project Change Orders (estimated one final Change Order to balance final in-place quantities with factor sheet documenting changes).
- Project Management for tracking and uploading project documentation to B2GNow and LCPTracker.
- Maintain Project Manager Diary (communication log).
- Certify traffic control diary (maintained by Contractor Traffic Control Manager) on a biweekly basis.
- Maintain Source Books on a weekly basis based on weekly site visit and quantity measurement.
- Attend interim T/LPA Construction Inspection Visit.
- Attend final T/LPA Construction Inspection Visit.
- Monitor and document weather working days.

Forms to be Completed and Posted to B2GNow and LCPTracker throughout Project Duration:

- Form A-1077 Labor & EEO Compliance Interviews (50% of workforce should be interviewed; assume 8 for this job)
- Form A-1086 Permission to Subcontract Request
- Form A-1088 Materials Certificate of Compliance
- Form A-1102 Contractor and Subcontractor Payroll Compliance (completed with each weekly certified payroll; assume 8 for Prime Contractor and 4 for subcontractors based on contract duration of 60 days)
- Form A-1108 Subcontract Checklist (assume 2 total subcontractors)
- Form A-1236 Labor & EEO Compliance Interview Monthly Summary Report (assume 2 for contract duration of 60 days)
- Form A-1237 Civil Rights/EEO Pre-Construction Report
- Form A-1239 DBE CUF Interview and Assessment (assume 2 on this project)
- Form A-1245 Bulletin Board Checklist

Pay Requests and Associated Documentation (assume 2 for Project Duration of 60 Days):

- Pay Application Cover Letter summarizing contract information, work completed and contract status for the work period covered.
- Form A-1320 Monthly Estimate Checklist.
- Review and recommend pay application to the County for approval.
- Compile source book for work completed within each partial pay application period.
- Updated construction progress schedule.
- Compile and include monthly invoices, haul tickets, and test reports completed within each partial pay application period.

Closeout Documentation:

- Punch list site visit and preparation of punch list.
- Final walk through and Substantial Completion.
- Consent of surety to final payment.
- Affidavit of payment and release of liens.
- Affidavit of wages paid (assume 3 total).
- Form A-1079 Final Acceptance.
- Form A-1081 Project Certification.
- Material Pit Release Letters.
- Project Material Certification.
- Form A-1082 Encroachment Certification.
- Form A-1083 Certificate of Payment of Claims.
- Form A-1103 Final Compass.
- Form A-1107 Final Transmittal Package Checklist.
- Prepare record drawings from Contractor redlines.
- Coordination with NMDOT on the review and posting of all pertinent contract and construction information on B2GNow and LCPTracker.

Smith anticipates up to 30 days post final project construction for coordination, review, and closeout with the NMDOT and County.

Rene Molina, P.E.

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11/8/2019

As indicated, Smith anticipates that the Bid duration will be 30 calendar days and the construction phase will be substantially completed within 60 calendar days. This time frame is independent of the time required by the NMDOT to review/concur with bid results. Smith Engineering Company appreciates the opportunity to provide the County with this proposal. Should you have any questions or concerns, feel free to contact me at 575.523.2395 or rustyp@smithengineering.pro. If everything appears to be in order, we will prepare a fee proposal based on the scope of work provided herein for your consideration.

Sincerely,

Smith Engineering Company

Rusty Payne, PE

Vice President

SMITH ENGINEERING COMPANY

PROJECT FEE SCHEDULE

Dona Ana School Road-El Camino Real

PROPOSED DESIGN FEE SCHEDULE

Design, Bid Phase, & Construction Phase

TASK	Project Work Items	Sub - Consultants					Mileage			Copies and Repro				
		Prin. Eng.	Eng. II	Des. II	Administrative	Hours	Labor	Survey/ROW	Appraisal	Environ.	Geotech	Traffic	Mileage	Print
	Hourly rate	235.00	150.00	120.00	45.00			1.10	1.10	1.10	1.10	1.10	0.58	1.00
DESIGN	PS&E Design Wrap-Up w/ NMDOT													
	Attend One PS&E Meeting		3	3		6	\$810							
	Update Construction Specifications and Bid Documents (Minor Updates Only)		4	15		19	\$2,400							
	Update Construction Plans (Minor Updates Only)		4	15		19	\$2,400							
		0	11	33	0	44	\$5,610							
BID PHASE	Bid Phase Services													
	Attend Pre-Bid Meeting for Technical Support (Meeting to be administrated by Dona Ana County)		2			2	\$300							
	Addendum Preparation for Technical Content and responses to Contractor Questions during Bid Period and or Pre-Bid Mtg.		20	10		30	\$4,200							
	Attend Bid Opening		1			1	\$150							
	Preparation of Bid Tabulation and Recommendation Letter		2			2	\$300							
		0	25	10	0	35	\$4,950							
CONSTRUCTION	Construction Phase Services (60 Day Construction)													
	Pre-Scoping Construction Meeting w/ NMDOT Personnel to Review Forms and Procedures to be Adhered to		2	2		4	\$540							
	Attend and Administer Pre-Construction Meeting		4	2		6	\$840							
	Pre-Construction Meeting Minutes		1	4		5	\$630							
	Review contractor schedule		1			1	\$150							
	Weekly Site Visits (Estimate 8 Weeks & 1 Visit/Wk at 4 Hrs) and Site Observation Reports			32		32	\$3,840						96	
	Respond to RFIs (Assume 4 RFIs)		4			4	\$600							
	Recommend and prepare Change Orders (Assume 1 to Balance Final Quantities Placed w/ NMDOT Coordination)		6			6	\$900							
	Shop Drawing/Submittal Review (Assume 12 submittals)		18			18	\$2,700							
	Review test reports		3			3	\$450							
	Intermediate NMDOT Reporting Requirements													
	Form A-1077 Labor & EEO Compliance Interview (Assume 8 total interviews 1/2 HR apiece)			4		4	\$480							
	Form A-1086 Permission to Subcontract Request		2			2	\$300							
	Form A-1088 Materials Certificate of Compliance		2			2	\$300							
	Form A-1102 Contractor and Subcontractor Payroll Checklist (Assume 8 for Prime Contractor and 2 Ea. For Subs)		12			12	\$1,800							
	Form A-1108 Subcontract Checklist (Assume 2)		6			6	\$900							
	Form A-1236 Labor & EEO Compliance Interview Monthly Summary Report (60 Day duration so assume 2 total)		2			2	\$300							
	Form A-1237 Civil Rights/EEO Pre-Construction Report		1			1	\$150							
	Form A-1239 DBE CUF Interview and Assessment (Assume 2 Total)			2		2	\$240							
	Form A-1245 Bulletin Board Checklist			2		2	\$240							
	PM Responsibilities Throughout Construction													
	- Weekly Tracking and Uploading Documentation to B2GNow		20			20	\$3,000							
	- Weekly Tracking and Uploading Documentation to LCPTracker		20			20	\$3,000							
	- PM Diary (Communication Log)		20			20	\$3,000							
	- Certify Traffic Control Diary (Assume Bi-Weekly)		6			6	\$900							
	- Source Book (Participating Quantity Tracking)		20			20	\$3,000							
	- Attend Interim T/LPA Construction Inspection Visit		3	3		6	\$810						12	
	- Attend Final T/LPA Construction Inspection Visit		3	3		6	\$810						12	
	- Weather Working Days Documentation		1			1	\$150							
	Pay Requests & Associated Documentation (Assume 2 for the 60 Calendar Day Project Construction Timeline):													
	- Pay Application Cover Letter		4			4	\$600							
	- Form A-1320 Monthly Estimate Checklist		2			2	\$300							
	- Contractor Pay Application Review		20			20	\$3,000							
	- Monthly Source Book documenting Work Completed		2			2	\$300							
	- Monthly Invoices, Haul Tickets, and Test Reports		2			2	\$300							
	- Monthly Updated Project Schedule		1			1	\$150							
	Closeout Documentation													
	- Punchlist Site Visit and Preparation of Punch List		3	3		6	\$810						12	
	- Final Walk Through and Substantial Completion		3	3		6	\$810						12	
	- Consent of Surety to Final Payment		1			1	\$150							
	- Affidavit of Payment & Release of Liens		1			1	\$150							
	- Affidavit of Wages Paid (Assume 3)		1			1	\$150							
	- Form A-1079 Final Acceptance		1			1	\$150							
	- Form A-1081 Project Certification		1			1	\$150							
	- Material Pit Release Letters		1			1	\$150							
	- Project Material Certification		1			1	\$150							
	- Form A-1082 Encroachment Certification		1			1	\$150							
	- Form A-1083 Certificate of Payment of Claims - Prime		1			1	\$150							
	- Form A-1103 Final Compass		1			1	\$150							
	- Form A-1107 Final Transmittal Package Checklist		1			1	\$150							
	- Prepare Record Drawings from Contractor Redlines (PDF)		4	20		24	\$3,000							
	- Coordination with NMDOT on Review and Finalizing all documentation on B2GNow and LCPTracker		20			20	\$3,000							
		0	229	80	0	309	\$43,950							
	SubTotal Hours / Units:	0	265	123	0	388								
	SubTotal Labor Amounts:	\$ -	\$ 39,750	\$ 14,760	\$ -	\$ -	\$ 54,510	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	SubTotal Direct Costs:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 83.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 83.52	\$ -
	Total Project Fee:						\$ 54,594							



Schedule of Hourly Charges by Billing Classification

Effective January 1, 2019

Charges for engineering services are based on the following rates.

Engineering Services:

Engineer V	\$210/hour	Field/Lab Technician IV	\$125/hour
Engineer IV	\$190/hour	Field/Lab Technician III	\$100/hour
Engineer III	\$170/hour	Field/Lab Technician II	\$85/hour
Engineer II	\$150/hour	Field/Lab Technician I	\$75/hour
Engineer I	\$130/hour	Land Surveyor	\$135/hour
Engineering Associate IV	\$130/hour	Survey Technician IV	\$125/hour
Engineering Associate III	\$120/hour	Survey Technician III	\$110/hour
Engineering Associate II	\$110/hour	Survey Technician II	\$90/hour
Engineering Associate I	\$100/hour	Survey Technician I	\$60/hour
Designer III	\$130/hour	3-Man Survey Crew w/GPS	\$280/hour
Designer II	\$120/hour	2-Man Survey Crew w/GPS	\$250/hour
Designer I	\$110/hour	1-Man Survey Crew w/GPS	\$145/hour
CAD Technician III	\$95/hour	Accounting/HR Manager	\$115/hour
CAD Technician II	\$80/hour	Administrative Assistant IV	\$105/hour
CAD Technician I	\$60/hour	Administrative Assistant III	\$85/hour
Field Operations Manager	\$160/hour	Administrative Assistant II	\$65/hour
Lab Manager	\$150/hour	Administrative Assistant I	\$45/hour
Certified Welding Inspector	\$95/hour		

Legal

Time in connection with depositions and discovery will be charged at 2 times the above rates, and time in connection with court appearances will be charged at 3 times the above rates listed above, with a minimum 4-hour charge.

Expenses will be charged as follows:

1. Transportation by automobile.....\$0.58 /mile – effective 1/1/18
(rate is set in accordance with IRS Standard Rates)
2. In-house reproduction work.....at prevailing commercial rates
3. Travel and subsistence.....at direct cost
4. Other consultantsat cost plus 10%

TERMS: Charges are due and payable within thirty (30) days after date of the invoice. Interest will be charged at the rate of 1.5% per month for late payments.

Materials Analysis & Quality Control Fee Schedule

Effective January 1, 2019

Concrete

Capping Compression Strength (ASTM C-617, C-1231, C-39)	
Concrete Cylinders.....	\$25/each
Mortar Cubes.....	\$25/each
Grout Prisms.....	\$37/each
Concrete Core Samples (ASTM-C-42).....	\$80/each
Concrete Masonry Units.....	\$110/each
Bricks/Pavers.....	\$32/each
Unit Weight and Absorption (ASTM-C-138).....	\$75/each

Aggregate

Sand Equivalency Test (ASTM D-2419).....	\$135/each
Flat and Elongated Particles.....	\$75/each
Fractured Faces.....	\$75/each
Specific Gravity and Absorption of Coarse Aggregates.....	\$75/each
Specific Gravity and Absorption of Fine Aggregates.....	\$75/each
Uncompacted Voids of Fine Aggregate (ASTM C-1252).....	\$75/each

Soils

Sieve Analysis.....	\$75/each
Atterberg Limits (Plasticity Index).....	\$75/each
Natural Moisture Content (ASTM D-2216).....	\$20/each
Classification (ASTM D-2487).....	\$23/each

Proctors:

Standard (ASTM D-698, AASHTO T-99)	
Fine Soils.....	\$140/each
Coarse Soils.....	\$200/each
Modified (ASTM D-1557, AASHTO T-180)	
Fine Soils.....	\$140/each
Coarse Soils.....	\$200/each
Breakdown Gradation for Proctor.....	\$75/each
Hydrometer Analysis (ASTM D-422).....	\$250/each
Expansion Index of Soils (ASTM D-4829).....	\$250/each

Asphalt

Maximum Theoretical Specific Gravity.....	\$75/each
Marshall Testing - Maximum Theoretical Specific Gravity, Asphalt Binder Content, Voids Analysis, Sieve Analysis, Stability and Flow.....	\$450/each
Superpave Testing - Maximum Theoretical Specific Gravity, Asphalt Binder Content, Voids Analysis, Sieve Analysis.....	\$450/each
Bulk Specific Gravity and Density of Core Samples of Compacted Hot Mix Asphalt..... (ASTM D-1188/ASTM D-2726)	\$75/each
Mechanical Analysis of HMA (ASTM D-5444).....	\$75/each

Field Sampling and Testing

Concrete Sampling and Testing, Soil/Aggregate Sampling, Asphalt Sampling, Densities, etc.



April 23, 2020

Mr. Rene Molina, PE
Engineer Supervisor
Dona Ana County
Engineering-Road Department
845 N. Motel Boulevard, Las Cruces, NM 88001
(575) 525-6164

Re: CN LC00110 | Sole Source Determination

Dear Mr. Molina:

The New Mexico Department of Transportation (NMDOT) has reviewed the Dona Ana County request for concurrence to award construction management services to Smith Engineering for the Dona Ana School Road and El Camino Real Project CN LC00110.

It has been noted that the Dona Ana County has provided adequate justification in accordance with Section 13-1-126 NMSA 1978. In accordance with the noted Section, we concur with your request to award the contract to Smith Engineering.

If you have any questions, please feel free to contact me at 575-323-4242 or Judith.Gallardo@state.nm.us.

Respectfully,

A handwritten signature in black ink that reads "Judith Gallardo".

Judith Gallardo, P.E.
South Region T/LPA Coordinator

Concurrence of: T/LPA Construction Liaison Engineer

Jessica Hunter, P.E.

XC: Trent Doolittle, P.E, District 1 Engineer
Alden Elwess, District 1 T/LPA Coordinator
Michael Smelker, P.E., South Region Design Manager

**Michelle Lujan
Grisham**
Governor

Michael R. Sandoval
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis
Commissioner
District 2

**Hilma Espinoza
Chynoweth**
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6