

“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: Legal/Risk Department

1. Name of product or service: Legal Consultation and Representation Services
2. Name of product manufacturer: N/A
3. Name of “sole” product supplier or service provider: Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A.
4. Describe in general terms the product/service you are requesting and the intended application. Post-hearing legal representation in El Paso /Electric rate cases before the New Mexico Public Regulations Commission and motion to intervene and protest regarding the Ambulance Services case to the Public Regulation Commission.
5. Describe the unique features/capabilities/characteristics that distinguish it from other products/services. Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. have represented the County at hearings in these cases currently before the New Mexico Public Regulations Commission under a professional services contract. The law firm has a unique familiarity with the County issues and objectives that no other law firm has. Bringing in another law firm at this late stage of the legal proceedings would require a significant duplication of effort and a substantial unnecessary expenditure of County funds.
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). N/A
7. What product supplier or service provider has your Department used until now to satisfy similar requirements? Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A.


Signature of Department Head

4-23-2020
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.

**Stelzner, Winter, Warburton
Flores, Sanchez & Dawes, P.A.**

April 22, 2020

Jaime L. Dawes
Juan L. Flores
Dan E. Gershon
Keith W. Herrmann
Quentin Smith
Eleanor C. Werenko
Nann M. Winter

Nelson J. Goodin, County Attorney
Doña Ana County
845 N Motel Blvd
Las Cruces, New Mexico 88007

Of Counsel:
Luis G. Stelzner
Robert P. Warburton

Re: Quote for Legal Services

Dear Nelson:

QUOTE FOR SERVICES

Stelzner, Winter, Warburton, Flores & Dawes, P.A. (Stelzner Law) provides the following quote for legal services for Doña Ana County through June 30, 2021 as follows:

Stelzner Law is a registered Professional Corporation located at 302 8th St. NW, Suite 200, Albuquerque, New Mexico 87102. The Contractor has extensive experience in Local Government Law, Public Utility Regulation, and Civil Litigation. Stelzner Law has responded to numerous County RFP's and has continuously represented the County since 2014.

Stelzner Law intervened on behalf of the County in NMPRC Case No. 15-00127-UT, EPE's last rate case and has monitored a dozen EPE cases since that time. Ultimately, EPE's requested 2015 9% rate increase request was reduced to 1%.

Stelzner Law also represents other local governments, including municipals and counties in matters before the New Mexico Public Regulation Commission (NMPRC) including matters related to ambulance service and related emergency and non-emergency transports. Most recently, Stelzner Law represented the City of Albuquerque in its request for full transport authority, which full authority was granted in April 2020.

Stelzner Law has actively intervened at the NMPRC or otherwise represented Bernalillo County, Los Alamos County, the cities of Socorro, Bloomfield, Gallup, Raton and Village of Los Ranchos, and the Albuquerque Bernalillo County Water Utility Authority on matters related to utility rates, rights-of-way and related issues.

Stelzner Law is the only legal service provider with the institutional knowledge of the parties, pleadings, and history of the NMPRC litigation with EPE. The legal services provided by Stelzner Law are unique given the subject matter and historical nature of the litigation, the amount of work already performed by Stelzner Law including legal theories, NMPRC rules and procedures, strategies and approaches to the impending litigation, and this uniqueness is substantially related to the intended purpose of the proposed engagement. Bringing in another law firm at this late stage of the legal proceedings would require a significant duplication of effort and a substantial unnecessary expenditure of County funds.

Services to be provided:

Continued legal representation in El Paso Electric filings and rate cases before the New Mexico Public Regulations Commission (“NMPRC”) and continued representation before the NMPRC related to Doña Ana County’s filing with the NMPRC for a Certificate of Need related to ambulance service and continued representation before the NMPRC in Doña Ana County’s intervention and protest regarding the City of Las Cruces’ application for a Certificate of Need for Ambulance Services pending before the NMPRC. Stelzner Law would also be responsible for contracting directly with the County’s emergency transport expert who would be testifying as a County expert witness if that matter proceeds to hearing-on-the-merits.

Rates:

Nann Winter	\$205/hr ¹
Dahl Harris	\$200/hr
Keith Herrmann	\$200/hr

¹ This rate has not changed since 2014.

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Paralegals	\$80/hr
Postage & Long Distance	At cost
Travel & Mileage	At County's mileage and per diem rate
Litigation expenses	At cost



Ryan Winter

4-22-20
Dated