

## “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 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 an El Paso Electric Rate case before the New Mexico 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 this particular El Paso Electric Rate case currently before the New Mexico Public Regulation 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. See also attached letter from Nann Winter.
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).
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 DEWENY COUNTY ATT, 12-23-15 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.**

Jaime L. Dawes  
Juan L. Flores  
Rebekah A. Gallegos  
Sara N. Sanchez  
Luis G. Stelzner  
Robert P. Warburton  
Nann M. Winter

December 23, 2015

**VIA EMAIL [davem@donaanacounty.org](mailto:davem@donaanacounty.org) AND U.S. MAIL**

Tom Figart  
Dave Medeiros  
Dona Ana County Attorney's Office  
845 Motel Blvd. #2-176  
Las Cruces, NM 88007-8100

Re: Post-Hearing Services Related to El Paso Electric (EPE) Rate Case

Dear Messrs. Figart and Medeiros:

As you know, the hearing on the merits of EPE's request to increase electric rates began on November 16, 2015 and concluded December 2, 2015. This firm appeared and represented the County for the duration of the hearing, and, prepared, supervised and submitted all pre-hearing discovery, testimony and exhibits.

At the conclusion of the hearing, the Examiner requested the County's submittal of a post-hearing brief-in-chief and a reply brief. The County might also expect to respond to post-hearing motions and may be called upon to make oral argument before the New Mexico Public Regulation Commission (NMPRC) when it finally considers this matter in January or February of 2016. All of these post-hearing tasks, including but not limited to the briefing, responding to motions and oral argument, require extensive, first-hand knowledge of the discovery developed and submitted by the County, the pre-hearing proceedings and the testimony presented between November 16, 2015 and December 2, 2015. Further, the County cannot ignore these post-hearing tasks without jeopardizing its entire case as presented to the NMPRC via pre-filed testimony and the November/December hearings. And, while it is possible for alternative legal counsel to familiarize themselves with the County submittals and the transcripts of the EPE rate case hearing, it would impossible for that counsel to do so in the time required by the NMPRC to submit briefs or respond to post-hearing motions and/or oral argument.

Please let me know if we can be of further assistance.

302 8<sup>th</sup> Street, Suite 200  
Albuquerque New Mexico 87102  
P.O. Box 528  
Albuquerque, New Mexico 87103  
505-938-7770 Phone  
505-938-7781 Fax  
[www.stelznerlaw.com](http://www.stelznerlaw.com)

December 23, 2015  
Page 2

Very truly yours,

STELZNER, WINTER, WARBURTON,  
FLORES, SANCHEZ & DAWES, P.A.

A handwritten signature in black ink, appearing to read "N Winter", with a long horizontal flourish extending to the right.

BY: NANN M. WINTER

NMW/jg

cc (via email): Pamela Wood, [pamelaw@donaanacounty.org](mailto:pamelaw@donaanacounty.org)