

“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: Public Works – Engineering / Roads

1. Name of product or service: Construction Administration Services
2. Name of product manufacturer: Engineering and Construction Administration Services
3. Name of “sole” product supplier or service provider: Wilson & Company, Inc.
4. Describe in general terms the product/service you are requesting and the intended application.

Wilson & Company will provide engineering and construction oversight for the construction of the Industrial Drive Grade Separation project. The engineer of record will be responsible for reviewing the contractors’ schedule, shop drawings, submittals, pay applications, field observations, material testing, etc. as well as ensuring the project is built per plan / specifications.

5. Describe the unique features/capabilities/characteristics that distinguish it from other products/services.

Wilson & Company has successfully guided this project through the Federal Railroad Administration (FRA) process for the study and design. They have an extensive history with the project that is unmatched and necessary to complete the project without delay. The current County staff is not familiar with the engineering design or process needed to complete this project without Wilson & Company. Hiring of another company would require extensive onboarding and would not assure continuity, while simultaneously increasing the chance of errors in the project management and completion.

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).

Other engineering firms could not complete the construction services because it would lead to delays as well as unnecessary costs for the County. The project has an FRA funding deadline for the funds to be expended, and other providers do not have the history of the project to successfully continue and complete the construction portion.

7. What product supplier or service provider has your department used until now to satisfy similar requirements?

Wilson & Company has been the sole firm working on this project from inception to now. Construction Management will be the project close out stage.


Signature of Department Head

7/18/25
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 Memorandum

TO: Michael Perez, Purchasing Manager

THRU: Stephen Lopez, Assistant County Manager 

FROM: Cindy Beakley, Administrative Assistant

DATE: 7/17/2025

SUBJECT: RCE Project 69A36525420350RECNM

Doña Ana County awarded a contract to Wilson & Company Engineering on March 8, 2022, from a Request for Proposal (RFP) process for the At Grade Separation on Industrial Avenue and Union Pacific Railroad Project. For the past several years, Wilson & Company Engineering has worked diligently with Doña Ana County on the professional design for the construction of the At Grade Separation on Industrial Avenue and Union Pacific Railroad Project. The design is 100% complete, with construction anticipated to begin in November 2025. The contract with Wilson & Company 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 Wilson & Company Engineering's engineering services for construction management. Further, it would not be fiscally responsible to issue a new RFP. Therefore, Wilson & Company Engineering is the sole source entity to provide construction management services for this project, and we are requesting authorization to proceed with continuing the use of Wilson & Company Engineering for this project.


Stephen Lopez, Assistant County Manager

June 26, 2025

Stephen Lopez, Assistant County Manager
Dona Ana County
845 N. Motel Blvd
Las Cruces, NM 88007

Re: Task Order Proposal Industrial Drive Grade Separation - Construction Administration Services
Procurement: Contract No 22-015
Funding Source: FRA RCE Grant

Dear Mr. Lopez,

Thank you for allowing Wilson & Company, Inc., Engineers & Architects (Wilson & Company) to submit this proposal. We understand Dona Ana County is requesting professional construction observation and administration services with materials testing for the Industrial Drive Grade Separation Project.

The scope and fee proposal below are based upon a 365 Calendar Day (52 week) construction schedule to Substantial Completion and 42 additional Calendar Days for Final Completion providing project management, full-time field observation, materials testing (field and lab), field engineering and administrative office support.

Team Experience: The project construction administration team is led by Todd Gonzales, Construction Administration Manager, and supported by Conrad Ley, P.E., Christie Soulsby, P.E., Brittney Green E.I., and local Certified Field Observers. Our Team has years of industry experience within civil highway and bridge construction.

Task	Description
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1.	Pre-Construction
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|----|--|
| a. | Schedule, conduct, document, and summarize the pre-construction meeting with distribution of meeting minutes. |
| b. | Solicit, evaluate, review/approve, and document pre-construction submittals, subcontract packages, shop drawings and any other required contractor pre-construction documents. |

2.	Construction Administration and Observation
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|----|---|
| a. | Conduct monthly progress meetings with field review - prepare and distribute meeting agenda and meeting minutes. |
| b. | Review and approve project documentation and submittals including source books, certificates of compliance, payrolls, subcontracts, traffic control diary, quality control plan and testing reports. |
| c. | Daily Project Management: Coordination with on-site observer, material testing technician and testing laboratory. Review subcontracts, material submittals, construction reports, construction schedule, traffic control plan(s), track and monitor contract time, budget, process request for information (RFI's), change orders and |

monthly pay applications. Interpretation of plans and specifications. Notice of Construction Status including project start, suspensions, partial suspensions, resume, substantial completion, and physical completion.

- d. Daily Construction Site Observation- Full-time observation for 365 Working Days (52 weeks, 40 hours per week): Prepare daily written and photo documentation construction reports, bulletin board inspections, coordinate material testing, review material testing credits and review traffic control w/logbook, review SWPPP, track contract items by measuring and computing installed material quantities and documenting in Project Source book (electronic). Enforce project conformance of plans and specifications.
- e. Provide proactive construction management and oversight of contractor's daily progress to identify any potential problems as early as possible working to avoid Contract Time extensions. Any identified problems that could delay Contract Time will be immediately addressed and brought to the attention of the appropriate parties to ensure quick resolution.
- f. Maintain public relations, including preparation of public service announcements for publication.
- g. Enforce contractor compliance with EEO requirements and control of materials.
- h. Maintain project electronic files.
- i. Review and process contractor pay applications and cross reference source book, dairies, and material haul tickets.

3. **Acceptance Material Testing Scope of Work**

- a. On-Site Material Testing
 - In Place Moisture and Density Testing with Nuclear Densometer
 - i. Embankment/Subgrade
 - ii. Base Course
 - iii. Foundation - drainage structures
 - iv. Backfill - drainage structures
 - v. Hot Mix Asphalt (HMA) – Correlated In-place Nuclear Density
 - Concrete Testing – Drainage Structures
 - i. Slump, unit weight, air content and temperature
- b. Laboratory Material Testing – Provided by Geo-Test, Inc. (Subconsultant)
 - Soil classifications – Subgrade, Backfill and Base Course
 - Modified proctor testing – Subgrade, Backfill and Base Course
 - Concrete compressive strength cylinders and fine and coarse aggregate sieve analysis
 - HMA - % Air Voids, Asphalt Content & pavement cut samples (cores)
- c. Administrative
 - Generate test reports for the on-site testing
 - Schedule and document all Laboratory testing

4. **Project Close-Out**

- a. Conduct preliminary and final walk-through meetings including completion conference, develop, and distribute punch list and meeting minutes.
- b. Perform Daily Construction Site Observation- As needed observation for 6 weeks, (24 hours/week) from Substantial Completion to Final Acceptance.

- c. Prepare final close out package to include Engineer Certification of Work and Materials.
- d. Physical Completion, Release of Retainage, Final Payment review and Final Acceptance.
- e. Package all hard and electronic construction documentation/records and deliver to County.


Compensation: We may complete this work at a Lump Sum fee of \$1,900,517.85, including NMGR.

Schedule: 58 weeks total. 52 weeks, (365 calendar days) for Substantial Completion and 6 weeks, (42 calendar days) for project completion per the awarded construction schedule.

Disclaimer: *"Notwithstanding its periodic observation of the work, Wilson & Company will not be liable or responsible for the Contractor's failure to perform the work in strict accordance with the requirements of the Construction Documents (e.g., plans, specifications, approved submittals, etc.). Wilson & Company has no control over, charge of, and will not be responsible for, the acts or omissions of the Contractor or its subcontractors."*

If the scope of work and fee is acceptable, please sign and return a copy. Please feel free to call me at my mobile no. 505-205-4445 with any questions or comments. We look forward to working with you on this very important project.

Thank you,
WILSON & COMPANY


Conrad Ley, PE
Associate Vice President

Stephen Lopez, Assistant County Manager

Date

Attachments: 1) Exhibit "A" – Man hour Detail

Exhibit 'A' Labor-hour Breakdown Dona Ana County - Industrial Avenue Overpass Bridge - Construction Administration Services Prepared by Wilson & Company Inc. Engineers & Architects							
Job Description/ Personnel	P6 Civil Engineer (LICENCED)	P3 Civil Grad. Engineer (UNLIC)	OD5 ACAD Senior Drafter	FC7 Construction Manager	FC5 Construction Observer	FC3 Construction Observer	AD3 Clerical
Rate:	\$273.00	\$174.00	\$162.00	\$242.00	\$177.00	\$115.50	\$108.00
Project Start Up							
CM Project file set up				4			8
Internal Kick off Meeting (Roles and Responsibilities)	2	2	2	2	2	2	2
Internal Kick off Meeting Minutes				1			1
Prepare Owner-Contractor Documents, NOA, NTP, Bonds, etc.		16		4	16		8
Pre-Construction Meeting including preparation of meeting agenda, Utility Owner Coordination, Contractor, etc. to include 2 hr. roundtrip travel	4	4		8	4	4	8
Pre-Construction Meeting Minutes & Distribution		2		1			2
Total Start-Up Labor Hours:	6	24	2	20	22	6	29
Unit Cost:	\$1,638.00	\$4,176.00	\$324.00	\$4,840.00	\$3,894.00	\$693.00	\$3,132.00
				Total Start-Up Labor Cost:			
				\$18,697.00			
Project Management & Construction Observation							
Project Observation: Full-time Construction Observer x 2 @ 40 hrs./wk ea. for 365 Calendar Days (52 weeks), includes daily documentation and 2 hour roundtrip travel time	200	400			2600	2600	
Project Management (Material Submittals, RFI's, Contract Time, Change Order Review/Approval & Testing Credits Review/Certification): 10 hrs./wk. for 52 weeks, and 5 hrs./wk. clerical with 80 hrs. engineer support for project	80	80		520			260
Monthly PM/Engineering Field Review/Progress meeting (2 hr. plus 2 hr. roundtrip travel time) (12 meetings)	48	48		60			48
Monthly Progress Meeting Minutes & Distribution (12 Meetings)				12			12
Documentation Review, File Management (Certified Pay Roll, Employee Wage Interviews & Construction reports) 2 hrs./wk. + 5 hrs./wk. clerical support for 52 weeks				104			260
Pay Applications, processing & approval (2 hrs./ea. Plus 4 hr clerical support x 12)				24			48
Plans/Drawings/Support	24	40	80	8			40
Quarterly FRA Reporting and Review (12 hr./qtr., 5 total)	20			20	20	20	16
Total Project Management & Observation Labor Hours:	372	568	80	748	2620	2620	684
Unit Cost:	\$101,556.00	\$98,832.00	\$12,960.00	\$181,016.00	\$463,740.00	\$302,610.00	\$73,872.00
				Total Project Management & Construction Observation Labor Cost:			
				\$1,234,586.00			
Project Close-Out							
Part-Time Construction Observation: 24 hrs./wk for 6 Weeks. Substantial to Final Completion (Punch-list)					144		
Preliminary Substantial Completion project walk through inspection and development of punch list items/reporting to include 2 hour roundtrip travel	8			8	8	8	6
Final project walk through inspection. Includes 2 hr.roundtrip travel and reporting	4			6	4	4	6
Review and Certify Contractor's Post Construction Plans	2	8	16	4	8	8	4
Final Pay Application, processing & approval (2 hrs./ea. + 4 hr clerical support x 1)				2			4
Project Certification/Documentation	16	24		16			8
Project Close Out/Reimbursement package	40	60		40	60		40
Total Project Close-Out Labor-hours:	70	92	16	76	224	20	68
Unit Cost:	\$19,110.00	\$16,008.00	\$2,592.00	\$18,392.00	\$39,648.00	\$2,310.00	\$7,344.00
				Total Project Close-Out Labor Cost:			
				\$105,404.00			
				Total Project Labor Cost			
				\$1,358,687.00			
Sub-Consultants & Expenses							
Quality Assurance - Materials Laboratory Testing							
Concrete, Asphalt, Aggregates and Soils Sampling and Laboratory Testing, provided by Geo-Test, Inc.							\$ 225,000.00
Quality Assurance - Structural Steel Special Inspections							
Structural Steel - Bolting and Welds Special Inspections							\$ 115,000.00
				Total Sub-Consultant:			
				\$ 340,000.00			
CO Mileage @ \$0.72/per mile, 100 round trip miles per day (LC-Site), 7 days a week for 52 weeks to Substantial Completion X:							\$ 52,416.00
CO Mileage @ \$0.72/per mile, 100 round trip miles per day (LC-Site), 3 Days a week for 6 weeks to Final Completion							\$ 1,296.00
PM/Eng. Mileage @ \$0.72/per mile, 100 round trip miles per day (LC-Site), Monthly Progress Meetings (12 Meetings)							\$ 864.00
PM/Eng. Mileage @ \$0.72/per mile, 100 round trip miles (LC-Site), Substantial Completion Walk-Thru Meeting							\$ 72.00
PM/Eng. Mileage @ \$0.72/per mile, 100 round trip miles (LC-Site), Final Completion Walk-Thru Meeting							\$ 72.00
				Total Expenses			
				\$ 54,720.00			
				Proposed Project Cost w/o NMGR			
				\$1,753,407.00			
				NMGR @ 8.39%			
				\$ 147,110.85			
				Proposed Total CA Services Project Cost with NMGR			
				\$ 1,900,517.85			

Thank you for your submission.

The procurement will be reviewed by one of our buyers.

In the future, any amendment to a sole source contract that adds to or changes or impacts in any way any of the terms and conditions listed below (which are set forth in statute, see Section 13-1-126.1. NMSA 1978), the sole source must be reposted for a new, additional 30 day period.

- if the parties to the proposed contract change;
- if the nature and quantity of the service, construction or item of tangible personal property being contracted for, changes; and
- if the contract amount changes.

Print

Agency :	C0009 - DONA ANA COUNTY
Procurement Number :	60-C0009-25-CP354
Next Step :	REVIEW
Uploaded Files :	Sole Source Determination: Wilson and Company_Sole Source_Request.pdf
Completed date :	Friday, July 18, 2025 4:34 PM
Completed by :	Michael Perez



From: GSD.SPDInfo@state.nm.us
Sent: Friday, July 18, 2025 4:34 PM
To: Michael Perez
Subject: State of New Mexico :: Sole Source / Emergency Submission

Greetings,

Your Sole Source/Emergency Procurement request has been SUCCESSFULLY SUBMITTED and is pending State Purchasing Division approval for posting to the GSD Website. Once approved, you will receive an email notification advising that your request has been posted. Please keep the document number referenced below in a convenient place. You will need this number to search the Sole Source/Emergency website for status updates to your request.

Document Number ID: 60-C0009-25-CP354

For Sole Sources:

In the future, any amendment to a sole source contract that adds to or changes or impacts in any way any of the terms and conditions listed below (which are set forth in statute, see Section 13-1-126.1. NMSA 1978), the sole source must be reposted for a new, additional 30 day period.

- (1) If the parties to the proposed contract change;
- (2) if the nature and quantity of the service, construction or item of tangible personal property being contracted for, changes; and
- (3) if the contract amount changes.

Please email all inquiries to:GSD.SPDInfo@state.nm.us.

Sincerely,

General Services Department

State Purchasing Division