



**DOÑA ANA COUNTY PURCHASING DEPARTMENT  
PROCUREMENT DETERMINATION**

<b>TO: Procurement File</b>	<b>DATE: 2/9/2021</b>
<b>FROM: Donald E. Bullard, Purchasing Manager</b>	<i>DB</i>
<b>SUBJECT: Sole Source Procurement Determination</b>	

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."

The Purchasing Department has:

- Reviewed the justification submitted to this office;
- Reviewed the steps taken by the User Department in "conducting a good-faith review of available sources";
- Reviewed the Vendor's Sole Source letter;
- Conducted research on other firms offering similar products.

The County's Certified Chief Procurement Officer, after reviewing the Department's Sole Source Justification Form, researching the internet and reviewing the Vendor's Sole Source letter has determined that Barkhouse is the sole source provider of Spaying/neutering of felines/canines at low to no cost; microchipping; rescue by relocation of adoptable dogs and cats impounded by the county/relinquished by owners. This sole source request was posted on the County's website on 2/9/2021.

## “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:** Dona Ana County Animal Control and Environmental Codes

1. **Name of Product or Service:** Spaying/neutering of felines/canines at low to no cost: microchipping: rescue by relocation of adoptable dogs and cats impounded by the county/relinquished by owners
2. **Name of product manufacturer:** this would be a service contract
3. **Name of “sole” product supplier or service provider:** Barkhouse
4. **Describe in general terms the product/service you are requesting and the intended application:** This sole source, a 501(c)(3) foundation, will operate in four (4) different arenas:
  - a. Low to no cost spaying and neutering of county abandoned/relinquished dogs and cats (hereintofore “county animals”) and household pets of Dona Ana County residents.
  - b. Low to no cost microchipping of all county animals and household pets in conjunction with neutering services and community events.
  - c. Rescue through relocation to geographical areas on need of adoptable dogs and cats
  - d. Spaying/neutering of adult female dogs and cats post-litter, and group rescue by relocation of the entire litter for adoption or fostering pending adoption. This program is alternately known as the Last Litter Program.
5. **Describe the unique features/capabilities/characteristics that distinguish it from other products/services:**  
One of the County’s priority action items for this fiscal year and next is to reduce the number of animals impounded at the Shelter by reducing the stray/abandoned/unwanted animal population. The main way to accomplish this goal is to have an aggressive spay/neuter program, viable up-to-date microchipping data, and as a last resort, the rescue by relocation of adoptable animals.

No other rescue agency, animal advocacy group, or spay/neuter group in New Mexico offers this range or depth of services. Their roles typically involve just one of the functions listed above (4a, 4b, or 4c) and **no agency or group in New Mexico offers services involving 4d.**

Barkhouse is able to offer the County and its residents a reduced rate for spay and neuter, resulting in immense cost-savings over the course of a contract. Barkhouse will have its own veterinarian, and perform surgeries on-site.

Compare the cost associated with the neutering of 100 dogs:

Barkhouse: \$9000 SNAP: \$13,400 Private veterinarians: \$25,000 (low estimate)

SNAP does not differentiate neutering costs of dogs vs. cats. Barkhouse provides a lesser fee for cats (\$60). Again, there is a significant cost saving to the County.

SNAP does not become involved in adoptions/rescue, and does not attend to abandoned/stray/relinquished animals, while Barkhouse's model is to attend to all county animals.

The Action Programs for Animals group does not involve neutering services at this rate (if at all), and focuses on local adoptions. Barkhouse involves the rescue through relocation model, which relocates adoptable animals to areas requesting them. Barkhouse serves as a relocator service and liaison to Oregon, Washington, Idaho, Colorado, and California.

Barkhouse has national partners to assist in the rescue through relocation program, including but not limited to South Aero, Dog Is My Copilot, and Pet Rescue Pilots. No other group in New Mexico has these connections; in fact, private fosters and animal advocacy groups work through Barkhouse to relocate adoptable animals. This program has been nationally recognized in numerous animal welfare publications as well as receiving local media attention through KVIA and the Las Cruces Bulletin.

6. **How did you determine that there was only one source for the product or service? Provide information on the research that was performed to locate suppliers of for this product(s) or services(s). Please furnish names, addresses, and other documentation).**

Knowledge of local rescue groups was obtained through professional interactions as a course of ordinary business. As early as May 2020, attempts were made to contact local sources for information and assistance. At the time, the County was awarded ownership/possession of a pack of terriers that the Court had declared public nuisances. Numerous attempts were made to send these animals for adoption referrals, with placement at the Shelter being a last resort. Invariably, the County was told that no such services exist except for the interventions of Barkhouse (known at that time as Uncaged Paws) or that alternatives were overbooked with a high population.

Specific contacts were made to:

- a. Action Programs for Animals: (575) 571-4654 This program does not participate in spaying/neutering programs.
- b. Diane Avery: reachable through Facebook at Dian Avery: Ms. Avery coordinates fostering activities on a large scale, but does not participate in spaying/neutering programs. She is a private citizen who works with Barkhouse when there are eligible animals for relocation.
- c. SNAP New Mexico: (575) 524-9265 SNAP provides spaying/neutering as well as microchipping. They are not in the adoption or relocation arena, and further, only provide services to household pets (not abandoned/unclaimed/relinquished animals).
- d. Humane Society of Southern New Mexico (575) 647-1416 or 523-8020 HSSNM provides only microchipping and adoptions.
- e. Lap Dog Rescue of New Mexico (505) 934-2202: Although based in Tijeras NM, this agency has a strong following in southern New Mexico. They are limited to adoptions, and to dogs weighing less than 25 pounds.

In sum, no local or affiliated groups offer the range of services that Barkhouse offers to both household pets and county animals.

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

Currently, the County has a contract with SNAP New Mexico. However, it only covers paying/neutering and microchipping of household pets, and charges a higher fee than what Barkhouse would bill for spaying/neutering. SNAP does not service county dogs. Further, the service is often put off for 6-8 weeks because it is contingent upon a private veterinarian's schedule. It is anticipated that a contract with Barkhouse would result in the termination of the SNAP contract.



Signature of Department Head



Date