

Section 13-1-128 NMSA 1978 (being Laws 1984, Chapter 65, Section 101, as amended)
Subsection E required by NM to post on local public body web site.

SOLE SOURCE JUSTIFICATION REQUEST FORM

Instructions: Briefly describe the items or service requested and list in detail the reason for requesting the Sole Source designation. Include substantiating data such as; companies contacted and the reason for elimination, technical data, etc. Since this is a request to depart from the mandated procedure for competition, request without support cannot be considered. The CNM Buyer may require additional information and remains the final authority in the determination of a Sole Source acquisition.

Date: 10/4/19

Prepared by: Kristen Kohlstruk

Vendor/Contractor

Name: Blackboard Inc.
Address: 3815 River Crossing Parkway, Suite 200
City, State, Zip: Indianapolis, IN 46240

Cost: \$572,606.27

Term of Contract: 1 year

Description of Item/Service to be procured: (listing of the services, construction or items of tangible personal property procured under the contract)

Blackboard Suite of products: HOSTING FOR PLATINUM PACKAGE, COURSE DELIVERY: 15,001 - 25,000 FTE, 1TB HOSTING ADDITIONAL STORAGE 1TB, 2000 GB STORAGE, WEB CONFERENCING: 4,001 - 8,000 FTE, CONTENT MANAGEMENT: 15,001 - 25,000 FTE, COMMUNITY ENGAGEMENT: 15,001 - 25,000 FTE, CONTENT MANAGEMENT HOSTING

Below is the summary of information regarding the justification for your request for the Sole Source Procurement.

1. Explain why this is the only available source that can meet the needs of your department.

Blackboard is the current Learning Management System (LMS) used by CNM. CNM has purchased a different Learning Management System and will need at least one full year to implement the new product. During the implementation of the new product, CNM will need to continue to use Blackboard as an operational Learning Management System.

2. Explain why this vendor is the only available source from which to obtain this product or service.

The company has affirmed (memo from vendor is attached) that there is no other source for this item. Our search for possible vendors proved futile; OR

Other reason, please explain in full. Attach additional sheets if necessary.

3. Explain why the price is considered fair and reasonable.

See the attached sole source letter from the vendor. CNM confirmed with the vendor that the price quoted is the best obtainable price to CNM.

4. Describe the efforts made to obtain the best possible price from this sole source vendor for the taxpayers. What (if any) is the total cost savings from the original quote? (Attach additional sheets if necessary).

CNM requested multiple quotes from the vendor to continue service for one and two year terms. The decision was made to only continue service for one year at the current level and implement a new LMS during that year. Blackboard has provided CNM with the best possible price for a 1 year contract term.

APPROVALS:

Based on the above stated facts, the Purchasing Department has made the determination the justification for the Sole Source procurement is in accordance with §13-1-126 and will be posted for a 30-day period prior to award.

Kristen Kohlstruk

Print Requester Name

Director, Application Support - 10/7/19

Title and date:

Kristen Kohlstruk

Digitally signed by Kristen Kohlstruk
DN: cn=Kristen Kohlstruk, o=CNM, ou=ITS,
email=kkohlstruk@cnm.edu, c=US
Date: 2019.10.07 09:23:33 -06'00'

Requester Signature

Print Dean/Chairman/Director Name

Title and date:

Victor Leon

Digitally signed by Victor Leon
Date: 2019.10.07 12:40:26 -06'00'

Dean/Chairman/Director Signature

Pursuant to §13-1-126, the 30-day posting period of the Notice of Intent to Award this Sole Source request was met and no objections to award to the above referenced contractor were received. This Sole Source determination will be valid for the term indicated on page one (1) of this form.

10/4/19

Purchasing Buyer

Date

Purchasing Director

Date

Required Attachments:

- Letter from Contractor, if applicable.
- Campaign Contribution Form (Buyer)
- Other supporting documentation.



T: 202.463.4860
F: 202.463.4863

1111 19th Street NW
Washington DC 20036 USA
Blackboard.com

RE: BLACKBOARD SOLE SOURCE MANUFACTURER CERTIFICATION

To Whom It May Concern:

By copy of this correspondence, Blackboard Inc. does hereby certify that it is the sole manufacturer of the following Blackboard Products and services:

- Blackboard Ally
- Blackboard Analytics / Intelligence
- Blackboard Angel
- Blackboard Collaborate
- Blackboard Community Engagement (including Bb Mass Notification, Cloudspeaker Notify, Bb Mobile Communications App,, and Bb Web Community Manager)
- Blackboard Connect
- Blackboard ConnectTxT
- Blackboard Engage
- Blackboard Learn Software (including the Blackboard Course Delivery, Community Engagement, Content Management and Outcomes Assessment)
- Blackboard Learn SaaS
- Blackboard Mobile
- Blackboard Managed Hosting Services
- Blackboard Open LMS
- Blackboard Predict
- Blackboard Professional Services
- Blackboard Student Services
- Blackboard Technical Support Services
- Blackboard Training Services
- Blackboard Xythos

Please send purchase orders and renewal notices to:

Blackboard Inc.
3815 River Crossing Parkway
Suite 200
Indianapolis, IN 46240

Please remit payments to:

Blackboard Inc.
P.O. Box 200154
Pittsburgh, PA 15251-0154

Please contact me anytime if I can assist further.

Thank you,
Warmest Regards,

Bill Jones
Deputy General Counsel
Blackboard Inc.

Blackboard

October 3, 2019
Central New Mexico Community College
900 University Blvd SE
Albuquerque, NM 87106

RE: BLACKBOARD SOLE SOURCE MANUFACTURER CERTIFICATION

To Whom It May Concern:

By copy of this correspondence, Blackboard Inc. does hereby certify that it is the sole manufacturer of the Blackboard Learn™ software. Additionally, Blackboard certifies it is the sole provider of the Blackboard Technical Support Services, Blackboard Managed Hosting Services, Blackboard Professional Services, and the sole provider of Blackboard Training Services for the Blackboard software. Blackboard Inc. is also the sole provider of the Blackboard Mobile application.

Warmest Regards,

A handwritten signature in black ink, appearing to read "Bill Jones". The signature is stylized and cursive.

Bill Jones
Associate General Counsel
Blackboard Inc.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, hild, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Name(s) of Applicable Public Official(s):

CNM's Governing Board including, District 1 Ms. Pauline J. Garcia, District 2 Mr. James A. Chavez, District 3 Mr. Tom Swisstack, District 4 Ms. Annette Chavez y De La Cruz, District 5 Ms. Nancy Baca, District 6 Ms. Virginia M. Trujillo, and District 7 Mr. Michael J. Glennon.

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR/OFFEROR TO THE APPLICABLE CNM PUBLIC OFFICIALS LISTED ABOVE:

If no contributions were made, enter N/A for not applicable in Item Numbers 1-6 below. Attach extra pages if necessary. **DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:**

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Signature)

(Printed name and title)

Date: _____

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Bill Jones

Digitally signed by Bill Jones
Date: 2019.10.02 15:54:14 -07'00'

(Signature)

Bill Jones

(Printed name and title)

Date: **October 2, 2019**

(Attach extra pages if necessary)