

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:** 9/27/2018

**Prepared by:** Candi Borrecco`

**Vendor/Contractor Name:** Blackboard Inc.

**Address:** 3815 River Crossing Parkway, Suite 200

**City:**

**State:** Indianapolis, IN 46240 USA

**Zip:**

**Cost:** 503,188.53

**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)

Bb Collaborate Web Conferencing, CL-VT-FTE Bb Collaborate Voice Thread, AS-CM Blackboard Community Engagement, AS-CS Blackboard Content Management, AS-HST-CS Blackboard Managed Hosting for Content Management AS-CD Blackboard Course Delivery, AS-ASPPLP-NA Blackboard Managed Hosting Platinum Package. These products are used for as our complete Learning Management System for our Distance Learning and Online College.

**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 used by CNM. CNM has made a significant investment in creating curriculum and online classes. It is not possible to migrate to another LMS without significant effort as well as time and expense.

**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 at the best obtainable price to CNM.

CNM requested a multi-term three year quote from the vendor and the pricing for this term is less than the pricing for a one year term.

Year One - \$472,658.70  
Year Two - \$450,788.46  
Year Three - \$464,312.11

CNM does not wish to enter a three year term because we are investigating finding an alternative LMS provider. The purpose of this sole source is to continue service without interruption while CNM investigates other solutions. The quoted price of \$503,188.53 is for a 1 year term and we understand that this price is the best obtainable price for a 1 year term.





**Blackboard**

September 26, 2018

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

To whom it may concern:

By copy of this correspondence, Blackboard Inc. does hereby certify that it is the sole manufacturer and/or sole provider of the following products and services: Learn Software, Mobile, and Collaborate in the Blackboard hosted or SaaS environment.

Further, because Blackboard is the sole manufacturer and sole provider of these products and services, Blackboard is the only vendor to provide cross functionality together as a bundled solution.

It is understood and agreed the total compensation under this shall not exceed **\$503,188.53** for the term and products included in the renewal notice dated 09/06/2018.

We look forward to meeting your online teaching and learning needs!

Warmest Regards,

Bill Jones  
Deputy General Counsel  
Blackboard Inc.



Blackboard Inc.  
 3815 River Crossing Parkway, Suite  
 200  
 Indianapolis, IN 46240 USA  
 Phone: +1 202.463.4860  
 Fax: +1.312.236.7251  
 Email: operations@blackboard.com  
 Tax ID: 52-2081178

## Renewal Confirmation Notice

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**CUSTOMER INFORMATION:**

**Billing Address:**

Central New Mexico Community College  
 901 Buena Vista SE  
 Albuquerque, NM 87106  
 USA

**Date:** 09/06/2018  
**Customer No:** 302979  
**Document No:** CSF000249142

**Customer Primary Contact:** Gil Rivera

**RENEWAL PRODUCTS AND SERVICES:**

Qty	Product Code	Product Description	Start Date	End Date	Price (USD)
1	CL-WC-FTE	Bb Collaborate Web Conferencing, 4,001 - 8,000 FTE	12/30/2018	12/29/2019	57,146.25
1	CL-VT-FTE	Bb Collaborate VoiceThread, 15,001 - 25,000 FTE	12/30/2018	12/29/2019	15,364.65
1	AS-CM	Blackboard Community Engagement, 15,001 - 25,000 FTE	12/30/2018	12/29/2019	41,267.91
1	AS-CS	Blackboard Content Management, 15,001 - 25,000 FTE	12/30/2018	12/29/2019	51,123.99
1	AS-HST-CS	Blackboard Managed Hosting for Content Management	12/30/2018	12/29/2019	20,421.23
1	AS-CD	Blackboard Course Delivery, 15,001 - 25,000 FTE	12/30/2018	12/29/2019	88,870.17
1	AS-ASPPLP-NA	Blackboard Managed Hosting Platinum Package, North America	12/30/2018	12/29/2019	228,994.33

**Renewal Amount (USD) 503,188.53**

**RENEWAL CONFIRMATION:**

You will be invoiced for products and/or services for the total above upon receipt of this form unless other arrangements are made. Please note that taxes are not included in the total Renewal Amount and will be added, where applicable, when invoiced. If you exempt from paying sales tax, include your current state tax exemption certificate or forward to [exemptcerts@blackboard.com](mailto:exemptcerts@blackboard.com).

Billing information is accurate: \_\_\_\_\_ (please initial or note corrections)

Purchase Order No. \_\_\_\_\_ - OR - My organization does not require a Purchase Order \_\_\_\_\_ (please initial)

Please send this complete renewal confirmation notice and the accompanying purchase order, unless a purchase order is indicated as not required above, via any one of the following methods by **12/30/2018**:

- Email: [operations@blackboard.com](mailto:operations@blackboard.com)
- Fax: +1.312.236.7251
- Mail: Blackboard Inc., 3815 River Crossing Parkway, Suite 200, Indianapolis, IN 46240, USA

## ***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, child, 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. Michael Canfield, Jr., 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.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed name and title)

Date: \_\_\_\_\_

(Attach extra pages if necessary)