

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:

3/12/18

Prepared by:

Christine
Duncan

Vendor/Contractor Name:

TouchNet Information
Systems Inc.

Address:

15520 College Blvd

City:

Lenexa

State:

KS

Zip: 66219

Cost: \$450,000.00

Term of Contract: Through June 30, 2022 (4 Years, 2 Months)

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

On line payment platform and point of sale (POS) system that is compatible with our current payment gateway and enterprise reporting system.

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.

The TouchNet Marketplace uStores and Marketplace POS software can only be utilized with CNMCC's existing TouchNet Software solutions, as it will not function with any other vendor's payment gateway product. Finally, due to compatibility and security issues, no other vendor's electronic payment applications can interface, or directly connect to, the TouchNet Payment Gateway.

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.

See answer to #1.

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

TouchNet originally quoted an implementation cost of \$39,000.00, which CNM was able to negotiate to \$25,000.00 and with the addition of these two modules the current system annual cost will be reduced by approximately \$8,000.00. The annual subscription was quoted as \$86,100.00 and discounted to \$82,700.00.

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).

See #3.

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.

Christine Duncan
Print Requester Name


Wanda Helms
Print Dean/Chairman/Director Name

Associate Comptroller 3/12/18

Comptroller 3/12/18

Title and date:

Title and date:


Requester Signature


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.

 30 Mar 2018
Purchasing Buyer Date


Purchasing Director Date

Required Attachments:

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



TouchNet Information Systems, Inc.
15520 College Boulevard
Lenexa, KS 66219 USA
T 913.599.6699 . F 913.599.5588

March 9, 2018

VIA E-MAIL

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

Re: TouchNet Sole Source Letter

To Whom It May Concern:

TouchNet Information Systems, Inc. has created a unique software solution that is made up of several inter-related components that provides important functionality to Central New Mexico Community College ("CNMCC") pursuant to the terms of the Application Subscription Program Addendum dated September 9, 2009, as amended ("ASP Addendum"), your System Purchase & License Agreement dated August 13, 2002 ("SLP"), and your Hosting Services Addendum dated June 4, 2008 ("Hosting Addendum"). It is our understanding that CNMCC now elects to purchase additional TouchNet software and services, which will allow CNMCC to serve the needs of its students, and save CNMCC processing costs, which should allow CNMCC sole source justification.

It is our understanding that CNMCC elects to obtain the right to access and use (including hosting and maintenance services) the TouchNet Marketplace uStores and Marketplace POS software. The TouchNet Marketplace software can only be utilized with CNMCC's existing TouchNet Software solutions, as it will not function with any other vendor's payment gateway product. Finally, due to compatibility and security issues, no other vendor's electronic payment applications can interface, or directly connect to, the TouchNet Payment Gateway.

TouchNet would appreciate the opportunity to expand upon our business relationship with CNMCC. We believe that your adding the TouchNet Marketplace uStores and Marketplace POS software and services listed herein will serve as a valuable tool on CNMCC's campus. We appreciate the opportunity to work with you.

Sincerely,

A handwritten signature in cursive script that reads "Rachael A. Hamilton".

Rachael A. Hamilton, J.D.
ADMINISTRATIVE MANAGER

A **Global Payments** Company

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.

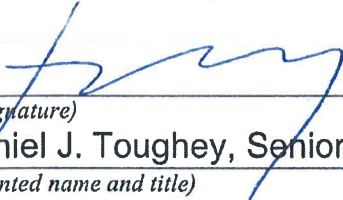
Name(s) of Applicable Public Official(s):

CNM's Governing Board including, District 1 Ms. Pauline J. Garcia, District 2 Mr. Michael Canfield, 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: n/a
Relation to Prospective Contractor: n/a
Date Contribution(s) Made: n/a
Amount(s) of Contribution(s): n/a
Nature of Contribution(s): n/a
Purpose of Contribution(s): n/a



(Signature)
Daniel J. Toughey, Senior VP

(Printed name and title)
Date: March 9, 2018

--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)



Sales Proposal

3/29/18



Central New Mexico Community College

Worksheet: Application Subscription Program (ASP)

TouchNet offers an Application Subscription Program to institutions that prefer to make an annual payment for third-party software and services and not worry about software maintenance, security, and other aspects of computer operations. With our ASP, you get full use of TouchNet solutions for a fixed, annual investment that is independent of transaction volumes. TouchNet runs, maintains, and supports your systems at our secure, PCI certified TouchNet DataCenter.

An ASP implementation is virtually a "turn-key" solution. There are just a few responsibilities that an institution needs to fulfill to complete an implementation. These include selecting a credit card processor, having Merchant ID information ready, arranging connectivity through campus firewall(s), and installing some required software and tables on campus systems.

TouchNet U.Commerce		
Software Subscription Fees		
Application Subscription Program (ASP)		
Marketplace Suite	One-Time Fee ¹	Annual Fee ^{1, 2}
Marketplace Universal Stores (uStores)		\$86,100
Marketplace Universal Pay (uPay)		
Marketplace Point of Sale		
Software Implementation and Training		
Marketplace	\$39,000	
ASP Agreement		
Standard ASP Fee:		\$86,100
Discount for ASP Agreement ▶	-\$14,000	-\$3,400
ASP Fee:		\$82,700
Sum of Other Fees:	\$25,000	\$0
ASP TOTALS:	\$25,000	\$82,700

¹ Prices quoted on this proposal expire on April 30, 2018

² Annual escalation and service dates will match existing contract between TouchNet and Central New Mexico CC.

For TouchNet Ready Partners

<http://www.touchnet.com/web/display/TN/Ready+Partner+Program.html>

T-Link: \$1250 implementation per T-Link connection
 \$1500 annual hosting per T-Link connection