



## STATE OF NEW MEXICO SOLE SOURCE REQUEST AND DETERMINATION FORM

A sole source *determination* is not effective until the *sole source request for determination* has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the State Purchasing Agent or, for Professional Services Agreements, the Secretary of the Department of Finance and Administration. The foregoing requirement is regardless of whether the *sole source request for determination* has been signed by the Agency and/or the Contractor.

I. Name of Agency: Clovis Community College

Agency Chief Procurement Officer: Corey Isaacs

Telephone Number: 575-769-4913

II. Name of prospective Contractor: Oracle America, Inc.

Address of prospective Contractor: PO Box 44471  
San Francisco, CA 94144-4471

Amount of prospective contract: \$6,754.19

Term of prospective contract: 04/07/2019 to 04/06/2020

III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract:

- IV. Provide an explanation of the criteria developed and specified by the agency as necessary to perform and/or fulfill the contract and upon which the state agency reviewed available sources. (Do not use "technical jargon;" use plain English. Do not tailor the criteria simply to exclude other contractors if it is not rationally related to the purpose of the contract.)

Maintenance and support for Oracle Database Enterprise and Oracle Internet Application Server for Enterprise Resource Planning system requirements.

- V. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities of the prospective contractor that makes the prospective contractor ***the one source*** capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the "best" source or the "least costly" source. Those factors do not justify a "sole source.")

Oracle America, Inc. is the sole source manufacturer of Oracle Database Enterprise and Oracle Application Server.

- VI. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are ***unique and how this uniqueness is substantially related to the intended purpose of the contract.***

Oracle creates the proprietary program updates that are provided as part of this service.

- VII. Explain why other similar professional services, services, construction or item(s) of tangible personal property ***cannot*** meet the intended purpose of the contract.

As the sole source of technical support services (including the proprietary program updates created by Oracle), Oracle offers the services to Oracle customers on an annual basis directly from Oracle.

VIII. Provide a narrative description of the agency's due diligence in determining the basis for the procurement, including procedures used by the agency to conduct a review of available sources such as researching trade publications, industry newsletters and the internet; reviewing telephone books and other advertisements; contacting similar service providers; and reviewing the State Purchasing Agent's vendor list. Include a list of businesses contacted (***do not state that no other businesses were contacted***), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, perform the contract; or an explanation of why the agency has determined that no businesses other than the prospective contractor can perform the contract.

No other manufacturer is authorized provide Oracle database products in use by Clovis Community College.

Certified by:

Date: 2-27-2019

  
\_\_\_\_\_  
Agency Chief Procurement Officer

Agency Approval by:

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

\_\_\_\_\_  
Cabinet Secretary/Agency or Entity Head or Designee

APPROVED:

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

\_\_\_\_\_  
State Purchasing Agent

***If this sole source relates to a procurement of general services:***

- 1) the signature of the State Purchasing Agent on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenges;
- 2) the sole source is granted as of the date of signature by the State Purchasing Agent; and
- 3) the signature of the State Purchasing Agent on this form is the final signature required for this sole source procurement.

***If this sole source relates to a procurement of professional services:***

- 1) the email from State Purchasing or the printout from the SPD database certifies the sole source has been posted for thirty (30) calendar days and has received no challenge(s); and
- 2) the signature of the Cabinet Secretary of the Department of Finance and Administration (below) is required; and
- 3) this sole source is granted as of the date of signature by the Cabinet Secretary of the Department of Finance and Administration.

APPROVED:

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

\_\_\_\_\_  
Cabinet Secretary Department of Finance and Administration

*If this sole source is being submitted by a governmental agency or governmental entity not under the final authority of the State Purchasing Agent or the Department of Finance and Administration, neither the State Purchasing Agent's nor the Department of Finance and Administration Secretary's signature are required. Those signature lines may be removed from this form or marked as N/A.*