



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 General Services Department. 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: New Mexico State Land Office

Agency Chief Procurement Officer: David Padilla
 Telephone Number: 505-827-5709
 Agency Contact for this request: Antonio Medina
 505-827-5785
 amedina@slo.state.nm.us

II. Name of prospective Contractor: ChargePoint Inc. ("CPI")

SHARE Vendor Number (must be active): 0000133556

Address of prospective Contractor: 9977 N. 90th Street, #350
 Scottsdale, AZ 85258

Contact Name, Telephone Number and Email Address:

Dan Adams
 1-669-289-4026 (Work)
 1-781-296-5806 (Cell)
 dan.adams@chargepoint.com

Amount of prospective contract before tax: "**CPI Fees**" means a fee, currently up to ten percent (10%) of Session Fees, charged for a particular Session.

Estimated tax amount (tax is subject to change): None

Term of prospective contract: 4 years

Note: For terms longer than one year, Request for Policy Exemption from DFA MUST be included.

III. Agency is required to state purpose/need of purchase and thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract (if this is an amendment request to an existing contract, include current contract number issued by SPD):

Scope of Work: Use of electric vehicle charging station (EVCS) payment processing service.

- IV. Provide a detailed 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.)

This is for use of the proprietary service that allows payments to use the EVCS. This service is the only payment processing solution that will run on the ChargePoint EVCS installed at the NM State Land Office. ChargePoint is the sole provider of payment processing services compatible with ChargePoint machines.

- 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.”)

The services are propriety to CPI. No other payment processing services are compatible with ChargePoint EVCS. They are also the only vendor that can provide updates to the software. This has been stated by the vendor. There is no current software maintenance available from any other vendor.

- 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*.

The service is unique as it is the only compatible payment processing service that runs with ChargePoint EVCS. Without this specific service, the EVCS will be unavailable for anything other than internal use.

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

CPI is the only provider of this specific software that runs with its EVCS. This is for the existing proprietary software program that was pre-installed on the EVCS. There is no other product that can provide these services.

- 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; contacting similar service providers; and reviewing the State Purchasing Divisions’ Statewide Price Agreements. 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.

The due diligence was performed during the initial purchase of the EVCS. The payment processing service came with the installation of the charging station. No other solution exists to process payments on the ChargePoint ECVS.

Certified by:

Date: 2/28/2023

DocuSigned by:
David Padilla
Agency Chief Procurement Officer

Agency Approval by:

Date: _____

Sunalei Stewart
Digitally signed by Sunalei Stewart
Date: 2023.02.28 09:18:15 -07'00'

Cabinet Secretary/Agency or Entity Head or Designee

APPROVED:

Date: _____

State Purchasing Agent

If this sole source is being submitted by a governmental agency or governmental entity not under the final authority of the State Purchasing Agent, the State Purchasing Agent's signature is not required. The signature line may be removed from this form or marked as N/A. Hard Copy Documentation for Courtesy Postings do not need to be submitted to SPD for approval.