



## TOWN OF TAOS 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 Procurement Officer. The foregoing is a requirement under NMSA 13-1-126 – 13-1-126.1 as amended by Laws 2013, ch. 40 § 6 effective June 14, 2013.

- I. Name of Entity: TOWN OF TAOS
- Procurement Agent Sharon Voigt  
[svoigt@taosgov.com](mailto:svoigt@taosgov.com)
- Telephone Number: 575-751-2025
- II. Name of prospective Contractor: Tyler Technologies
- Address of prospective Contractor: 5519 53<sup>rd</sup> Street, Lubbock, TX 79414
- Amount of prospective contract: Approximately \$40,617, excluding tax
- Term of prospective contract: Annually; July 1, 2019 to June 30, 2020
- III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract:
- Software support and maintenance for Tyler Technologies products, not limited to Incode.**
- IV. Provide an explanation of: the criteria developed and specified by the department.
- The town currently has Incode software which was purchased from Tyler Technologies, Inc. in the early 1990's. Other governmental software packages are available, however, the cost to purchase a new system could cost the town over \$150,000, not including staff time for implementation, conversion of existing software and training. We have determined that it is in the best interest of the town to continue with the Incode maintenance renewal instead of the purchasing a new financial management system.**
- 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.”)

**Tyler Technologies, Inc. is the sole source provider of software maintenance and support of Incode products including Incode Financial Management, Utility Billing, Human Resources, etc.**

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*.

**Software Maintenance and licensing (proprietary)**

VII. 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. (See above responses to IV – VI)

**Software Maintenance and licensing (proprietary)**

Certified by:

Department Approval by:

Date: 5/28/19

*Marietta S. Lombardi*  
Department Head

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

- 1) Signature of the Town Procurement Officer on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenges.
- 2) Sole source is granted as of the date of signature by the Procurement Officer.
- 3) Signature of the Procurement Officer 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) Signature of the Procurement Officer on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenge(s).
- 2) Signature of the Procurement Officer (below) is required; and
- 3) Sole source is granted as of the date of signature by the Procurement Officer.

APPROVED:

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

\_\_\_\_\_

Town of Taos Procurement Officer

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Town Purchasing Agent

Challenges

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