



## 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: New Mexico Environment Department, Environmental Protection Division, Air Quality Bureau

Agency Chief Procurement Officer: Ben Naranjo

Telephone Number: 476-3689

- II. Name of prospective Contractor: WESTAR Council

Address of prospective Contractor: 1218 Third Ave., Suite 1518  
Seattle, WA 98101

Amount of prospective contract: \$214,500

Term of prospective contract: 1/16/2015 to 11/1/16 (tentative date)

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

WESTAR is to provide an analysis of modeled baseline ozone concentrations with high resolution in the border area of southern Dona Ana County in New Mexico, where ozone concentrations may exceed the National Ambient Air Quality Standards (NAAQS) in the future.

The Scope of Work consists of the collection and reporting of detailed emissions inventory data, meteorological monitoring and modeling data, and source apportionment to identify significant contributions to the border area's ozone concentrations of the following:

- 2011 WRF 36/12/4 km with 4 km focus on Dona Ana/El Paso/Juarez
- 2011 update Permian Basin oil and gas
- 2011 update of Juarez and nearby Mexico emissions inventories, 2020 Mexico emissions update

- SMOKE current 2011 NEI for 4 km domain
- Gridded 2011 Biogenic, Fires, WBD, Lightning for 4 km domain
- Develop 2011 4 km CAMx/CMAQ database and perform base case
- 2011 MPE and Sensitivity Modeling for Dona Ana County
- SMOKE current 2020 US EI and 2020 Mexico emissions update
- 2020 4 km PGM simulation
- 2020 ozone projections (MATS)
- 2020 Emissions Sensitivity/Controls
- 2020 4 km Source Apportionment run
- Air Quality Technical Support Document (AQTSD)
- WESTAR/WRAP project management

- 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.)

The WESTAR organization including the Western Regional Air Partnership (WRAP) has a primary focus of providing the technical and policy tools specifically needed by *western* states to comply with the National Ambient Air Quality Standards (NAAQS) promulgated by the U.S. Environmental Protection Agency (EPA).

- 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.”)

NMED is responsible for enforcing air quality standards of the federal [Clean Air Act](#). Our regulatory authority comes from the state's Environmental Improvement Act, Air Quality Control Act, and our State Implementation Plan (SIP) approved by EPA. This contracted modeling, in combination with ozone inventory development, meteorological modeling and ozone model performance analysis will enable the NMED Air Quality Bureau to determine contributing factors and control strategies to reduce ozone levels and improve air quality in the border region.

The WESTAR/WRAP organization is focused on western regional technical analysis that serves as the basis for developing strategies to meet the federal Clean Air Act. Therefore, WESTAR/WRAP are specific to the *western* region of the U.S. WESTAR/WRAP and the western states have been working together for several years now to develop a consistent data warehouse and modeling platform for the west to address air quality analysis. The most recent effort has been a 3 state (Wyoming, Colorado, and Utah) air quality pilot study. The results of the pilot study, the Western Air Quality Data Warehouse and modeling platforms are

now on-line at: <http://views.cira.colostate.edu/tsdw/>. This project is an add-on to already established work of the 3-state study so it is necessary to work with WESTAR/WRAP on it. Developing the platform has been a multi-million dollar effort to date and taken large amounts of collaboration from state and federal agencies. It is important that we continue to develop this consistent methodology so that federal agencies, including EPA, and the states can accurately, effectively and efficiently plan for future air quality standards.

- 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 professional service provided by WESTAR/WRAP is unique in that it is a voluntary partnership of states, tribes, federal land managers, local air agencies and the U.S. EPA whose purpose is to understand current and evolving regional air quality issues in the West.

These issues include but are not limited to:

- Implementation and future planning for the Regional Haze Rule;
- Air quality issues related to ozone, particulate matter, nitrogen deposition and critical loads, mercury, and other pollutants;
- Emissions sources from all sectors, both domestic and international;
- Effects of air pollution transport; and
- Effects of climate change on regional air quality.

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

Other similar professional services companies would not include the ability to produce results that would fit into overall cumulative modeling for air quality and management in the intermountain west region. . This project will build upon the existing infrastructure that has been developed by WESTAR/WRAP, as discussed further in Section VIII. Other contractors could produce modeling but it would not be consistent and comparable to the existing base and future year inventories and ozone transport models; therefore it would not be useful for this project. Since the WESTAR/WRAP platform is also the most comprehensive model other contractor work would be less accurate to real world conditions and could lead to poor planning. It is essential to this project that the WRAP platform is used. WESTAR/WRAP houses the modeling platform and provides the technical oversight necessary to ensure successful completion of projects based on the platform.

- 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.

The Bureau’s review of available sources of industries posted on the internet, trade publications, and the State Purchasing Agent’s vendor list does not provide such professional services in its entirety specific to the western region. The WRAP has conducted a number of similar modeling projects for its members, most recently an update of an oil and gas emissions inventory for the Permian Basin (which extends into New Mexico) to support future modeling studies, the Three-State Air Quality Study (3SAQS) that quantified the impacts of proposed oil and gas development projects within the study area, and a large regional 2008 baseline year air quality modeling study called the West-wide Jumpstart Air Quality Modeling Study (WestJumpAQMS). The objectives of the WestJumpAQMS included initiating the next generation of regional technical analysis and support for ozone and particulate matter transport and attainment demonstrations across the West; beginning the next round of base-year regional modeling to support western U.S. air quality planning; providing for consistent future air quality analyses; and providing a modeling platform that incorporates technical updates and improvements to photochemical models. NMED partially funded these and other studies through its membership dues and EPA grant funding; therefore, WRAP is in possession of the base upon which the southern Dona Ana County modeling will be built, specifically, the Three-State Air Quality Study’s 2011 CAMx modeling platform. Using WESTAR/WRAP to manage the modeling portion of this project will also ensure that work products previously completed will not be duplicated, providing a greater degree of accuracy for the NMED study, and will ensure that this project seamlessly integrates with existing and future modeling platforms. NMED anticipates that areas outside of this initial study area will be designated as nonattainment for ozone when the new standard is finalized next year, so the WRAP product from this project will assist NMED in planning efforts and the development of control strategies.

Certified by:

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

\_\_\_\_\_  
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 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 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.***