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: Farmington Municipal Schools

Agency Chief Procurement Officer: Lisa Evans

Telephone Number: 505-599-0790
Agency Contact for this request: Ann Diehl
Telephone Number & Email Address: 505-599-8788 Ext. 1605 adiehl@fms.k12.nm.us

II. Name of prospective Contractor: The Family Learning Company
SHARE Vendor Number (must be active): V11798
Address of prospective Contractor: 24 Chilton Street, Cambridge, MA 02138

Contact Name, Telephone Number and Email Address: Thomas Hinz, 858-254-7007, thomas.hinz@me.com

Amount of prospective contract before tax: $150,000.00
Estimated tax amount (tax is subject to change): $0.00

Term of prospective contract: 1 year
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):

- *The Family Learning Company is the developer and publisher of Interactive Family Literacy, a family learning software program for literacy skills development. This*

program will provide the families of our district with resources to learn at any time with multiple resources.

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.)

- *The Family Learning Software includes activities designed for children and adults. This software includes a number of features to encourage families to learn together. Some of these features are by allowing multiple family members to log in at the same time, setting learning goals, sharing reports, and individual credit for team results.*

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 Family Learning Company has over 9,700 learning activities in both English and Spanish covering core literacy skills development for grades Pre-K through 12 and adults. The activities are organized into modules for early childhood, elementary, middle school, high school, and adult. It also contains over 200 eBooks in English and Spanish along with related vocabulary activities, comprehension activities, and writing activities. It also contains over 150 adult life skills readings with related vocabulary activities, comprehension activities, and writing activities.*

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***.

- *As stated previously The Family Learning Software is geared towards children and parents learning together with over 9,700 activities entailing, phonemic awareness, decoding, vocabulary, fluency, comprehension, and writing.*

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

- *The Family Learning Company is delivered under a no-expiration family plan license, so it is a one-time purchase for lifetime use for our families.*

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.

- There were no other providers who met all criteria The Family Learning Company will provide. The following providers were researched by Internet on 5/18/23.
    - Family Engagement Using Early Education Software (Educa): Does not provide services for students AND adults
    - Waterford.org: Does not provide services for students AND adults
    - Teaching Strategies: Provide programs for early childhood education only.

Certified by: Date: 52323

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 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.