

EC-24-35



Mayor Timothy M. Keller

# CITY OF ALBUQUERQUE


Albuquerque, New Mexico

Office of the Mayor

## INTER-OFFICE MEMORANDUM

December 8, 2023

**TO:** Dan Lewis, President, City Council

**FROM:** Timothy M. Keller, Mayor 


**SUBJECT: Emergency Purchase of Migrant Sheltering Services to Avoid an Interruption in Service While FEMA grant funds are being Competitively Procured**


Transmitted herewith for City Council consideration as Receipt be Noted is justification for an emergency purchase of migrant sheltering services that was executed in December to avoid an interruption in service. This emergency purchase was needed because the amount and duration of the services to be provided was anticipated to exceed the original contract amount of \$100,000 and the original term ending December 31, 2023. The contract with United Voices for Newcomer Rights (UVNR) was amended to add \$50,000 and extended until March 30, 2024 to allow for services to continue uninterrupted, while the Office of Emergency Management solicits competitive proposals for the provision of this service with FEMA grant funding through September 30, 2025.

**TITLE/SUBJECT OF LITIGATION Emergency Purchase of Migrant Sheltering Services to Avoid an Interruption in Service While FEMA grant funds are being Competitively Procured**

Approved:

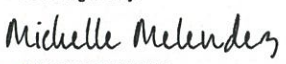
Approved as to Legal Form:

  
Samantha Sengel Date: 1/29/24  
Chief Administrative Officer

DocuSigned by:  
 12/20/2023 | 5:11 PM MST  
1A21D96D32C74EE...  
Date  
City Attorney

Recommended:

DS  
CD

DocuSigned by:  
 12/20/2023 | 9:51 AM MST  
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Date  
Director

## **Cover Analysis**

- 1. What is it?** This is a communication to council providing justification for an emergency purchase that was made in December for migrant sheltering services to avoid an interruption in service. The purchase was made by amending an existing contract with United Voices for Newcomer Rights (UVNR) by adding \$50,000 and three months of time to continue performing the services that UVNR has been providing by staffing an overnight shelter dedicated to migrants. This emergency procurement was needed in order to avoid an interruption in service while the City Office of Emergency Management completes an RFP process for the same kind of services going forward, using FEMA grant funds awarded.
- 2. What will this piece of legislation do?** This is an executive communication only, sent so that receipt can be noted, showing that the total contract amount is \$150,000 and that the term is extended until March 31, 2024.
- 3. Why is this project needed?** The volume of migrants arriving in Albuquerque increased beginning in August, which required a higher level of staffing by the contractor, which led to the need to add compensation. The increased flow of migrants that began in August has not subsided, which necessitates the extension of time on the existing contract to avoid an interruption in service while FEMA funds are being competitively procured.
- 4. How much will it cost and what is the funding source?** No additional appropriation is necessary to support the increased cost for services. Sufficient funding is available in the original project appropriation (project 25\_23\_IMMIG\_SUPP and activity 2599010) in Fund 265.
- 5. Is there a revenue source associated with this contract? If so, what level of income is projected?** There is no revenue source associated with this legislation.
- 6. What will happen if the project is not approved?** If the contract amendment was not approved as an emergency purchase, there would have been an interruption in service, causing the dedicated migrant shelter to be closed, leaving migrants to be dropped off by ICE at the Albuquerque Sunport, the Greyhound Bus Station or elsewhere. Migrants, who do not speak English, would have attempted to find shelter in existing homeless shelters, which have been at or above capacity. Many of the migrants are

travelling with small children, which makes most homeless shelters unavailable to families.

**7. Is this service already provided by another entity? No**

### FISCAL IMPACT ANALYSIS

TITLE: CCN 202301018 Amendment 1 Extension of Time and Funds R: O:  
 FUND: 265  
 DEPT: OEM and OEI

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	Fiscal Years			
	2024	2025	2026	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property				-
Indirect Costs	7.70%			-
<b>Total Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<input checked="" type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Revenue from program				-
Amount of Grant				
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
<b>Total Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

These estimates do not include any adjustment for inflation.  
 \* Range if not easily quantifiable.

Number of Positions created

**COMMENTS:** Sufficient funding is available in existing appropriation 25\_23\_IMMG\_SUPP to support the increased contract costs of \$50,000.

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

PREPARED BY:  
 DocuSigned by:  
*Jiff Bankhurst* 1/9/2024 | 9:31 PM MST  
 2189B0C0C025435  
 FISCAL ANALYST

APPROVED:  
 DocuSigned by:  
*Michelle Melech* 1/10/2024 | 8:47 AM MST  
 8A5E9C2CB71C40D...  
 DIRECTOR (date)

REVIEWED BY:  
 DocuSigned by:  
*Alan R. Gutowski* 1/10/2024 | 9:40 AM MST  
 0D78DF2F29124F3  
 EXECUTIVE BUDGET ANALYST

DocuSigned by:  
*Lawrence Davis* 1/10/2024 | 10:28 AM MST  
 0B201A0B1266404  
 BUDGET OFFICER (date)

DocuSigned by:  
*Christine Boerner* 1/10/2024 | 10:51 AM MST  
 E826282312CC47D  
 CITY ECONOMIST



## CITY OF ALBUQUERQUE

### EMERGENCY PURCHASE JUSTIFICATION

\*\*This is the printable version of the electronic form. Attachments are available on the actual form\*\*

### General Information

<b>Form Name</b>	P_EMERGENCY	<b>Form ID</b>	104726
<b>PO Business Unit</b>	PODFA	<b>Dept Contact</b>	Brazil, Maria C
<b>Incident Date</b>	2023-12-22	<b>Est Resolution Date</b>	2023-12-30
<b>Amount Spent</b>	50,000.00	<b>Source of Funds</b>	Grants - Other
<b>Multiple Vendor Flag</b>	N	<b>Form Entered Date</b>	2023-12-22

	<b>FORM STATUS</b>	Pending	
<b>Last Modified By</b>	Brazil, Maria C	<b>Last Modified Date</b>	2023-12-22

### Justification Questions

- 1. Explain what the emergency is and/or what caused the emergency situation. (Please include if applicable, losses in terms of dollars, State or Federally mandated requirements which required immediate action to prevent any adverse impact to the public or property):**

The volume of migrants arriving in Albuquerque without sufficient resources for immediate onward travel to other destinations has increased since September 2023 due to unforeseen circumstances at the southern U.S. border. The flow of migrants has not subsided and is expected to continue for an undetermined length of time.

- 2. Identify the financial or operational damage/risk that likely will occur if needs are not satisfied immediately (do not simply say there will be a loss or some damage):**

Due to the volume and continued flow of migrants, the operational service needs of this vulnerable population will soon exceed the contract amount and the contract term agreed upon with United Voices for Newcomer Rights in December 2022. To avoid the potential of having hundreds of migrants sleeping outdoors, or presenting at homeless shelters that are at or exceeding capacity, the City has an emergency need to extend its existing service contract and add compensation to the existing contract with UVNR to provide for overnight

sheltering.

**3. Explain why the goods or services could not have been purchased using non-emergency Purchasing Ordinance procedures:**

This emergency purchase is necessary to avoid an interruption in service while the City completes a Request for Proposals process that was initiated in October when the City was notified of a grant award from the U.S. Department of Homeland Security, FEMA Shelter Services Program for this purpose.

**4. Explain how you selected the vendor and efforts made to obtain competitive quotes. (Attach all quotes/proposals received from other sources, if applicable):**

UVNR was the only service provider who submitted a responsive proposal in response to a request for proposals in Q3 of FY23 for the needed sheltering services, and has successfully provided the service to the city for the duration of the contemplated term of the agreement.

**5. Identify good/services purchased and the cost:**

The service provided is the 24/7 staffing of a dedicated migrant shelter for eligible asylum seekers, to include intake, assistance with contacting the sponsors of asylum seekers, and assisting with arranging for the expeditious onward travel of those asylum seekers to meet their sponsors when possible, or to assist those with no sponsors on onward travel plans with navigating resources available in Albuquerque for basic housing.

**6. What do you anticipate the duration of this procurement to be? Note that emergency procurements are not intended for long-term solutions to emergencies. Identify your plan for procurement of goods or services for the long-term, if applicable.**

6. We anticipate the RFP process to be completed by March 30, 2024 at which time we anticipate entering into a long-term contract with a service provider using FEMA grant funds.

**7. If federal funds will be involved in this procurement, please identify the federal agency providing the funds and certify that you have taken steps to comply with the federal procurement rules and the City's guidance on federal purchases. YOUR FEDERAL GRANTING AGENCY MAY REQUIRE ADDITIONAL APPROVALS FOR EMERGENCY PROCUREMENTS. Enter N/A if no Federal funding will be used.**

7. This emergency procurement does not use federal funds. The City of Albuquerque has received migrants for a number of years as part of a humanitarian relief effort aimed at promoting public health and public safety. In December 2022, the City allocated funds to help cover the costs of sheltering asylum seekers, particularly the labor costs of staffing and operating a dedicated shelter for migrants because other emergency housing shelters were approaching capacity.

## User Certification

I certify that the above statements are true and correct, and that no other material fact or consideration offered or given has influenced this recommendation for an emergency procurement.

Entering User ID	E43174	Entering User Name	Brazil, Maria C
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Certification Response	Y
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## FIRST AMENDMENT

THIS FIRST AMENDMENT (“Agreement”) is made and entered into as of the date of the last signature below, by and between the City of Albuquerque, New Mexico, a municipal corporation (“City”), and UNITED VOICES FOR NEWCOMER RIGHTS New Mexico non-profit, 2201 San Pedro Dr. NE Suite 222 Albuquerque, NM (“Contractor”).

### RECITALS

**WHEREAS**, the City and Contractor entered into an agreement, dated April 01, 2023, hereinafter referred to as the “Original Agreement”, whereby the Contractor agreed to perform certain Services; and

**WHEREAS**, the Contractor agreed to establish and operate a collaborative Migrant Assistance Project with Contractor acting as the coordinator of all partners, to work together to provide culturally and linguistically appropriate emergency shelter, food, access to legal and medical aid and resource referral/navigation mentorship to migrants; and

**WHEREAS**, the City requires an extension to the Services performed under the Original Agreement for an additional amount of time and has determined additional funding in the amount of FIFTY THOUSAND AND NO/00 DOLLARS (\$50,000.00) is appropriate, bringing the total Original Agreement compensation amount to ONE HUNDRED FIFTY THOUSAND AND NO 00/100 DOLLARS (\$150,000.00); and

**WHEREAS**, the City desires to modify the Time and Performance in the Original Agreement by replacing Section 2, extending the term of the Original Agreement to March 31, 2024; and

**WHEREAS**, the Contractor is agreeable to the extension to the Term of the Original Agreement and to the related increase in compensation.

**NOW, THEREFORE**, in consideration of the premises and mutual obligations herein, the parties hereto mutually agree as follows:

1. Section 2 “Time of Performance” of the Original Agreement is hereby amended to read as follows:

2. Time of Performance. Time is of the essence. Services of the Contractor shall commence on April 1, 2023, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this Agreement; provided, however, that in any event, all of the Services required hereunder shall be completed by March 31, 2024. In the event of delay in execution of this Agreement, it is the intent and explicit agreement of the parties that all terms of this Agreement shall be applicable continuously commencing on April 1, 2023 and the parties ratify all actions taken pursuant

to the terms and scope of this Agreement by the parties from April 1, 2023 through the execution of this Agreement.

2. Section 3 “Compensation and Method of Payment” subsection A “Compensation” of the Original Agreement is hereby deleted in its entirety and the following language inserted in lieu thereof:

A. Compensation. For performing the Services specified in Section 1 hereof, the City shall pay the Contractor up to the amount of ONE HUNDRED FIFTY THOUSAND AND NO 00/100 DOLLARS (\$150,000.00). Under the terms of this Agreement, the total amount of the compensation paid to Contractor must not exceed the sum of ONE HUNDRED FIFTY THOUSAND AND NO 00/100 DOLLARS; which is the amount budgeted by the City for this Agreement as shown in Attachment B.

The above amount constitutes full and complete compensation for the Contractor’s Services under this Agreement, including any applicable gross receipts taxes and all expenditures made and expenses incurred buy the Contractor in performing the Services under this Agreement. Any funds received by the Contractor from FEMA should supplement and not supplant or duplicate the support provided by the City. If the Contractor receives FEMA or other federal reimbursement for expenses that have been billed to the City and for which the City has made payment to the Contractor, Contractor shall notify the City and return the payments made by the City.

3. Except as herein expressly amended, the terms and conditions of the Original Agreement shall remain unchanged and shall continue in full force and effect unless there is a conflict between the terms and conditions of the Original Agreement and this Agreement, in which event, the terms and conditions of this Agreement shall control.

4. This Agreement shall not become binding upon the City until approved by the highest required City approval authority.

IN WITNESS WHEREOF, the City and the Contractor have executed this Agreement upon the date of the last signature below.

**CONTRACTOR:**

Company: UNITED VOICES FOR NEWCOMER RIGHTS

Approved By:  \_\_\_\_\_  
F40C216B53644FC

Date: 12/22/2023 | 7:55 AM PST

Name: Hallie Brown \_\_\_\_\_

Title: Executive Director \_\_\_\_\_

**CITY OF ALBUQUERQUE:**

Approved  
By:

DocuSigned by:  
*Jennifer Bradley*  
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Date:  
12/22/2023 | 9:04 AM MST

Name: Jennifer Bradley

Title: Chief Procurement Officer

DS  
CD

Approved  
By:

DocuSigned by:  
*Michelle Melendez*  
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Date:  
12/22/2023 | 8:57 AM MST

Name: Michelle Melendez

Title: Director, Office of Equity and Inclusion

DS  
ME

Approved  
By:

DocuSigned by:  
*Lauren Keefe*  
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DocuSigned by:  
*Samantha Sergei*  
BC2424C09B8741A...

Date:  
12/26/2023 | 10:46 AM MST

12/29/2023 | 3:4

Name: Lauren Keefe Samantha Sergei

Title: City Attorney Chief Administrative Offi