

EC-19-473

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor



Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

September 11, 2019

TO: Klarissa Pena, President, City Council

FROM: Timothy M. Keller, Mayor

A handwritten signature in black ink, appearing to be 'TK', is written over the name 'Timothy M. Keller'.

SUBJECT: Request to approve Supplemental Agreement with the Albuquerque Hispano Chamber of Commerce to oversee the creation and launch of a public engagement campaign.

The Economic Development Department wishes to amend the Albuquerque Hispano Chamber of Commerce (AHCC) original Agreement dated July 27, 2017. Attached for your consideration and approval is the First Supplemental Agreement with AHCC, a non-profit (501)(c)3, an organization of community business owners and professionals committed to empowering individuals through economic growth.

The project aligns with key priorities of the Economic Development Department to secure the participation of diverse Albuquerque constituencies in the drive to deliver the full potential of Albuquerque as the best place to live, work, visit, and raise a family.

The public engagement campaign will build upon, support and extend the branding of One Albuquerque with the ultimate goal of highlighting a community that is thriving, where young professionals can confidently live in and raise a family. The campaign also includes securing police candidates committed to serving and protecting Albuquerque residents in a respectful and lawful manner.

Funding for this program was identified and included in the Human Resource budget approved by City Council. The Supplemental Agreement amount for FY20 is for \$350,000.

Your consideration and approval is appreciated.

Recommended:



Synthia Jaramillo, Director
Economic Development Department

9/25/19
Date

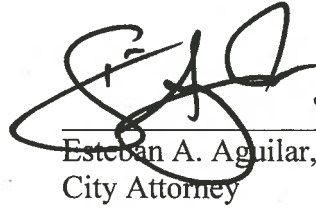
Approved:



Sarita Nair
Chief Administrative Office

10/1/19
Date

Approved as to Legal Form:



Esteban A. Aguilar, Jr.
City Attorney

9-16-19
Date

Cover Analysis

1. What is it?

This is a contract approval of the First Supplemental Agreement to amend the Albuquerque Hispano Chamber of Commerce (AHCC) Lodger's Tax/Hospitality Fee Agreement dated July 27, 2017. The First Supplemental Agreement includes an addition to the Scope of Services that is needed in order for AHCC to provide public engagement services to the City. The public engagement campaign will build upon, support and extend the branding of One Albuquerque.

The Albuquerque Hispano Chamber of Commerce, a non-profit 501(c)(3), is organized to promote economic development, to enhance economic opportunities and to provide business and workforce education with an emphasis on the Hispanic and small business community in Albuquerque and New Mexico.

2. What will this piece of legislation do?

It will approve the First Supplement Agreement allowing the Albuquerque Hispano Chamber to oversee the performance of a public engagement campaign. AHCC will secure the participation of diverse Albuquerque constituencies, with the ultimate goal of showcasing Albuquerque as one of the best places to live, work, visit and raise a family. The public engagement campaign will build upon, support and extend the branding of One Albuquerque.

The amount of the First Supplemental Agreement is \$350,000.

3. Why is this project needed?

The City recognizes that it is important to build a public engagement campaign in order to:

- Secure the services, whether paid or voluntary, of candidates needed for a variety of critical City functions, while ensuring all current service workers remain committed to their critical missions.
- Secure the involvement of our active and committed diverse community, including business owners and their employees, to recruit and to retain young professionals to visit, work and ultimately stay to raise their own families in Albuquerque.
- Help secure police candidates who are committed to serving and protecting the people of Albuquerque in a respectful and lawful manner.

4. How much will this cost and what is the funding source?

This Supplemental Agreement will provide an additional \$350,000 for FY2020. Funding for this program was identified and included in the Human Resource budget approved by the City Council.

5. Is there a revenue source associated with this project? If so, what level of income is projected?

There is no direct revenue to the City.

FISCAL IMPACT ANALYSIS

TITLE: Supplemental Agreement for Albuquerque Hispano Chamber of Commerce

R: O:
 FUND: 110
 DEPT: 4713100

- 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 | | | |
|---|--------------|-------------|-------------|-------------|
| | 2020 | 2021 | 2022 | Total |
| Base Salary/Wages | - | - | - | - |
| Fringe Benefits at | - | - | - | - |
| Subtotal Personnel | - | - | - | - |
| Operating Expenses | | | - | - |
| Property | | - | - | - |
| Indirect Costs | - | - | - | - |
| Total Expenses | \$ - | \$ - | \$ - | \$ - |
| <input checked="" type="checkbox"/> Estimated revenues not affected | | | | |
| <input type="checkbox"/> Estimated revenue impact | | | | 0 |
| Total Revenue | \$ - | \$ - | \$ - | \$ - |

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS:

The Supplemental Agreement will provide an additional \$350,000 for FY2020. Funding for this program was identified and included in the Human Resources Budget for City Workforce Recruiting approved by the City Council.

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

The Contractor will oversee the creation and launch of an umbrella public engagement campaign to secure the participation of all relevant Albuquerque constituencies, current and potential, in the drive to deliver the full potential of Albuquerque as the best place to live, work, visit, and raise a family.

PREPARED BY:

Janyalder
 FISCAL ANALYST

APPROVED:

Mary Scott 9/27/19
 DIRECTOR (date)

REVIEWED BY:

Jayne Anderson
 EXECUTIVE BUDGET ANALYST

Pam Fanelli for Renee Martinez
 BUDGET OFFICER (date)

Christina 9/30/19
 CITY ECONOMIST

SOLE SOURCE JUSTIFICATION

The Public Purchases Ordinance 5-5-31 provides that a contract may be awarded without a competitive solicitation regardless of the estimated cost when the City Purchasing Officer makes a determination, after conducting a good faith review of available sources and consulting the user department that there is only one source for the required goods, services, or construction. The City Purchasing Officer or designee shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to the city.

The end user department must justify each sole source procurement request by completing this form, attaching it to a requisition, and submitting the package to the Purchasing Division. The Chief Procurement Officer will review the submission and make the final determination as to whether a sole source purchase is justified under the Public Purchases Ordinance.

1. Describe the goods, services or construction requested. Explain why the particular goods, services or construction requested is the only item that can satisfy your requirements, and explain why alternatives are unacceptable. Be specific with regard to specifications, features, characteristics, requirements, capabilities, and compatibility. Describe what steps have been undertaken to make the determination that the item identified is the only item that can satisfy your requirements.

The Albuquerque Hispano Chamber of Commerce (AHCC) will oversee the development and performance of a public engagement campaign. The Contractor will secure the participation of minority and diverse Albuquerque constituencies, with the ultimate goal of showcasing Albuquerque as one of the best places to live, work, visit, and raise a family. The public engagement campaign will build upon, support, and extend the branding of One Albuquerque. The public engagement campaign's inception was a collaborative effort between the City and AHCC and as such, the AHCC is uniquely qualified to organize and launch the initiative.

2. Explain why the vendor/supplier or manufacturer is the only available source from which to obtain this product or service and describe the efforts that were made to verify and confirm whether or not, only one source for the product or service exists. Departments must obtain a letter from the manufacturer to confirm any claims made by distributors or exclusive distributorships regarding the product or service if that is cited as a reason for the sole source classification. A U.S. registered patent number with date of the patent expiration or exclusive ownership of a software license may suffice.

The vendor has been part of the Albuquerque community since its inception in 1975. The organization has developed a network across the country that creates an advantage in deploying a campaign like this. The Chamber is uniquely positioned to make advancement into minority and diverse constituencies in Albuquerque and throughout the country. The AHCC has expertise in promoting economic development, enhancing economic opportunities and providing business and workforce education with an emphasis on the minority and small business community. This expertise aligns perfectly with the intention of the public engagement campaign. Currently the AHCC is a diverse business community of approximately 1,200 business owners, entrepreneurs and professionals committed to scaling small businesses and empowering individuals through economic growth and wealth creation.

3. Will this purchase obligate the City to a particular vendor for future purchases (either in terms of maintenance that only this vendor will be able to perform and/or if the City purchases the goods or services, will more "like" items in the future be needed to match the original purchase?)

No. It will not.


4. Explain why the price for the goods or services is considered to be fair and reasonable?

The scope of the public engagement campaign is wide-ranging with multiple goals. The proposed cost for this campaign is fair and reasonable based on typical market costs for these types of programs.

5. Explain the consequence(s) to the City, including a dollar estimate of the financial impact, if the Chief Procurement Officer determines this purchase sole source procurement is not approved.
It is difficult to put an exact dollar amount on the consequences of not supporting this diverse public engagement initiative. In the event of the request not receiving approval, the more likely cost to the City would be more along the lines of seeing important involvement opportunities diminished and public safety would be adversely affected. It is extremely reasonable for the City to fund such a program with this entity that has such a strong track record of success.

6. If federal funds will be involved in this procurement, please state and identify the federal agency.
N/A

By signing below, I certify that the above statements herein are true and correct, and that no other material fact or consideration offered or given not set forth herein has influenced this request for a sole source procurement determination.

Submitted By: Synthia Jaramillo Economic Development
Department Director Printed Name Department
 9/27/19
Authorized Signature Date Phone Number

PURCHASING USE ONLY

Senior Buyer: _____ Date: _____

1. A good faith review of available sources has been undertaken (State results of review)

2. Describe negotiation efforts to obtain the price most advantageous to the City.

Approved By: _____ Date: _____

Chief Procurement Officer Date: _____

FIRST SUPPLEMENTAL AGREEMENT

THIS FIRST SUPPLEMENTAL AGREEMENT is made and entered into this _____ day of _____, _____, by and between the City of Albuquerque, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and Albuquerque Hispano Chamber of Commerce, a New Mexico nonprofit corporation, 1309 4th Street SW, Suite A, Albuquerque, NM 87102 (hereinafter referred to as the "Contractor").

RECITALS

WHEREAS, the City and Contractor entered into an Agreement, dated July 27, 2017, hereinafter referred to as the "Original Agreement", whereby the City and the Contractor agreed that the Contractor would render convention and tourism services to the Hispanic and Native American markets; and

WHEREAS, the City has determined that an addition to the Scope of Services is needed in order for the Contractor to provide public engagement services to the City; and

WHEREAS, the Contractor has unique expertise and experience at the national level for marketing to a diverse workforce and community; and

WHEREAS, the Contractor is uniquely suited to promote a public engagement campaign for the betterment of the community; and

WHEREAS, the Contractor is agreeable to the amendments.

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

1. Section 1 of the Agreement shall be amended to add the following additional paragraph 1E:

E. Consistent with its long-established mission to promote, among other things, economic development and enhance economic opportunities, the Contractor will oversee the performance of a public engagement campaign. The Contractor will secure the participation of diverse Albuquerque constituencies, with the ultimate goal of showcasing Albuquerque as one of the best places to live, work, visit, and raise a family. The public engagement campaign will build upon, support, and extend the branding of One Albuquerque, and include, but not be limited to:

- Secure the services, whether paid or voluntary, of candidates needed for a variety of critical City functions, while ensuring all current service workers to remain committed to their critical missions;
- Secure the involvement of our active and committed diverse community, including business owners and their employees, to recruit and to retain young professionals to visit, work, and ultimately stay to raise their own

families in Albuquerque;

- Provide the marketing expertise to recruit a diverse workforce of police candidates who are committed to serving and protecting the people of Albuquerque in a respectful and lawful manner.
- Provide branding, advertising, publicizing, and promoting of the unique diverse culture One Albuquerque offers to engage and recruit a better reflection and representation of the police department's workforce.

2. Sections 3B shall be amended to read as follows:

3. **Compensation and Method of Payment.**

B. For performing the Services specified in Section 1E herein, the City agrees to pay the Contractor up to the amount of Three Hundred Fifty Thousand and No/00 Dollars (\$350,000.00), which amount includes any applicable gross receipts taxes and which amount shall constitute full and complete compensation for the Contractor's Services under this Agreement, including all expenditures made and expenses incurred by the Contractor in performing the services.

Said Compensation shall be paid to the Contractor upon receipt by the City of properly documented invoices for payment as determined by the budgetary and fiscal guidelines of the City and on the condition that the Contractor has accomplished the Services to the satisfaction of the City.

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

4. This First Supplemental Agreement shall not become binding upon the City until approved by the highest approval authority of the City required under this Agreement.

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IN WITNESS WHEREOF, the City and the Contractor have executed this First Supplemental Agreement as of the date first above written.

CITY OF ALBUQUERQUE

CONTRACTOR: Albuquerque Hispano Chamber of Commerce

Approved By:

By: _____

Title: _____

Sarita Nair
Chief Administrative Officer

Synthia Jaramillo
Economic Development Department

Date: _____

Jesse Muñiz
Chief Procurement Officer

Date: _____