



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: Law Offices of the Public Defender

Agency Chief Procurement Officer: Liliana Ornelas
Telephone Number: 505-490-3702

Agency Contact for this request: Debbie O'Dell
Telephone Number & Email Address: 505-490-5156, veronica.rosales.lopdnm@gmail.com

II. Name of prospective Contractor: Mullen Coughlin LLC

SHARE Vendor Number (must be active): 0000181972

Address of prospective Contractor:

426 W. Lancaster Avenue, Suite 200
Devon, PA, 19933

Contact Name, Telephone Number and Email Address: Claudia C McCarron, 267-90-4787, cmccaron@mullen.law

Amount of prospective contract before tax: \$60,000.00

Estimated tax amount (tax is subject to change): \$0.00

Term of prospective contract: 2/20/2025-2/19/2026

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 purpose of this contract is for the Contractor to represent LOPD following a cyber-security incident shifting to the next phase of remediation, including, if needed, assisting the agency in fulfilling any consumer and regulatory notification obligations, finalizing

notification letters to those affected, ongoing advisement on possible remediation services such as communication services, credit monitoring, or identity monitoring for those affected, advising the agency on legal and any regulatory obligations, and assistance with responses to the public records.

- 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 following is an explanation of the criteria specified by LOPD as necessary to perform the legal services duties and/or fulfill the contract:

- Fulfillment of consumer and regulatory notification obligations
- Finalizing notification letters to those affected
- Ongoing advisement on possible remediation services such as communication, credit monitoring
- Advising agency on legal and any regulatory obligations
- Assistance with responses to public records requests
- If public records request is received, notification to the agency of such request and will ake direction from agency concerning fulfillment

- 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.”)

Contractor assisted the agency while the cybersecurity incident took place. This contractor is familiar with the incident and this will be a continuation of their services post cybersecurity. This contractor was initially procured under an emergency procurement and is now needed to assist with legal services post cybersecurity.

- 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.***

Given the contractor’s extensive knowledge and experience with LOPD in assisting the agency while the cybersecurity incident occurred the contractor’s abilities are substantially related to the purpose of this request as the agency is in need of continuous remediation support.

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

As stated above, due to the contractor’s extensive experience with LOPD and the assistance in the process of the cybersecurity incident, the contractor fulfills the requirements needed for this position now post cybersecurity incident.

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.

As stated in section VI, given the circumstances and the need for continuous legal remediation support post cybersecurity incident, the contractor is able to continue providing support with no lapse in services.

Certified by:

Date: 1/17/2025

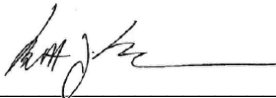


Agency Chief Procurement Officer

1/17/2025

Agency Approval by:

Date: _____



Cabinet Secretary/Agency or Entity Head or Designee