



## 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.

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|---|---|
| I. Name of Agency:                                | Legislative Council Service   |
| Agency Chief Procurement Officer:                 | Gerardo "Jerry" A. Paredes Jr.                                      |
| Telephone Number:                                 | (505) 986-4646  |
| Agency Contact for this request:                  | Gerardo "Jerry" A. Paredes Jr.                                      |
| Telephone Number & Email Address                  | (505) 986-4646<br>Gerardo.Paredes@nmlegis.gov                       |
|   |   |
| II. Name of prospective Contractor:               | Innovative Process Solutions, Inc.                                  |
| SHARE Vendor Number (must be active):             | 0000176064  |
| Address of prospective Contractor:                | 307 Waverley Oaks Road, Suite 203<br>Waltham, MA 02452              |
| Contact Name, Telephone Number and Email Address: | Harold Engstrom<br>(781) 883-4179<br>harold.engstrom@flowwright.com |
| Amount of prospective contract before tax:        | \$36,325  |
| Estimated tax amount (tax is subject to change):  | \$0   |
| Term of prospective contract:                     | One 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 Legislative Council Service (LCS) requires a FlowWright, Inc. license in order for contractor use of FlowWright software. LCS contract No. 22-54, which may be found at [https://www.nmlegis.gov/Publications/Legislative\\_Contract\\_Documents/EY%2022-54%20a1.pdf](https://www.nmlegis.gov/Publications/Legislative_Contract_Documents/EY%2022-54%20a1.pdf), was awarded on October 6, 2022 for the development of a consolidated agency drafting and information system. Innovative Process Solutions, Inc. (Innovative Process) is the exclusive developer of FlowWright software, which has been used in the completion of Contract No. 22-54 since September 20, 2023. Innovative Process is the sole source for FlowWright software pricing and purchases.

- 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 LCS issued a Request for Proposals on June 24, 2022 in order to select an offeror to award a contract for services to design and develop a legislative drafting and information system that provides integrated legislative applications and databases, including legislative drafting components and legislator information, and committee and chamber components, etc. On October 26, 2022, the contract was awarded to Tallan, Inc. On February 10, 2023, Ernst & Young U.S. LLP acquired all of Tallan Inc.’s right, title and interest in, to and under Contract No. 22-54.

Purchase Order No. 24-133-ZG1003-01 was issued on September 20, 2023 to Innovative Process Solutions for an annual FlowWright subscription. This purchase order was awarded based on a three-quote process wherein Innovative Process Solutions was the lowest bidder. The quotes solicited were for software developers capable of offering the services required under Contract No. 22-54.

Purchase Order No. 25-ZH1010-01 was issued on October 7, 2024 to Innovative Process Solutions for an annual FlowWright subscription renewal. This purchase order was awarded based on a two-quote process wherein Innovative Process Solutions was the

lowest bidder, with a justification as to why a third quote was not obtained.

At the expiration of the annual subscription obtained through Purchase Order No. 25-ZH1010-01, the only quote received from various solicitations was from Innovative Process Solutions. Contract No. 22-54 is scheduled to be completed in 2026. Due to the ongoing development work on the legislative drafting and information system and near completion of it, the LCS would like to continue to use FlowWright software instead of choosing a new developer.

- 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.”)

FlowWright software has been used for the past two years in the completion of Contract No. 22-54. Contract No. 22-54 is a multi-million dollar contract requiring ongoing development work. It is in the best interest of the LCS to continue using FlowWright software instead of transitioning to a completely new software for the remainder of the development work. Doing so could lead to the delayed completion of Contract No. 22-54 and higher costs.

Innovation Process Solutions is the sole developer and retailer of FlowWright software.

- 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 legislative drafting and information system being designed under Contract No. 22-54 has done so using FlowWright software for the past two years. The LCS has invested this time as well as millions of dollars into the development of this system. The system's infrastructure has relied on FlowWright software. Transitioning to a new software developer would require additional time, completion delays, and possibly the redo of already completed work.

- 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 software developers would be unsatisfactory due to the amount of already completed work, the familiarity of Innovative Process Solutions with the legislative drafting and information system, and because the approaching contract completion deadline does not allow for any additional time or increased costs.

Innovative Process Solutions

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.

Innovative Process Solutions is the sole vendor of FlowWright software. The LCS contacted multiple vendors on Statewide Price Agreements, Cooperative Educational Services Agreements and on the open market. None of these vendors was able to offer a quote for the services needed due to the vendors not carrying the product and because the vendors have no contractual relationship with Innovative Process Solutions.

Certified by:

Date: 09/04/2025

Gerardo A. Paredes Jr.  
Agency Chief Procurement Officer

Agency Approval by:

Date: 9/4/2025

[Signature]  
Cabinet Secretary/Agency or Entity Head or Designee

APPROVED:

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

N/A

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