



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: Adrienne Turner
Telephone Number & Email Address: 505-835-2214, Adrienne.turner@lopdm.us

II. Name of prospective Contractor: Rothstein Donatelli LLP

SHARE Vendor Number (must be active): 0000047570

Address of prospective Contractor:

500 4th Street NW
Albuquerque, NM 87102

Contact Name, Telephone Number and Email Address: Marc Lowry, 505-243-1443,
mlowry@rothsteinlaw.com

Amount of prospective contract before tax: \$25,000.00

Estimated tax amount (tax is subject to change): \$1,906.25

Term of prospective contract: 7/1/2026-6/30/2027

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 and provide legal advice to LOPD in the appeal of a class action Petition of Writ of Habeas Corpus, New Mexico Supreme Court Case No. S-1-SC-40874 and related matters seeking to divest LOPD of

the responsibility for representing class plaintiffs in such cases.

- 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:

- Familiarity with the complete trial and appellate record, including all proceedings, rulings, and preserved issues in Franklin v. State, Case No S-1-SC-40874 (D-307-CR-2024-00490 and related Cause No. D-101-2024-02153.
- Comfort and familiarity with communication with opposing counsel’s strategy developed through direct engagement throughout the case.
- Ability to respond without delay to any court-related supplemental briefing, motions, or procedural matters on short notice.
- Ability to present and defend the legal arguments presented in the briefing and answer any questions at any oral argument ordered by the Supreme Court.
- Capacity and knowledge to timely respond to substantive and procedural orders on remand following the Supreme Court’s ruling, including providing legal advice to LOPD on implementation of and rulings.

- 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 is currently in the process of representing LOPD in the case mentioned above. Contractor possesses the requisite knowledge and experience necessary to perform all required duties/legal services to fulfill the contract as described in section IV (above).

- 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 of the ongoing developments of this case, it is in the best interest of LOPD to continue with this representation as it will not only save the agency money but also time as they are familiar with the court proceedings and next steps in the upcoming trial.

- 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 knowledge of this active case, the contractor fulfills the requirements needed for this position.

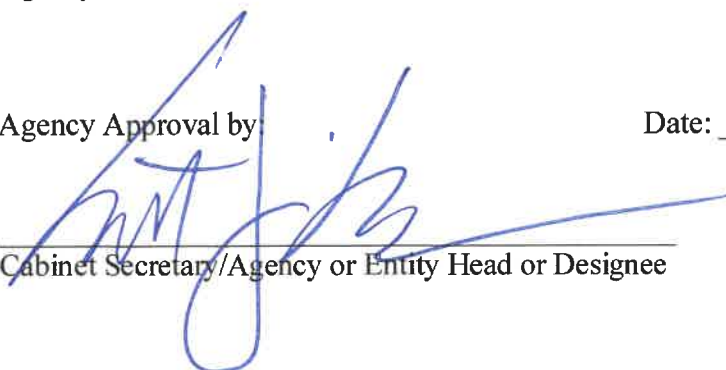
VIII. Provide a narrative description of the agency's due diligence in determining the basis for the procurement, including procedures used by the agency to conduct a review of available sources such as researching trade publications, industry newsletters and the internet; contacting similar service 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 time restrictions as this case has been fully briefed in the Supreme Court and oral argument has been requested, it is in LOPD's best interest to continue with this representation as it will not only take time, but also monetary resources to bring another legal agency up to date with the ongoing case developments.

Certified by:

Date: 4/30/2026


Agency Chief Procurement Officer

Agency Approval by 
Cabinet Secretary/Agency or Entity Head or Designee

Date: 5/5/2026