



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: City of Sunland Park

Agency Chief Procurement Officer: Claudia Carrillo
Telephone Number: (575) 589-7565 Ext 1320

Agency Contact for this request: Claudia Carrillo
Telephone Number & Email Address: (575) 589-7565 Ext 1320
claudia.carrillo@sunlandpark-nm.gov

II. Name of prospective Contractor: National Fitness Campaign

SHARE Vendor Number (must be active):

Address of prospective Contractor: 1740 Kearny Street, San Francisco, CA, 94133

Contact Name, Telephone Number and Email Address: Will Craig, (804) 814-8211,
will@nfchq.com

Amount of prospective contract before tax: \$120,000
Estimated tax amount (tax is subject to change):

Term of prospective contract:

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):

(See attachment)

- 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.)

(See attachment)

- 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.”)

(See attachment)

- 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.***

(See attachment)

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

(See attachment)

- 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.

(See attachment)

Certified by:



Date: 4/14/25

Agency Chief Procurement Officer

Agency Approval by:

Date: 4.14.2025

City Manager





National Fitness Campaign LP | PO Box 2367, San Francisco CA 94126 | info@nfchq.com

To Whom it May Concern,

National Fitness Campaign LP (NFC) is a wellness consulting firm that cooperates with public and private organizations to build healthy communities across America. The NFC initiative provides:

- A trademarked outdoor infrastructure product, the Fitness Court®
- Site Design and Strategic Planning services
- An integrated digital ecosystem, including the Fitness Court® Mobile App and Digital Training Library
- A certified ambassador training program to local volunteer trainers

Municipalities, schools, and community organizations with public land may apply to join the National Fitness Campaign wellness initiative and bring the program to their approved site locations. This program is unique, and NFC is the only organization in the world that delivers these elements either individually, or as part of an integrated program. For the reasons listed in this document, the trademarked ownership of the system and healthy infrastructure, and the integrated nature of the initiative, including its services, products, tools and grant funding, it is commonly approved as a sole source across the United States.

Analysis has been conducted by hundreds of cities and institutions across the country, who have concluded that the products and services have no equal, and determined their selected method of procurement is a Sole Source procurement, in accordance with local policies and requirements. This group includes cities like Sacramento California and Las Vegas Nevada, and institutions such as The University of Colorado at Boulder, where the Fitness Court® and associated tools and services were procured via sole source procurement, evidenced by public documentation and approvals. Further, the Fitness Court® is trademarked and owned by National Fitness Campaign.

The integrated nature of the products and services is frequently grounds for sole source by many, but not all local requirements. Some agencies do require bids for procurement.

There are three primary differentiators that commonly validate the sole source justification of the Fitness Court® and national campaign resources, which are described below. In addition to the descriptions of these three primary items, an appendix is provided as an attachment to this document that provides graphic aids and further detailed information regarding the differentiation of this program and its associated products and services.

1 - Trademarked Fitness Court® System

- A. The Fitness Court® is trademarked and owned by National Fitness Campaign LP.
 - a. As such, this product cannot be procured from any other organization. Any organization seeking to fund and install a Fitness Court® must do so through National Fitness Campaign LP.
 - i. See Appendix for Trademark Document from the United States Patent and Trademark Office
- B. The Fitness Court® and each element is manufactured only by National Fitness Campaign LP. It is impossible to not only procure the elements as a system, but individually. Every aspect of the Fitness Court®, including the functional design of all equipment, structural engineering, elements are the property of National Fitness Campaign LP. The individual elements are each named and registered with a unique design and serial number. Because the design of the elements is owned by National Fitness

Campaign LP and not licensed to any other organization or distributor, it is not possible to procure them anywhere else.

- C. The Fitness Court® is available only in a single configuration, shown in the appendix material. The system includes over 118 unique elements, which acts as a full body training center, teaching people of all ages and fitness levels about how to stay fit and healthy in just 7 minutes a day. There is no variation in the layout of the elements. Elements can not be added or removed. Spacing cannot be altered. Like many integrated products, Individual elements can not be procured separately.
- D. The Fitness Court® has a specialized training envelope that accommodates more users per square foot than any other known system in the world. The Fitness Court® is a comprehensive outdoor circuit training system, laid out in 32'x32' of space, for a total of 1024 sq ft of training area. NFC's patented design is able to support 28 simultaneous users on 30 integrated bodyweight training components, derived from the previously stated 118 elements. This configuration is impossible to re-create in only 1024 square feet without NFC's proprietary design and components.
- E. The Fitness Court Studio is an optional addition to the Fitness Court which incorporates an additional 32'x32' outdoor studio. The Fitness Court Studio can only be procured in collaboration with the Fitness Court and provides 1024 Sq ft of additional rubberized floor space for versatile group-based activities such as dance, yoga, cardio fitness classes, PE classes and acts as a community hub for wellness-related activities such as art and meditation events. The Fitness Court and Fitness Court Studio combine to form a completely unique community wellness space that can fit up to 60 users simultaneously. When combined the Fitness Court and Fitness Court Studio are impossible to recreate due to NFC's proprietary design and components.
- F. Public Art Mural and Digital Engagement Wall
 - a. Each Fitness Court® is designed as a one-of-a-kind work of art that includes a 32'x5.5' public art mural. The mural is an integral component of the Fitness Court design, and makes each Fitness Court® a one-of-a-kind public art installation.
 - b. This artwork is produced specifically for the Fitness Court®, and to comply with manufacturing requirements of the Fitness Court® presentation surfaces.
 - c. This artwork is unavailable through any other vendor, and is impossible to recreate to conform to important national standards and manufacturing requirements stated above in item b.
 - d. Additionally, digital integration, safety information, and other details are provided as part of this artwork.
 - e. All artwork is approved by NFC's Grant Committee and partners.
 - f. Further, the mural can be periodically re-designed and introduced, to create a rotating gallery of outdoor art to inspire people to engage in regular wellness activities.
 - i. NFC provides integrated consulting and design services to assist in this process.
 - g. Digital Engagement Wall
 - i. The feature wall of the Fitness Court includes a custom digital engagement wall.
 1. This wall provides digital QR codes and embedded, proprietary information regarding the use of the Fitness Court® and Fitness Court App.
 2. This workout library is unavailable from any other organization because it is the IP of National Fitness Campaign LP.
 3. Tracking Fitness Court® usage wouldn't be possible without the built in GPS tracking features available on the Fitness Court® digital engagement wall.

- h. NFC is unaware of any other outdoor fitness element that provides an integrated art mural of any kind.
- i. Further, NFC has an in-house art studio that designs, produces, and creates the art and custom graphics that are integrated into each Fitness Court. Fitness Court Compatible Graphics are only available from National Fitness Campaign LP.

2 - Fitness Court® App and Digital Tracking System

Each Fitness Court® is supported by a mobile app called the Fitness Court® App. All IP, including the app itself are owned by National Fitness Campaign LP. The training resources, world-class workout programs, challenges and data analytics features are only available for Fitness Court® users and site partners. No other outdoor fitness equipment provides a mobile app with the following four primary features:

- A. Mark Lauren Training Series
 - a. Mark Lauren is a US Special Operations Trainer and Bestselling Author. Mark Lauren has developed 18 proprietary workout programs specifically for the Fitness Court® system. They are only available on the Fitness Court® App. Mark Lauren has no other programs for outdoor fitness equipment available.
- B. Fitness Court® App Check-In Feature
 - a. This is a proprietary feature that allows a user to check-in to their local Fitness Court, and build healthy habits.
- C. Annual Data Analytics Reporting
 - a. Each site partner who builds a Fitness Court® is eligible to receive an annual data report tracking statistics of their Fitness Court®.
 - b. To NFC's knowledge, no other manufacturer of any type of outdoor exercise component provides a regular, annual report of key usage metrics using digital, GPS based systems.
 - i. The Report is provided by NFC, and includes annual demographic data, user age ranges, Fitness Court app downloads and other important information.
 - ii. This information is generated by NFC's proprietary GPS based data analytics services for each Fitness Court® in America.
- D. See appendix for additional information regarding the Fitness Court® App.

3 - National Grant Funding

National Fitness Campaign LP builds and maintains a multi-million dollar annual Grant Fund, supported each year by sponsors and partners of the campaign. This funding takes tremendous effort to build, and it is provided by the National Fitness Campaign and partners and sponsors to support the mission of making wellness infrastructure free and accessible across America in partnership with leading cities, schools and organizations. Funding varies from state to state and year to year.

Some of the Campaign Sponsors and programs include:

- NFC Public Art Campaign
- National Certified Installer Network

Dozens of State and Regional Sponsors, including, but not limited to:

- Blue Cross and Blue Shield of Illinois
- Blue Cross and Blue Shield of Kansas

- Priority Health
- MVP Health Care
- Renown Health
- Blue Cross and Blue Shield of New Mexico
- Blue Cross and Blue Shield of Texas
- Blue Cross and Blue Shield of Alabama
- Community Health Options
- Blue Cross and Blue Shield of Massachusetts
- Blue Cross and Blue Shield of Oklahoma

To procure a Fitness Court® and participate in the campaign, an organization must complete a formal application and be approved for funding and participation. Each partner organization that succeeds in submitting a successful application is eligible to receive a variable Grant Award based on application merit which is deducted from the funds required for the NFC program from sponsors of the National Fitness Campaign.

This funding is administered in the preferred method of receipt for each partner organization. Methods include a credit on final invoices for remaining funding, and direct grant disbursements provided by National Fitness Campaign.

This funding is available for a limited number of partners in each state on an annual basis, and is awarded based on merit of application from a qualified site partner, including the requirement for the Fitness Court to build in a publicly accessible location that is highly visible, active, accessible to the community, and connected to pedestrian infrastructure.

For more information, refer to the "NFC Organization Overview and Grant Funding Summary, and see: <https://nationalfitnesscampaign.com/grants>

No other vendor, distributor or organization makes these materials available for procurement by any city, school, or organization. They must be acquired from National Fitness Campaign LP. If you have further questions regarding this sole source letter or require additional information, please contact us per the information provided on this letterhead.

Sincerely,



Mitch Menaged, Founder and Director
National Fitness Campaign LP

United States of America
United States Patent and Trademark Office

THE FITNESS COURT

Reg. No. 4,307,958

Registered Mar. 26, 2013

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

MITCH MENAGED (UNITED STATES INDIVIDUAL)
1740 KEARNY STREET
SAN FRANCISCO, CA 94133

FOR PROVIDING OUTDOOR FACILITIES FOR RECREATION ACTIVITIES AND BODY BUILDING IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1979. IN COMMERCE 0-0-1979.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

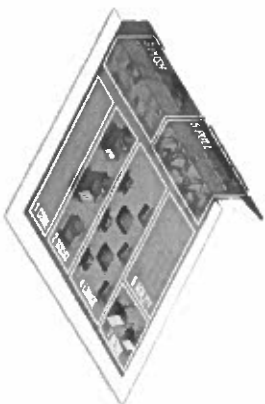
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SER. NO. 85-600,534, FILED 4-17-2012

KIMBERLY FRYE, EXAMINING ATTORNEY



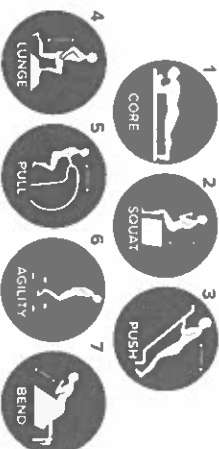
Lisa Stewart
Acting Director of the United States Patent and Trademark Office



FITNESS COURT

21st Century Healthy Infrastructure

National Fitness Campaign's Fitness Court is the centerpiece to its holistic health and wellness initiative. The Fitness Court is an outdoor bodyweight circuit training center with functional fitness DNA. The best-in-class system provides a full-body workout to adults of all ability levels. With 7 functional fitness zones, the Fitness Court can be used in thousands of ways. The Fitness Court is the world's best outdoor gym!



7 Minutes 7 Movements



Strategic Planning Studies
 Strategic Planning & Feasibility Study, Site Design Consulting



Campaign Funding Support
 Sponsor Strategy, Best Practices, National Installation Team Support



Fitness Court App
 Free digital App Delivering Programming, Workouts & Content



Ambassador Training
 NFC Fitness Court Ambassador Training ACE Certified America Council of Exercise



Launch & Public Relations
 Featured Stories Highlighted through Press and Local Media

FITNESS SEASON

Annual Fitness Season
 Spring/Summer/Fall national & local training, classes & challenges series

SPRING
 World-class training videos will available on the Fitness Court App.

WORLD-CLASS TRAINING

SUMMER
 World-class training videos will available on the Fitness Court App.

WORLD-CLASS TRAINING

FALL
 The Fitness Season culminates with local, regional and national challenges for residents.

CHALLENGE SERIES

WORLD CLASS MATERIALS & SYSTEM

FITNESS COURT

Made & Manufactured in the USA
Designed by NEC in California.



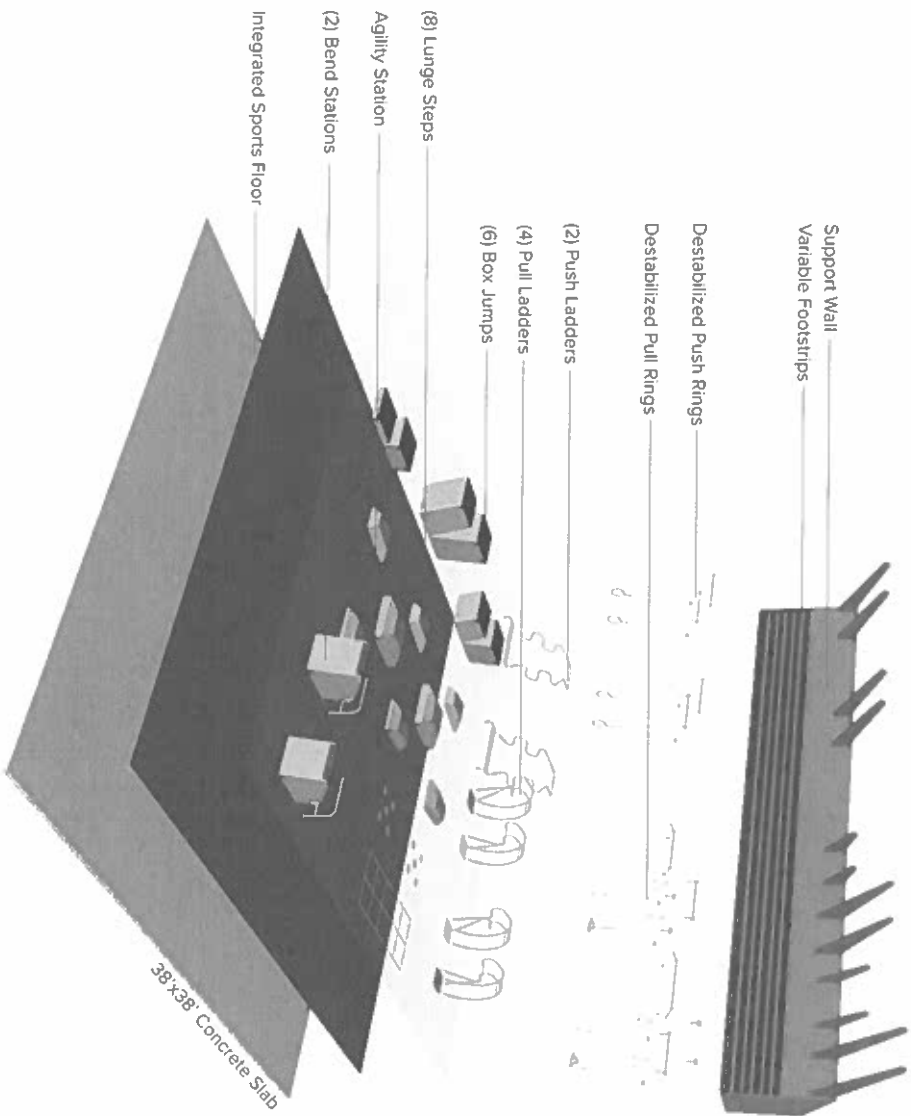
High Quality
Dual-Layer powder-coating
carbon steel



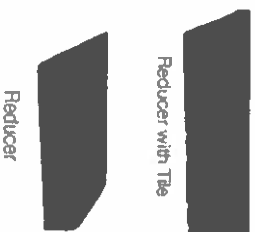
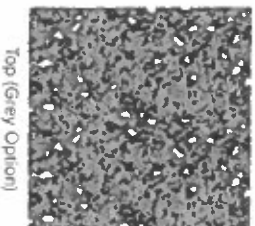
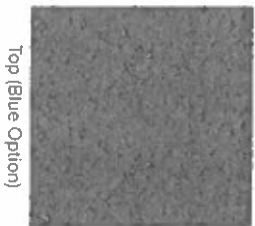
Durable Materials
Tamper-resistant,
galvanized & stainless
steel bolts and fittings.



Best In Class
Anti-graffiti laminate vinyl
decals



Each Fitness Court® includes an integrated sports floor made from durable 2'x2' tiles which adhere directly to the concrete slab. Available in our standard NFC Blue or Gray to match any custom design.



NFC 2022 CAMPAIGN SPECIFICATIONS PROGRAM SUMMARY



PROGRAM SUMMARY: All items and services below are delivered to approved partners as part of the Campaign.

HEALTHY INFRASTRUCTURE

FITNESS COURT

Fitness Court® Description:

- 32'x35' outdoor, bodyweight circuit training system with the following components:
- Seven station circuit training system providing full-body workout modules
- Fitness Court® body-weight training wall - 32'W x 2'D x 6' H with custom graphics
- Thirty pieces of body-weight fitness elements for simultaneous use by 28 users at one time. Fitness Elements anchored and grouped within seven stations.
- Bolts, attachments and anchors required for installation

Fitness Court Surface - Tile Surface Specifications

- Outdoor Sports Floor Size: 1024 SF (32'x32')
- Color: NFC Blue
- Thickness: 1" Tiles
- ADA Border Included

Fitness Court Specifications:

- All structural components are made from high-grade carbon steel
- Structural components receive high-grade dual layer powder coating
- All cladding (skins) made from high-grade aluminum and powder coated
- Graphics and signage printed with anti-graffiti over-lamination material
- Manufactured in the United States
- Resilient to heavy, repeated daily use
- Over 30 individual pieces of equipment
- Powder-Coated Structural Components
- Galvanized fittings and bolts - included
- Stainless steel cables
- Full installation guide provided
- Warranty through NFC

HEALTHY INFRASTRUCTURE DESIGN SERVICES

Strategic Planning & Feasibility Study

- City-wide impact analysis and master plan integration plan
- Site Design and Visibility Analysis

Custom Fitness Court Design Services & Construction & Installation Support

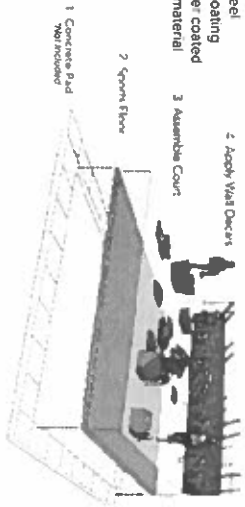
- Customized Fitness Court power-coating and detail design - no two Fitness Courts are the same!
- Stamped and certified design plans, concrete slab drawings, and contractor management are provided by the NFC Activation Team.
- With all ready-to-build plans included, most installations require less than 90 days to complete from ground-breaking to launch.
- NFC National Installation Partner Access (contracted separately)

GRANT FUNDING, CONSENSUS BUILDING, SPONSOR SUPPORT

- **NFC Grant Funding Qualification**
 - Access to qualify for NFC's Grant Funding through NFC's national partners to support seeding the program.
- **Consensus Building Consulting**
 - NFC has industry experts in project management, and from conception through execution, they will collaborate on an average of 2 intensive monthly planning calls to drive success.

Sponsor Strategy Consulting Support

- Custom renderings can be provided by NFC Design Team to support outreach to local sponsors and partners. Slide presentations can be provided for in-person meetings and internal stakeholder consensus-building



Warranty + Maintenance

- Made for all climates
- Almost no moving parts (only cables)
- Equipment is anchor bolted into concrete
- Replacement parts available through NFC
- No requirement for disassembly in winter
- Maintenance guide, including touch-up paint & necessary tooling included

See Official Warranty for Full Coverage Detail

CAMPAIGN SERVICES

FITNESS COURT® APP

The Fitness Court App

Free mobile app for iOS / Android teaches proper use, routines and challenges to all users

- Learn the Moves: Discover the Fitness Court's 7 Movements — Core, Squat, Push, Lunge, Pull, Agility and Bend — to challenge and strengthen your body. Beginner, intermediate and advanced training videos demonstrate how users of any age or ability can use the Fitness Court®
- Health Kit: Track personal health stats directly on the Fitness Court app. Statistics include: steps taken, average heart rate, time spent on the Fitness Court® and total calories burned.
- Find Your Fitness Court®: Search for your local Fitness Court® with the new Fitness Court® interactive map.
- Train!: Take curated classes from one of our professional coaches. Classes are for adults of all levels and abilities.

CERTIFIED AMBASSADOR TRAINING

Programming and Training Tools

Fitness Court® Ambassadors build and sustain a healthy culture around The Fitness Court® ecosystem

- Learn: education modules provided by the NFC Training Team offered remotely, and provide a range of class templates, coaching tips and more to qualified Ambassadors.
- Train: classes, clinics and challenges led by Ambassadors, that engage all ages and fitness levels. These guided workout options expand the user community and increase long-term usage and adoption.
- Share: continuous online and print storytelling, engagement and social connection further build out a healthy culture on each Fitness Court®

MEDIA, PRESS, & PROMOTIONS

Promotions and Marketing Package

Media support and community engagement materials excite users and strengthen program adoption

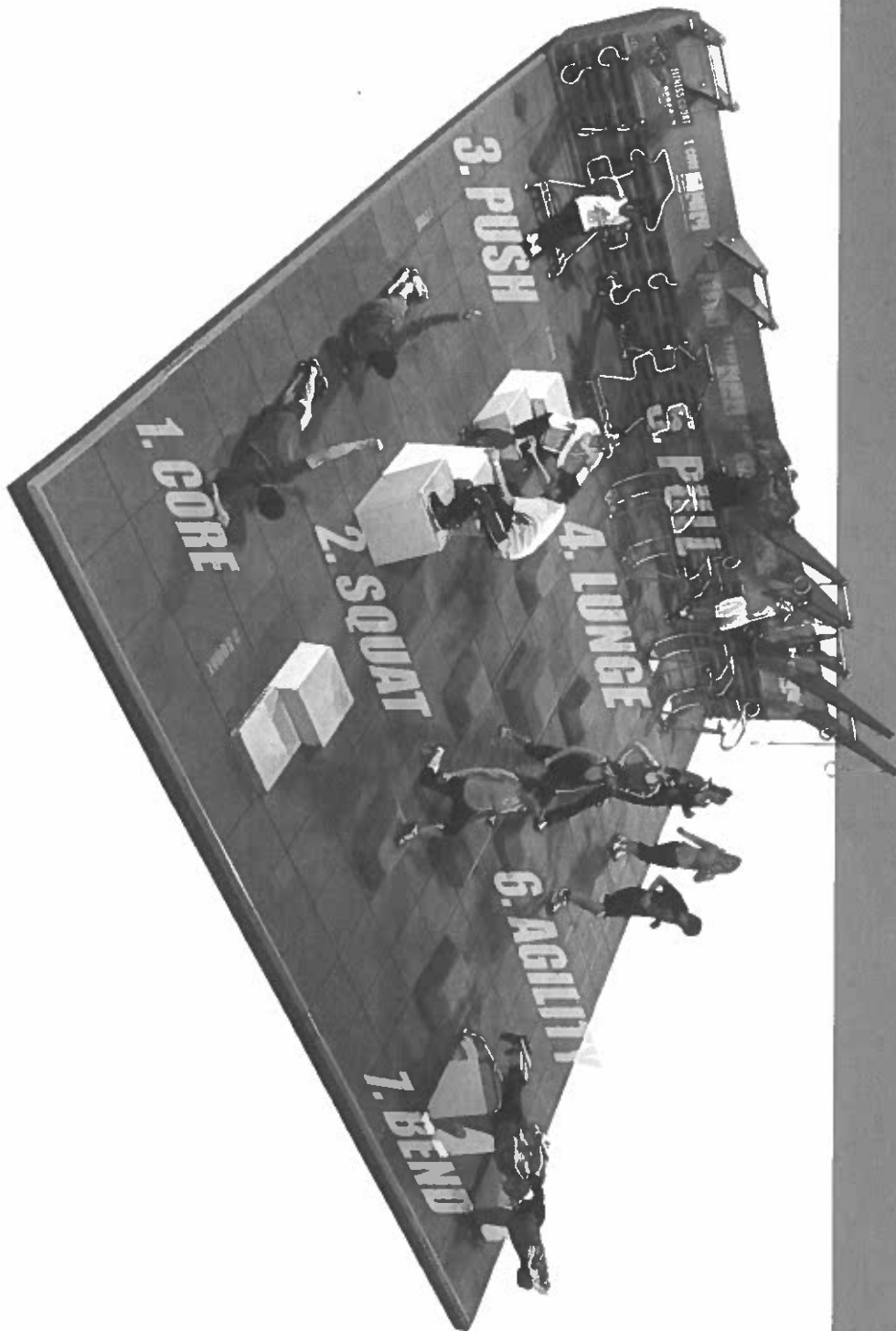
- Grant Announcement Kit: promote the development of the program in your community with NFC support through traditional and social media channels - including a custom Press Release and outreach planning tools.
- Launch Event Promotions Toolkit: announce the launch of the Fitness Court® on traditional media channels with a separate customized press release, outreach support and uniquely branded assets for social media.
- NFC Website Feature Story: NFC-hosted custom storytelling showcases the partnership and program development in your community.
- Fitness Court® Gear: gear and giveaways nurture Ambassador relationships, honor stakeholders and excite event attendees; to amplify launch activities.
- Opening Day Launch Support: NFC provides event management templates, guidance for launch event planning, and custom promotional materials (flyers, media assets).





FITNESS COURT™

SCHEMATIC DESIGN SET



NATIONAL FITNESS
CAMPAIGN

NOT FOR CONSTRUCTION

NATIONAL FITNESS CAMPAIGN



DATE

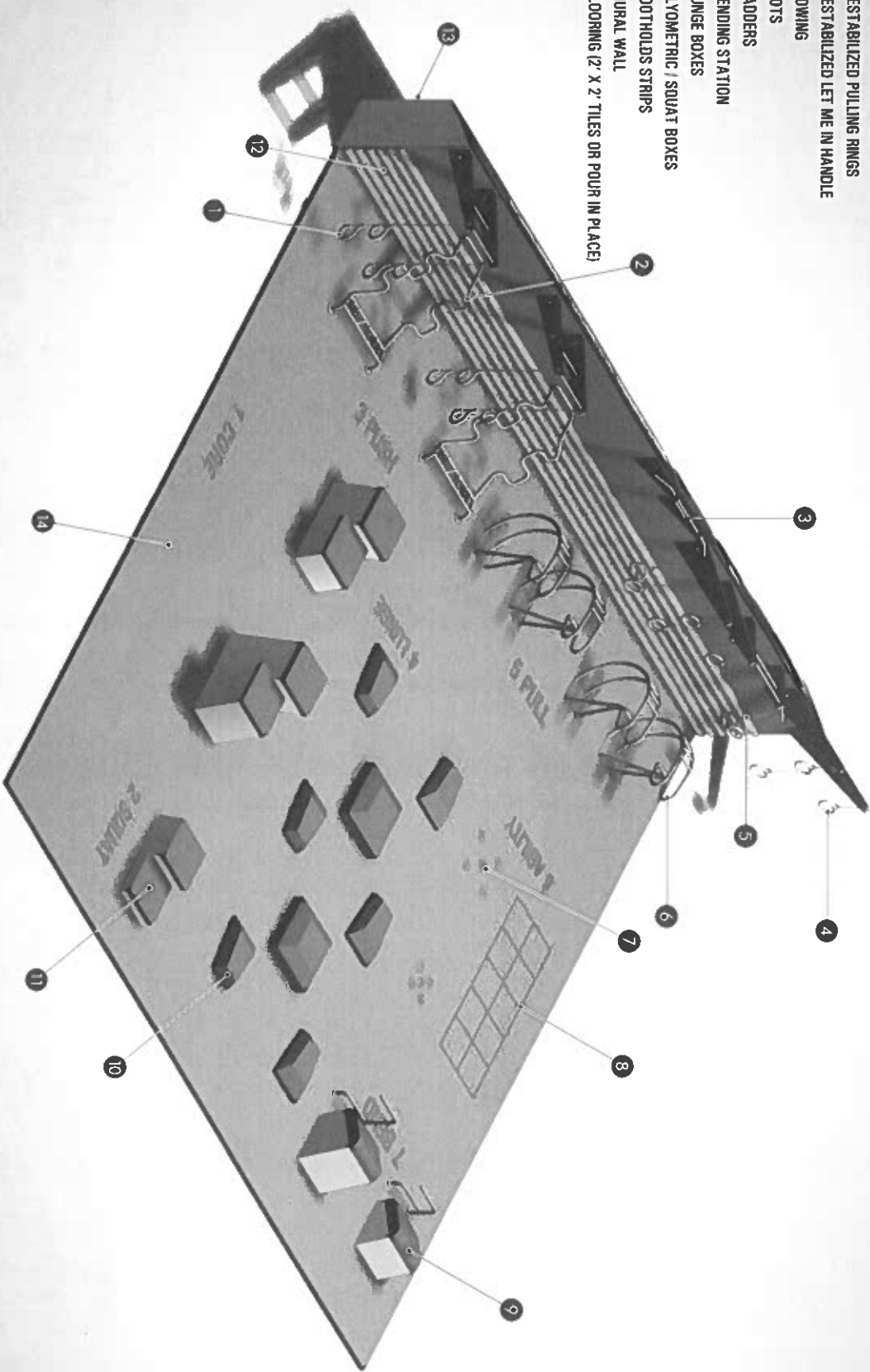
DESIGN NUMBER
565382

ANCHOR NUMBER

SHEET

FC 01

- 1 DESTABILIZED PUSHING RINGS
- 2 STABILIZED FREEFORM PUSHING BARS
- 3 STABILIZED PULL-UP BAR
- 4 DESTABILIZED PULLING RINGS
- 5 DESTABILIZED LET ME IN HANDLE
- 6 ROWING
- 7 DOTS
- 8 LADDERS
- 9 BENDING STATION
- 10 LUNGE BOXES
- 11 PLYOMETRIC / SQUAT BOXES
- 12 FOOTHOLDS STRIPS
- 13 MURAL WALL
- 14 FLOORING (2' X 2' TILES OR POUR IN PLACE)



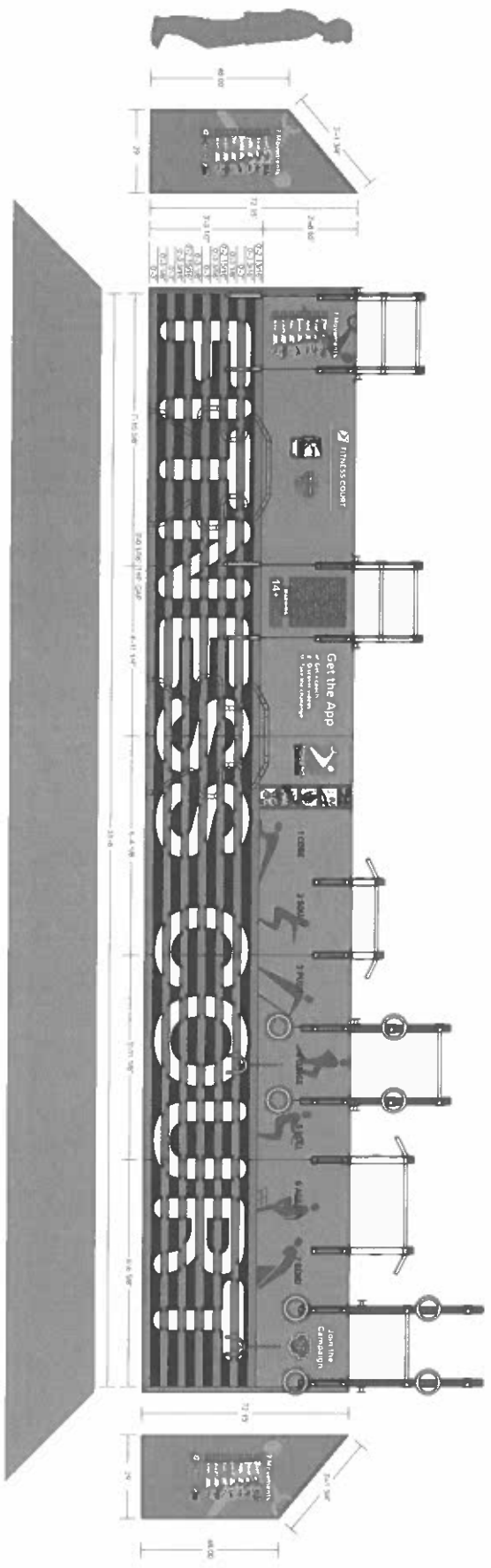
Body Weight Fitness

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NATIONAL FITNESS CAMPAIGN

DATE	06.30.17
DESIGN NUMBER	565382
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SHEET	FC 02



NOTE: Sponsor Recognition shown for reference only. For Custom Decals, additional fee applies.
NFC FITNESS COURT SCHEMATIC ELEVATIONS

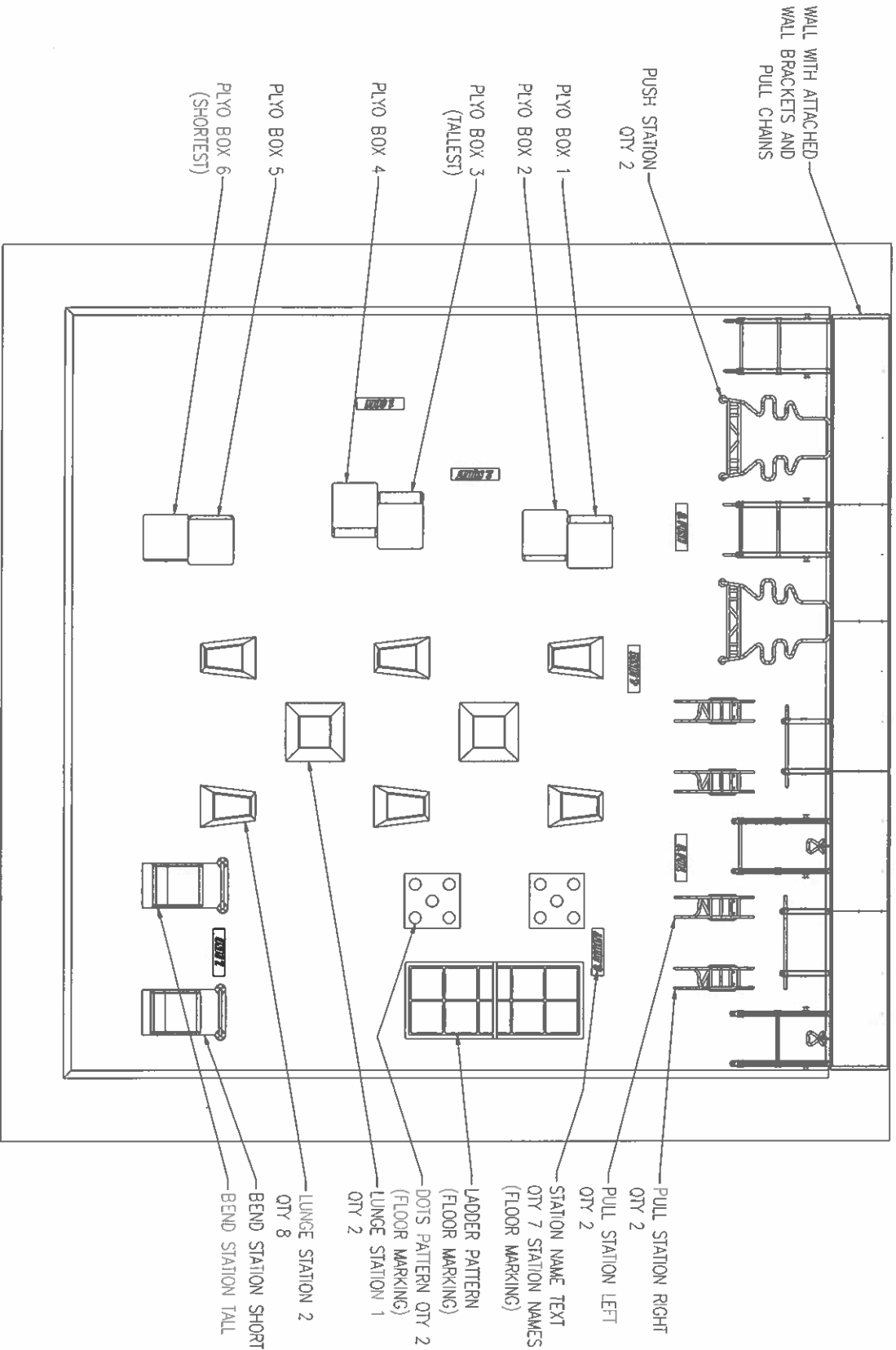
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NATIONAL FITNESS CAMPAIGN

DATE	06.30.17
ORDER NUMBER	565382
ADDITIONAL NUMBER	
SHEET	FC 03

EQUIPMENT AND FLOOR MARKING LAYOUT



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NATIONAL FITNESS
CAMPAIGN
FITNESS COURT

NATIONAL FITNESS CAMPAIGN

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INFO@NFCHQ.COM
(415) 702-4919

