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CITY OF SANTA FE, NEW MEXICO
ORDINANCE NO. 2018-1

AN ORDINANCE

AMENDING SECTION 11-4 TO INCREASE THE CONTRACT APPROVAL AND BUDGET ADJUSTMENT AMOUNT THE CITY MANAGER IS AUTHORIZED TO APPROVE; ADOPTING THE STATE OF NEW MEXICO PROCUREMENT CODE AS THE PURCHASING MANUAL FOR THE CITY OF SANTA FE; AND ADOPTING ADDITIONAL EXEMPTIONS FROM THE PROCUREMENT CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 11-4 SFCC 1987 (being Ord. #2002-25 (as amended)) is amended to read:

11-4 BUDGET ADJUSTMENTS.

When budget adjustments are needed during the fiscal year, the following procedures shall apply:

A. The finance director has the authority to approve budget increases or decreases in revenue or transfers-in or in expenditures, expenses or transfers-out, that reflect increases or decreases in the budget up to and including five thousand dollars (\$5,000.).

B. The city manager has the authority to approve budget increases or decreases in revenue or transfers-in or in expenditures, expenses or transfers-out, that reflect increases or decreases in the budget from five thousand dollars and one cent (\$5,000.01) up to and including sixty thousand dollars (\$60,000.).

C. The governing body shall approve budget increases or decreases in revenue or

1 transfers-in or in expenditures, expenses or transfers-out, that reflect increases or decreases in the
2 budget that are over sixty thousand dollars (\$60,000.).

3 D. Budget adjustments approved by the city manager and the governing body shall be
4 included by fund in a quarterly budget resolution approved by the governing body.

5 E. Budget adjustment requests will conform to the rules and regulations adopted by
6 the local government division of the department of finance and administration.

7 F. For budgets associated with grants and grant agreements, the following shall
8 apply:

9 (1) The city manager may approve grant applications, awards, grant match
10 requirements, and agreements from five thousand dollars and one cent (\$5,000.01) up to
11 and including sixty thousand dollars (\$60,000).

12 (2) The city manager may approve budget revenue and related
13 expenditure/expense increases (including budget adjustments or decreases, as applicable),
14 for grants provided that all of the following conditions are met:

15 (a) The governing body has already approved the grant application
16 including the recommended match (if applicable); and

17 (b) The final grant award does not significantly differ from the grant
18 application in the amount, match, requirements, or other requirements on the part
19 of the city; and

20 (3) Any city department receiving a grant shall submit a copy of the final
21 award agreement and documentation for the grant to the finance department for financial
22 tracking, reporting and auditing purposes.

23 **Section 2. Section 11-13 SFCC 1987 (being Ord. #1991-1 (as amended)) is**
24 **amended to read:**

25 **11-13 ADOPTION OF CITY'S PROCUREMENT CODE.**

1 A. The city of Santa Fe hereby adopts the state of New Mexico Procurement Code
2 (§§ 13-1-28 through 13-1-199 NMSA 1978) as the city of Santa Fe Procurement Code (“City
3 Procurement Code”). Pursuant to its home-rule authority, and the city charter, the city may adopt
4 rules specific to the city, which depart from state law. Any departures from the state law shall be
5 adopted by ordinance.

6 B. Exemptions permitted by §§ 13-1-98 through 13-1-98.2 NMSA 1978 are hereby
7 adopted, in addition to the following exemptions:

8 (1) purchases of publicly provided utilities including but not limited to: gas,
9 electricity, water, telecommunications, and cable television;

10 (2) bond attorneys, if approved by the city council as part of the
11 underwriting team involved in the issuance, sale and delivery of public securities for city
12 bonds or city-issued bonds; and

13 (3) legal services for advice, consultation, and representation of the city.

14 C. The city manager’s approval for contracts shall be consistent with the statutory
15 “Small Purchases” amount currently set at \$60,000, excluding applicable state and local gross
16 receipts taxes, as defined by NMSA 1978, § 13-1-125(2013), as it may be amended. The city
17 manager’s approval authority shall increase or decrease if and when the state changes the
18 statutory amount for “small purchases”.

19 D. The purchasing officer shall be the “Chief Procurement Officer of the City” as
20 defined by NMSA 1978, § 13-1-38.1(2013).

21 E. Local Preferences. Notwithstanding, NMSA 1978, § 13-1-21(2016), the city
22 shall apply the following definitions and preferences:

23 1) “resident business” means a business that has a valid resident business
24 certificate issued by the taxation and revenue department pursuant to Section 13-1-22,
25 and which shows that the resident business resides within the Santa Fe municipal limits.

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2) When the city makes a purchase using a formal bid process, the public body shall deem a bid submitted by a resident business to be 3% percent lower than the bid actually submitted. In addition, if the bid includes subcontractors who are also resident businesses, the public body shall deem a bid submitted by a resident business with resident business subcontractors to be 6% lower than the bid actually submitted. If a non-resident business hires all resident business subcontractors, the public body shall deem the bid to be 3% percent lower than the bid actually submitted.

3) When the city makes a purchase using a formal request for proposals process, not including contracts awarded on a point-based system, the city shall award an additional:

(a) three percent of the total weight of all the factors used in evaluating the proposals to a resident business; and

(b) three percent of the total weight of all the factors used in evaluating the proposals to a business with all resident business subcontractors.

4) When the city makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the city shall award additional points equivalent to:

(1) three percent of the total possible points to a resident business; and

(2) three percent of the total possible points to a business with all resident business subcontractors.

5) The maximum available local preference shall be 6%.

F. Competitive sealed proposals valued in excess of one million dollars (\$1,000,000.00).

(1) If the bid or proposal includes to subcontractors who are also resident

1 businesses, the public body shall deem a bid or proposal submitted by a resident business
2 to be six percent (6%) lower than the bid actually submitted, if and only if at least fifty
3 percent (50%) of the subcontracted services go to subcontractors who are resident
4 businesses.

5 (2) If a non-resident business hires resident business subcontractors, the
6 public body shall deem the bid or proposal to be three percent (3%) percent lower than
7 the bid actually submitted, if and only if at least fifty percent (50%) of the subcontracted
8 services go to subcontractors who are resident businesses.”

9 G. City employees shall endeavor to procure local goods and services that qualify as
10 “small purchases” as defined by NMSA 1978, § 13-1-125.

11 H. The Purchasing Manual may be amended as follows:

12 (1) The procurement officer, finance and budget director or any member of
13 the governing body may propose amendments to the finance committee;

14 (2) The finance committee shall make its recommendation to the governing
15 body;

16 (3) The governing body shall approve, modify or disapprove the proposed
17 amendments.

18 I. At the beginning of each fiscal year, if amendments are made, the Purchasing
19 Manual shall be re-published with the publication date clearly designated, and all amendments
20 shall be incorporated therein.

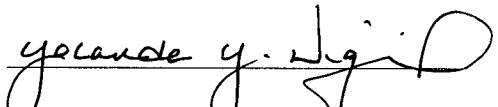
21 PASSED APPROVED and ADOPTED this 10th day of January, 2018.

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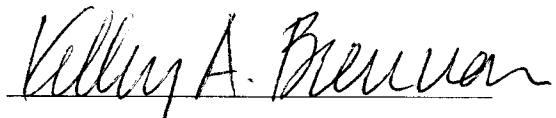

JAVIER M. GONZALES, MAYOR

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ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


KELLEY A. BRENNAN, CITY ATTORNEY