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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2026-8

Mayor Michael Garcia

AN ORDINANCE

AMENDING SFCC 1987, SECTION 11-13 TO EXPAND EXEMPTIONS PERMITTED BY NMSA 1978, SECTIONS 13-1-98 THROUGH 13-1-98.2, INCLUDING CERTAIN PURCHASE TYPES, LEGAL SERVICE TYPES; ADDING EXEMPTIONS FOR CERTAIN PREPAYMENT-REQUIRED ITEMS, NOT EXCEEDING \$100,000 AND FOR LOBBYING SERVICES REPRESENTING THE CITY OF SANTA FE'S INTERESTS; REQUIRING THE PROCUREMENT MANUAL TO BE ADOPTED BY RESOLUTION; ESTABLISHING AN EIGHT-YEAR MAXIMUM TERM FOR PROFESSIONAL SERVICE CONTRACTS; AUTHORIZING THE CHIEF PROCUREMENT OFFICER TO APPROVE PURCHASE ORDERS AND TO APPROVE THE USE OF REQUESTS FOR APPLICATIONS; ADOPTING CONSTRUCTION MANAGER AT RISK DELIVERY METHOD PROCEDURES; MODIFYING CERTAIN AMOUNTS LISTED IN NMSA 1978, SECTION 13-1-125; AUTHORIZING THE CITY MANAGER TO APPROVE CONTRACT AMENDMENTS THAT DO NOT MATERIALLY ALTER THE SCOPE OF WORK.

Section 1. Section 11-13 of SFCC 1987 (being Ord. No. 2023-20 § 2, as amended) is amended to read:

1 **11-13 - ADOPTION OF CITY'S PROCUREMENT CODE.**

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

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

9 (1) Purchases of publicly provided or publicly regulated utilities and information services,
10 including but not limited to: gas, electricity, water, sewer, telecommunications, refuse
11 collection services, internet, and cable television;

12 (2) Legal services but not limited to, advice, consultation, representation, research services,
13 and litigation expenses in connection with proceedings before administrative agencies or
14 state or federal courts, including experts, mediators, court reporters, process servers, and
15 witness fees;

16 (3) Initial purchases not exceeding one hundred thousand dollars (\$100,000) for prepayment-
17 required items, such as magazine subscriptions, organizational membership fees, web-
18 based or electronic subscriptions, and conference registration fees, are exempt from
19 competitive procurement. This exemption does not apply if the subscription includes
20 implementation costs or service fees.

21 (4) Lobbying services performed by a registered lobbyists for the purpose of representing the
22 city's interests before federal or state legislative or executive bodies.

23 C. The purchasing officer shall be the "Chief Procurement Officer of the City" or "CPO" as
24 defined by NMSA 1978, Section 13-1-38.1.

25 D. Local Preferences. Notwithstanding, NMSA 1978, Sections 13-1-21 and 13-1-22, the city shall apply

1 the following definitions and preferences:

2 (1) "Resident business" means a business that has a valid resident business certificate issued
3 by the taxation and revenue department pursuant to NMSA 1978, Section 13-1-22, and
4 which shows that the resident business resides within the Santa Fe municipal limits.

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

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

14 (a) Three percent (3%) of the total weight of all the factors used in evaluating the proposals to
15 a resident business; and

16 (b) Three percent (3%) of the total weight of all the factors used in evaluating the proposals to
17 a business with all resident business subcontractors.

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

20 (a) Three percent (3%) of the total possible points to a resident business; and

21 (b) Three percent (3%) of the total possible points to a business with all resident business
22 subcontractors.

23 (5) The maximum available local preference shall be six percent (6%).

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

25 (1) If the bid or proposal includes to subcontractors who are also resident businesses, the public body

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

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

8 F. City employees shall endeavor to procure local goods and services that qualify as "small purchases"
9 as defined by NMSA 1978, Section 13-1-125.

10 G. *Procurement Manual.* The governing body shall adopt the Procurement Manual by resolution.

11 H. *Professional Service Contracts.* Professional service contracts may be established or amended for a
12 term not to exceed eight (8) years.

13 I. *CPO Purchase Authority.* Pursuant to NMSA 1978, Section 13-1-95.2, the CPO is authorized to
14 approve Purchase Orders (POs).

15 J. *Use of Request for Applications (RFA).* The CPO may approve the use of RFA. Procedures for
16 making the approval may be found in the city's procurement manual.

17 K. *Construction Manager at Risk (CMAR) Delivery Method.* Pursuant to its home rule authority under
18 the Santa Fe Municipal Charter, the city hereby adopts the procedures set forth in NMSA 1978,
19 Sections 13-1-124.1 through 13-1-124.5 and the applicable provisions of the New Mexico
20 Administrative Code (NMAC), unless the city adopts its own CMAR procedures through the
21 Procurement Manual. Wherever the state statutes reference the "governing body," such term shall
22 be interpreted in accordance with SFCC 1987, Section 2-1.1, to mean the city's duly elected
23 governing body as defined in the city charter.

24 L. *The city hereby modifies the amounts listed in NMSA 1978, Section 13-1-125.*

25 (1) Purchases shall not be artificially divided to constitute a small purchase under this section.

1 (2) The city may procure any services, construction, and items of tangible personal property having
2 a value not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross
3 receipts taxes, by issuing a direct purchase order to a contractor based upon the best interest of
4 the city.

5 (3) The city shall procure services, construction, or items of tangible personal property having a
6 value not exceeding one hundred thousand dollars (\$100,000), or more if the New Mexico
7 Legislature increases the threshold in NMSA 1978, Section 13-1-125. These amounts exclude
8 applicable state and local gross receipts taxes, in accordance with the applicable small purchase
9 rules adopted in the city's Procurement Manual.

10 N. *Contract Amendments Within City Manager Authority.* The city manager is authorized to approve
11 amendments to existing contracts that do not materially alter the scope of work, including but not
12 limited to term extensions, assignments or transfers of ownership, and other non-monetary changes.
13 The city manager may also approve amendments that decrease the total compensation amount or that
14 increase compensation, provided such increase is within the city manager's established approval
15 authority.

16 M. *Emergency Procurement, Authorization to Commence Work.*

17 (1) Upon a written determination that an emergency condition exists, executed in accordance with
18 this section and approved by the appropriate person, the city may authorize a vendor to commence
19 work prior to the execution of a separate contract, but following issuance of a PO, to the extent
20 necessary to address the emergency.

21 (2) Authorization to proceed under this section shall be limited to work necessary to mitigate or
22 resolve the emergency condition and shall not exceed the scope, duration, or dollar amount
23 specified in the approved emergency determination.

24 (3) Any emergency procurement authorized pursuant to this section shall be submitted for ratification
25 as soon as practicable after the CPO has issued a written determination. Ratification shall be

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completed by:

(a) The city manager, when the total procurement amount is within the city manager’s approval authority; or


(b) The governing body, when the total procurement amount exceeds the city manager’s approval authority.

(4) Work authorized and performed in good faith pursuant to an approved emergency determination shall not be invalidated due to the timing of ratification, provided all requirements of this section and the Bateman Act are otherwise satisfied.

PASSED, APPROVED, and ADOPTED this 25th day of March, 2026.


MICHAEL GARCIA, MAYOR

ATTEST:



GERALYN F. CARDENAS, CITY CLERK

APPROVED AS TO FORM:



MARCOS MARTÍNEZ, CITY ATTORNEY

Bill No. 2026-02

Legislation/2026/Ordinance/2026-8(O)/Procurement Modernization