

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2012-~~57~~

A RESOLUTION RESCINDING RESOLUTIONS 2006-114 AND 2009-102 AND
AMENDING RESOLUTION 2009-91 TO CLARIFY MATTERS CONCERNING
COUNTY'S PROCUREMENT PRACTICES.

WHEREAS, Resolution 2006-60 adopted the Santa Fe County Purchasing Regulations and Procurement Manual;

WHEREAS, the Purchasing Regulations and Procurement Manual is attached to Resolution 2006-60 as Attachment A (the Purchasing Regulations);

WHEREAS, Resolution 2006-114 specified the required signatory for the Board of County Commissioners and the County Manager respectively based on the type of agreement, the amount of revenue for the County, and the amount of funds to be expended by the County (contract sum);

WHEREAS, Resolution 2006-114 also specified that the County Manager is authorized to approve a contract amendment that extends the term of the contract consistent with limitations imposed by the Procurement Code;

WHEREAS, Resolution 2009-91 amended Paragraphs 74.A, B and C (Procedure for Review and Approval of Contracts) of the Purchasing Regulations to increase the contract sum established for signature of the Board of County Commissioners and the County Manager;

WHEREAS, Resolution 2009-91 also amended Paragraph 74.A (Approval by the Board of County Commissioners) of the Purchasing Regulations to specify that an amendment to a contract which was initially or previously approved by the Board of County Commissioners that increases the contract sum by ten percent or more or that increases the contract sum by more than five hundred thousand dollars shall be approved by the Board of County Commissioners prior to becoming effective;

WHEREAS, Resolution 2009-91 also amended Paragraph 74.B (Approval by the County Manager) of the Purchasing Regulations to specify that an amendment or series of amendments to a contract which was initially or previously approved by the County Manager, that does not increase the contract sum more than two hundred and fifty thousand dollars (\$250,000) shall be approved by the County Manager;

WHEREAS, Resolution 2009-91 also amended Paragraph 74.B to specify that an amendment or series of amendments to a contract which was initially or previously approved by

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the Board of County Commissioners that does not increase the contract sum more than five hundred thousand dollars (\$500,000) shall be approved by the County Manager;

WHEREAS, Resolution 2009-102 amended Resolution 2009-91 by amending Paragraph 74.B of the Purchasing Regulations to specify that an amendment to a contract which was initially or previously approved by the Board of County Commissioners, that increases the contract sum by ten percent or more, or that increases the total amount of the contract by more than five hundred thousand dollars shall be approved by the Board of County Commissioners prior to becoming effective;

WHEREAS, Resolution 2009-102 also amended Resolution 2009-19 by amending Paragraph 74.B of the Purchasing Regulations to specify that an amendment to a contract which was initially or previously approved by the Board of County Commissioners, that "increases the total contract value by less than ten percent and that increases the total contract value by Five Hundred Thousand Dollars (\$500,000) or less" shall be approved by the County Manager prior to becoming effective;

WHEREAS, Resolution 2009-102 also amended Resolution 2009-114 by increasing contract sums established for the signatory for the Board of County Commissioners and the County Manager respectively;

WHEREAS, in 2011 provisions relating to preference in procurement of goods and services in the New Mexico Procurement Code, § 13-1-21 NMSA 1978, were amended and the Purchasing Regulations should be amended to be consistent with such amendments; and

WHEREAS, since its adoption in 2006, the Purchasing Regulations are in need of correction, update and revision;

IT IS THEREFORE RESOLVED, AS FOLLOWS:

1. Resolutions 2006-114 and 2009-102 are hereby rescinded.
2. The Purchasing Regulations (Attachment A to Resolution 2006-60) are hereby amended, as follows:

Paragraph 7 (INVITATIONS FOR BIDS) is amended to include a subparagraph 7 that reads:

"7. a notice of the requirements for any in-state or other applicable preference provisions."

3. Paragraph 9, "Pre-Bid Conferences" is deleted in its entirety and replaced with the following paragraph:

"9. PRE-BID CONFERENCE:

An IFB may include a pre-bid meeting to explain the project and provide information about the procurement process. Notice of a pre-bid meeting will be provided to each prospective bidder who received the IFB. The County will attempt to respond to all questions and provide necessary information at the meeting, however, the County may require questions or comments to be submitted in writing before the County responds in the form of addenda or if a response requires the County to conduct additional inquiry or research. Non-attendance at a mandatory pre-proposal meeting may be cause for a bid to be deemed non-responsive. An attendee at a mandatory pre-proposal meeting may not represent more than one potential bidder."

4. Paragraph 16, "STATUTORY PREFERENCES," shall be rescinded and replaced with the following paragraph:

"16. STATUTORY PREFERENCES:

The Procurement Code provides a preference for resident businesses and resident contractors pursuant to Section 13-1-21 et seq. NMSA 1978, as amended."

5. Paragraph 17, "IDENTICAL LOW BIDS," subparagraphs 2 and 3, are hereby amended by deleting all references to "or a New York state business enterprise" and references to "resident manufacturer" are deleted and replaced with "resident contractor."

6. Paragraph 21, "INITIATION OF RFP'S," subparagraph B is amended to include a subparagraph 11 that provides as follows:

"11. a notice of the requirements for complying with any in-state or other applicable preference provisions."

7. Paragraph 23, "Pre-Proposal Conference," shall be deleted in its entirety and replaced with the following paragraph:

"23. PRE-PROPOSAL CONFERENCE:

An RFP may include a pre-proposal meeting to explain the project and provide information about the procurement process. Notice of a pre-proposal meeting will be provided to each prospective offeror who received the RFP. The County will attempt to respond to all questions and provide necessary information at the meeting, however, the County may require questions or comments to be submitted in writing before the County responds in the form of addenda or if a

response requires the County to conduct additional inquiry or research. Non-attendance at a mandatory pre-proposal meeting may be cause for a bid to be deemed non-responsive. An attendee at a mandatory pre-proposal meeting may not represent more than one potential offeror."

8. Paragraph 30, "Disclosure," shall be rescinded in its entirety and replaced with the following paragraph:

"30. DISCLOSURE:

The contents of any proposal shall not be disclosed so as to be available to competing offerors during the negotiation process."

9. Paragraph 34.I, "Mandatory Pre-Proposal Meeting," is rescinded in its entirety and replaced with the following paragraph:

"I. Pre-Proposal Meeting. A Request for Proposals may include a mandatory pre-proposal meeting to explain the project and provide information about the procurement process. The County will attempt to respond to all questions and provide necessary information at the meeting, however, the County may require questions or comments to be submitted in writing before the County responds in the form of addenda or if a response requires the County to conduct additional inquiry or research. Non-attendance at a mandatory pre-proposal meeting may be cause for an offeror's proposal to be deemed non-responsive. An attendee at a mandatory pre-proposal meeting may not represent more than one potential offeror."

10. Paragraph 74.B, "Approval by the Board of County Commissioners," shall be rescinded in its entirety and replaced with the following paragraph:

"B. Approval by the Board of County Commissioners. Any contract or agreement for the purchase of tangible personal property, construction, or professional services that exceeds the sum of two hundred fifty thousand (\$250,000) dollars shall be approved by the Board of County Commissioners before becoming effective. Any amendment to a contract that was initially approved by the Board of County Commissioners that increases the initial contract sum by ten percent (10%) or more or that increases the total contract sum by more than five hundred thousand (\$500,000) dollars (whichever is less) shall be approved by the Board of County Commissioners unless otherwise provided by the Board of County Commissioners by specific resolution. Any grant or acceptance of easement/right-of-way and any other agreements pertaining to real estate transactions shall be approved by the Board of County Commissioners."

11. Paragraph 74.B, "Approval by the County Manager," shall be rescinded in its entirety and replaced with the following paragraph:

"C. Approval by the County Manager. Any contract or agreement for the purchase of tangible personal property, construction, or professional services with a contract sum of two hundred fifty thousand (\$250,000) dollars or less may be approved by the County Manager before becoming effective. Any amendment to a contract that was initially approved by the County Manager that does not increase the initial contract sum more than two hundred fifty thousand (\$250,000) dollars may be approved by the County Manager before becoming effective. Any amendment to a contract that was initially approved by the Board of County Commissioners that increases the initial contract sum by ten percent (10%) or more or that increases the total contract sum by more than five hundred thousand (\$500,000) dollars (whichever is less), may be approved by the County Manager before becoming effective. Any license or license agreements pertaining to real estate where the total consideration is two hundred and fifty thousand (\$250,000) dollars or less may be approved by the County Manager before becoming effective."

PASSED AND ENACTED THIS 10 DAY OF April, 2012.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO

By: *Liz Stefanics*
Liz Stefanics, Chair

ATTEST: *Valerie Espinoza*
Valerie Espinoza, County Clerk



APPROVED AS TO FORM:
Stephen C. Ross
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC RESOLUTIONS
PAGES: 5
I Hereby Certify That This Instrument Was Filed for
Record On The 12TH Day Of April, 2012 at 03:25:54 PM
And Was Duly Recorded as Instrument # 1666110
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy *Marcella [Signature]* County Clerk, Santa Fe, NM