

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2012-5

AN ORDINANCE REPEALING ORDINANCE NO. 2010-8; REENACTING PORTIONS OF ORDINANCE NO. 2010-8 AND MAKING APPROPRIATE AMENDMENTS; REFORMING THE COUNTY'S PROCUREMENT PRACTICES WITH RESPECT TO ROAD AND BUILDING CONSTRUCTION PROJECTS TO ENSURE THAT THE PUBLIC TRUST IS MAINTAINED, THAT PROJECTS ARE PROPERLY DESIGNED AND CONSTRUCTED AND COMPLETED WITHIN BUDGET, THAT PROJECTS ARE CONTRACTED ONLY AFTER A FAIR AND TRANSPARENT PROCUREMENT PROCESS; PROVIDING FOR TRAINING, AUDITING AND CONFIDENTIAL REPORTING.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO:

Section One. Outside Contracts. Procurement pursuant to NMSA 1978, Section 13-1-129 (1984, 1991), should not be used unless the Procurement Manager makes a specific finding that competitive bidding for the particular product would not be advantageous to the County. In no event shall a contract in total value exceeding \$250,000 be awarded without competitive bidding unless the Board of County Commissioners specifically approves.

Section Two. Periodic Rebidding. Each multi-year contract awarded henceforth following a competitive procurement process shall be written for a one-year term with an annual renewal at the County's option for no more than three additional one-year terms unless a modified term is specifically approved by the Board of County Commissioners.

Section Three. Board of County Commissioners to Approve Capital Projects. Each construction project undertaken by the County (excluding those projects funded by a grant from the New Mexico Legislature or the federal government) whose construction budget exceeds the sum of \$20,000 must, before being constructed, be included in the Capital Improvements Plan (CIP). This section shall not apply to a construction project that is necessary to address an emergency declared by the County Manager or the Board of County Commissioners that endangers the public health, safety, welfare or property.

Section Four. Road Maintenance List. Road maintenance shall not be performed on a private road and shall only be performed on a County-maintained road that has been placed on the list submitted to the State of New Mexico pursuant to NMSA 1978, Section 67-3-28.3 (1987). Road maintenance work, including routine and priority maintenance, must be identified

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equitably in each Commission District, unless there is no need for a project in a particular district.

Section Five. Bidding and Engineering of Construction Projects. Plans and specifications drawn by a licensed professional engineer in the State of New Mexico or an architect licensed in the State of New Mexico, as appropriate, shall be prepared for each construction project that will be conducted using the County's own forces and whose construction budget exceeds the sum of \$250,000.

Section Six. Constituent Requests. All requests by constituents for maintenance, repair, construction or reconstruction should be made through the County's internet web site or to a Constituent Services Liaison. Each request shall be subsequently referred to the appropriate Constituent Services Liaison. The Constituent Service Liaison must work with appropriate County staff and the legal department to ensure that the request meets constitutional scrutiny and is placed on the CIP or the road maintenance list, as appropriate. If the request pertains to a road, the Constituent Service Liaison must work with appropriate County staff and the legal department to ensure that the road in question is a County-maintained road.

Section Seven. Pre-Auditing. All construction contracts for a sum exceeding \$250,000 shall have signatory authorization forms included in the official contract file prior to issuance of the notice to proceed. The forms shall designate individual authority levels for contract change directives, change orders, amendments and other construction documents that obligate the County. The forms shall have original signatures for specific authorizations and copies shall be given to the contractor, the using department, and the accounts payable division of the Finance Department. Accounts payable personnel shall verify signatures when processing invoices to ensure appropriate individuals verified work received and authorized payments.

Section Eight. Auditing. The Finance Division must periodically randomly review and audit procurement files the total value of which exceeds the sum of \$250,000 to ensure compliance with the Procurement Code and the County's Purchasing Regulations; variances shall be reported to the Department Head and the County Manager. Any violation of a criminal statute discovered in connection with the audits required by this section shall be promptly reported to the appropriate law enforcement agency, and reported to the State Auditor pursuant NMSA 1978, Sec. 12-6-6 (1969, as amended).

Section Nine. Training. A comprehensive and mandatory procurement training program shall be given to all County employees and elected officials on the constitutional limitations of county government and on the legal limitations of procurement pursuant to the Procurement Code and other relevant statutes.

Section Ten. Appointment of Persons With Purchasing and Financial Responsibilities. Persons responsible for procurement, persons with authority to sign requisitions, and persons otherwise authorized to accomplish County expenditures, must be the most responsible, experienced and capable employees. Persons possessing these responsibilities must be specifically designated in writing by the Department Head or Deputy Department Head and approved by the County Manager. The designation may be revoked at any time. Each

person responsible for procurement, signing requisitions or otherwise authorizing County expenditures, and the Department Head and Deputy Department Head, shall receive additional training in procurement and financial controls on an annual basis. Those individuals shall be strictly responsible for any such actions, and may be disciplined, up to and including termination, for failure to exercise those responsibilities in a proper and lawful manner.

Section Eleven. Confidential Reporting. Employees and members of the public are encouraged to report confidentially, but not anonymously, any potential wrongdoing or other concern relating to a construction project or any fraud, abuse, illegal or unlawful activity within County government. The County Attorney shall be the recipient of such reports, which, if a report concerns criminal conduct, shall be reported to the appropriate law enforcement agency, and if not, reported to the Board of County Commissioners and the County Manager. The County Attorney shall provide forms and other means of confidential reporting so that persons concerned about potential wrongdoing can report either in person, through a confidential reporting system, or confidentially on the County's internet web site.

Section Twelve. Definitions,

A. The term "construction" shall have the meaning assigned by NMSA 1978, Section 13-1-40 (1984).

B. The term "engineering" shall have the meaning provided in NMSA 1978, Sec. 61-23-3(E) (1987, as amended).

C. The term "architecture" shall have the meaning provided in NMSA 1978, Sec. 61-15-2(B)(1979, as amended).

Section Thirteen. Severability. If any section, subsection, sentence, clause, item, change or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

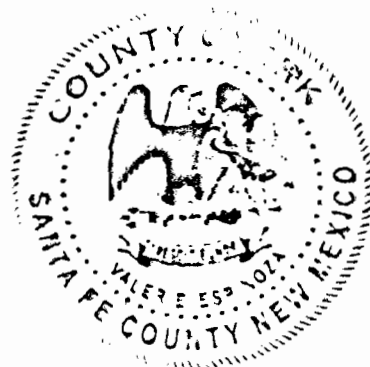
PASSED AND ENACTED THIS 10th Day of April, 2012.

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

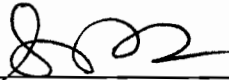
By: Liz Stefanos
Liz Stefanos, Chair

ATTEST:

Valerie Espinoza
Valerie Espinoza, County Clerk



APPROVED AS TO FORM

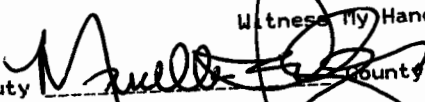
By: 
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of April, 2012 at 04:17:03 PM
And Was Duly Recorded as Instrument # 1666236
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy  County Clerk, Santa Fe, NM

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