III. C. Resolutions

1. **Resolution No. 2014-__, A Resolution Supporting Continued Enforcement and Funding of the Federal Endangered Species Act. (Commissioner Holian) Tabled**

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

To: Board of County Commissioners

From: Gregory S. Shaffer, County Attorney

Via: Katherine Miller, County Manager

Date: December 2, 2014

Re: **A Resolution Establishing Signature Authority of the County Manager with Respect to Certain Agreements and Applications and Ratifying Certain Intergovernmental Agreements Previously Signed by the County Manager Based Upon Apparent Authority**

Issue. It has recently become apparent that Resolution No. 2012-57 created some ambiguity regarding the County Manager's signature authority with respect to certain intergovernmental (or grant) agreements. The proposed resolution would remedy that ambiguity by clearly establishing historic signature authority and ratifying agreements the County Manager has signed since the adoption of Resolution No. 2012-57.

The need to address this ambiguity caused staff to reassess all of the County Manager's signature authority. As a result of that reassessment, staff proposes a resolution describing the general standing signature authority of the County Manager (and related signature authority of the Board of County Commissioners). The resolution would remove superseded provisions describing signature authority from the County's Purchasing Regulations. In addition, staff proposes certain limited increases in the County Manager's signature authority with respect to grants and real property.

Background. Resolution No. 2012-57 rescinded Resolution Nos. 2006-114 and 2009-102 in their entirety, including the provision that addressed the County Manager's authority to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency, for the sum of two hundred and fifty thousand dollars ($250,000) or less (collectively, intergovernmental or grant agreements). Rescinding the County Manager's authority to approve intergovernmental agreements does not appear to have been intended, since:

- The meeting minutes concerning Resolution No. 2012-57 do not reflect any intent to reduce the County Manager's authority and thereby increase the number of actions requiring the approval of the Board of County Commissioners (BCC);

- After the adoption of Resolution No. 2012-57, the previous County Attorney apparently advised the County Manager that she continued to have the authority to sign intergovernmental agreements; and

- After the adoption of Resolution No. 2012-57, the County Manager continued to sign intergovernmental agreements with the Board's knowledge. Specifically, the established practice is that that County Manager signs intergovernmental agreements, with the Board approving associated budget adjustments. In other words, the Board approves budgetary actions associated with intergovernmental agreements that the Board does not approve.

Proposed Resolution. The proposed resolution would:

- Simplify and clarify the County Manager's signature authority with respect to contracts for the purchase of tangible personal property and services, including professional services;
- Restore the County Manager's signature authority with respect to intergovernmental agreements; however, the proposed resolution uses the more technical term "grant agreements" pursuant to which the County receives revenue for general or specific purposes;
- Increase the County Manager's signature authority with respect to grant agreements approved by the BCC, so as to allow the County Manager to sign amendments that increase the grant revenue to the County by the lesser of 10% or $500,000. Such amendment approval is consistent with the County Manager's signature authority with respect to contracts; and
- Provide the County Manager with limited signature authority with respect to real property, as follows:
    - The County Manager would be able to approve short-term agreements of one year or less regarding County real property, where the payments to the County are $250,000 or less. This would provide the County Manager with flexibility to manage county assets on a short-term basis. Long-term decisions with respect to county real property, including sales, would remain the province of the BCC, except as the BCC may specifically delegate with respect to a transaction; and
    - With regard to real property owned by third parties, the County Manager would be able to approve agreements of four years or less under which the County's payments do not exceed $250,000. This is in line with the County Manager's authority with respect to contracts for the purchase of goods and services.

Recommendation. Approve the resolution, which would remove ambiguity regarding the County Manager's signature authority with respect to grant agreements and the validity of grant agreements the County Manager signed since the adoption of Resolution No. 2012-57. It would also clarify, augment, and memorialize in one resolution the County Manager's general, standing signature authority.

Attachments:

Exhibit A – Proposed Resolution
Exhibit B – Resolution No. 2006-114
Exhibit C – Resolution No. 2009-91
Exhibit D – Resolution No. 2009-102
Exhibit E – Resolution No. 2012-57

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2014 - _____

A RESOLUTION ESTABLISHING SIGNATURE AUTHORITY OF THE COUNTY MANAGER WITH RESPECT TO CERTAIN AGREEMENTS AND APPLICATIONS AND RATIFYING CERTAIN INTERGOVERNMENTAL AGREEMENTS PREVIOUSLY SIGNED BY THE COUNTY MANAGER BASED UPON APPARENT AUTHORITY

WHEREAS, Santa Fe County (County) enters into numerous agreements each year, including grant agreements, that often do not involve significant policy questions, are often part of the routine day-to-day business of the County, and are often time-sensitive; and

WHEREAS, it is therefore appropriate and in furtherance of the efficient operation of County government to delegate to the County Manager the authority to execute agreements within limits prescribed by the Board of County Commissioners (BCC); and

WHEREAS, the BCC has previously delegated general signature authority to the County Manager in various resolutions, including the County's Purchasing Regulations and Policy Manual (Purchasing Regulations); and

WHEREAS, the Purchasing Regulations do not apply to grant agreements and real property transactions, making them a poor fit for delegated signature authority with respect to such agreements; and

WHEREAS, this structural issue has caused confusion with respect to the County Manager's signature authority, as described in the following recitals; and

WHEREAS, in Resolution No. 2006-114, the BCC delegated to the County Manager "the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency, up to the sum of one hundred thousand dollars ($100,000)" as well as the authority to sign contract amendments extending the term of the contract; and

WHEREAS, in Resolution No. 2009-91, as amended by Resolution No. 2009-102, the Board amended Resolution No. 2006-114 to increase the County Manager's signature authority over such agreements to "the sum of Two Hundred and Fifty Thousand dollars ($250,000) or less"; and

WHEREAS, on April 10, 2012, the BCC adopted Resolution No. 2012-57 "to clarify matters concerning County's procurement practices"; and

WHEREAS, notwithstanding its focus on procurement practices, Resolution No. 2012-57 rescinded Resolution Nos. 2006-114 and 2009-102 in their entirety, including the provision that addressed the County Manager's authority to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a

EXHIBIT
A

contract accepting a grant, and a cooperative agreement with another agency, for the sum of two hundred and fifty thousand dollars ($250,000) or less; and

WHEREAS, by the adoption of Resolution No. 2012-57, the BCC did not intend to rescind the County Manager's authority with respect to contracts creating revenue for the County, Memoranda of Agreement, Memoranda of Understanding, grant applications, contracts accepting grants, and cooperative agreements, for the sum of two hundred and fifty thousand dollars ($250,000) or less, and the County Manager has, with the BCC's knowledge, continued to sign such agreements since the adoption of Resolution No. 2012-57; and

WHEREAS, the BCC desires to remedy any ambiguity caused by Resolution No. 2012-57 with respect to such agreements by expressly reestablishing the County Manager's signature authority with respect to such agreements and to ratify all such agreements that the County Manager has signed since the adoption of Resolution No. 2012-57; and

WHEREAS, it is desirous to memorialize the County Manager's general signature authority in a single resolution and to increase the County Manager's general signature authority with respect to certain real property transactions.

NOW, THEREFORE, BE IT RESOLVED by the BCC:

1. Definitions. As used in this Resolution, the following terms and symbols have the following meanings:

a. "BCC" means the Board of County Commissioners.

b. "Contract" means a contract for the purchase of tangible personal property or services, including professional services, regardless of whether the contract is exempt from the Procurement Code and regardless of the title of the contract.

c. "County" means Santa Fe County.

d. "Grant" means all non-exchange transactions pursuant to which a governmental agency or person grants or donates money, services, and personal property to the County for general or limited purposes.

e. "Grant agreement" means the agreement pursuant to which a grant is made to the County, regardless of whether the agreement is titled as a grant agreement, a memorandum of agreement, a memorandum of understanding, a cooperative agreement, or some other title.

f. "Purchasing Regulations" means the County's Purchasing Regulations and Policy Manual, as adopted by Resolution No. 2006-60 and amended by Resolution Nos. 2009-91, 2009-102 and 2012-57.

g. "Services" and "Professional Services" have the meanings ascribed to them in the State Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199 NMSA 1978, as such may be amended from time to time.

h. "Signature Authority" means the authority to sign a document on behalf of the County and bind the County to the terms thereof.

i. In the charts in Section 3:

1) a "Y" means that the agreement is within the signature authority of the official or body; a "N" means that it is not;

2) ≤ means less than or equal to; and

3) > means greater than.

2. Signature Authority: General Rules.

a. The County Manager is not required to make a decision with respect to a document within the County Manager's signature authority. Rather, the County Manager may bring any document within the County Manager's signature authority to the BCC for consideration, approval, or disapproval.

b. When the County Manager is unavailable, the County Manager may sub-delegate the County Manager's signature authority to another County employee during the period of unavailability; provided such sub-delegation must be in writing.

c. The BCC may grant the County Manager additional signature authority with respect to any transaction through ordinance, resolution, or other appropriate BCC action.

d. All dollar figures used in Section 3 of this Resolution are exclusive of applicable gross receipts and governmental gross receipts tax.

e. The County Manager may approve amendments to agreements originally signed by the County Manager, provided the agreement, as amended, remains within the County Manager's signature authority.

f. Terms include all possible extensions or renewal terms. For example, for purposes of determining signature authority, the term of a lease with a one-year initial term and an option to extend for an additional six-month term would be 1.5 years.

g. Contract sums, grant revenue to the County, and consideration to be paid under real estate contracts are determined based upon the entire term of the agreement rather than by fiscal year, calendar year, or any other period.

3. Signature Authority: Specific Types of Transactions.

a. Contracts.

	Original Contract		**Amendments to Contracts Approved by the County Manager**		**Amendments to Contracts Approved by the BCC**	
	Contract Sum		Amended Contract Sum		Increase to Contract Sum Approved by BCC Due to Amendments	
Official or Body	≤ $250,000	> $250,000	≤ $250,000	> $250,000	≤ 10% and ≤ $500,000	> 10% or > $500,000
County Manager	Y	N	Y	N	Y	N
BCC	Y	Y	Y	Y	Y	Y

b. Grant Agreements.

	Original Grant Agreement		**Amendments to Grant Agreements Approved by the County Manager**		**Amendments to Grant Agreements Approved by the BCC**	
	Grant Revenue to County		Amended Grant Revenue to County		Increase to Grant Revenue to County Approved by BCC Due to Amendments	
Official or Body	≤ $250,000	> $250,000	≤ $250,000	> $250,000	≤ 10% and ≤ $500,000	> 10% or > $500,000
County Manager	Y	N	Y	N	Y	N
BCC	Y	Y	Y	Y	Y	Y

The County Manager is also authorized to approve and sign on behalf of the County all grant applications, except for grant applications that would commit the County to accept a grant the amount of which is beyond the signature authority of the County Manager.

c. Agreements Related to County Owned Real Property. As used herein, "Agreements Related to County Owned Real Property" means leases, licenses, temporary easements, and other agreements of limited duration allowing a party the right to use or occupy real property.

	Original Agreements Related to County Owned Real Property		**Amendments to Agreements Related to County Owned Real Property Approved by the County Manager**		**Amendments to Agreements Related to County Owned Real Property Approved by the BCC**
	Term and Payments to County		Amended Term and Payments to County		
Official or Body	≤ 1 year and ≤ $250,000	> 1 year or > $250,000	≤ 1 year and ≤ $250,000	> 1 year or > $250,000	
County Manager	Y	N	Y	N	N
BCC	Y	Y	Y	Y	Y

d. Agreements Related to Real Property Owned by a Third Party. As used herein, "Agreements Related to Real Property Owned by a Third Party" means leases, licenses, temporary easements, and other agreements of limited duration allowing the County the right to use or occupy real property.

	Original Agreements Related to Real Property Owned by a Third Party		**Amendments to Agreements Related to Real Property Owned by a Third Party Approved by the County Manager**		**Amendments to Agreements Related to Real Property Owned by a Third Party Approved by the BCC**
	Term and Consideration Payable by County		Amended Term and Consideration Payable by County		
Official or Body	≤ 4 years and ≤ $250,000	> 4 years or > $250,000	≤ 4 years and ≤ $250,000	> 4 years or > $250,000	
County Manager	Y	N	Y	N	N
BCC	Y	Y	Y	Y	Y

4. **Previous Agreements Ratified.** The Board hereby ratifies all contracts creating revenue for the County, Memoranda of Agreement, Memoranda of Understanding, grant applications, contracts accepting grants, and cooperative agreements with other governmental entities, for the sum of two hundred and fifty thousand dollars ($250,000) or less, that were signed by the County Manager from April 10, 2012, through the date this Resolution is adopted.

5. **Previous Resolutions and Policies Rescinded.** Any resolution or policy of the County that is inconsistent with the general, non-transaction specific signature authority established herein is hereby rescinded, including, but not limited to, Section 74(B) and Section 74(C) of the Purchasing Regulations.

PASSED, APPROVED, AND ADOPTED this 9th day of December, 2014.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By:_____
Daniel W. Mayfield, Chair

ATTESTED:

_____
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

_____
Gregory S. Shaffer, County Attorney

RESOLUTION NO. 2006-114

A RESOLUTION SPECIFYING THE REQUIRED SIGNATORY FOR CERTAIN AGREEMENTS

WHEREAS, on April 11, 2006, the Board of County Commissioners of Santa Fe County ("Board") adopted Resolution No. 2006-60, the Purchasing Regulations and Policy Manual;

WHEREAS, Section 74 of the Purchasing Regulations and Policy Manual provides that the following agreements shall be presented to the Board before becoming effective: any contract for purchase of tangible personal property or professional services that exceeds the sum of one hundred thousand dollars ($100,000); any contract for purchase of construction, or relating thereto, that exceeds the sum of one hundred thousand dollars ($100,000); and any amendment to a contract approved by the Board for purchase of tangible personal property, professional services or construction that increases the total amount of a contract previously approved by the Board by ten percent or more or whose total value is fifty thousand dollars ($50,000) or more (whichever is less);

WHEREAS, Section 74 of the Purchasing Regulations and Policy Manual provides that any contract for purchase of tangible personal property, professional services or construction, or relating thereto, for the sum of one hundred thousand dollars ($100,000) or less shall be presented to the County Manager before becoming effective;

WHEREAS, the Purchasing Regulations and Policy Manual does not address whom should execute revenue contracts, memoranda of agreement and understanding, term extensions of existing contracts, grant applications, contracts whereby grants are accepted, and cooperative agreements with other agencies;

WHEREAS, the Board wishes to clearly designate which individuals at the County have the authority to execute the aforementioned contracts;

IT IS THEREFORE RESOLVED, AS FOLLOWS:

1. The Board of County Commissioners shall have the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency over the sum of one hundred thousand dollars ($100,000); and

EXHIBIT
B

2. The County Manager shall have the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency, up to the sum of one hundred thousand dollars ($100,000); and

3. The County Manager shall have the authority and responsibility to approve an amendment to any contract that extends the term of a contract, consistent with limitations placed upon such term extensions by the Procurement Code.

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

By_____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

By Carolyn Wlick for
Stephen C. Ross, County Attorney

BCC RESOLUTIONS
PAGES: 2

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for Record On The 10TH Day Of August, A.D., 2006 at 16:10 And Was Duly Recorded as Instrument # 1446036 Of The Records Of Santa Fe County

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

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION 2009 – 91

A RESOLUTION AMENDING RESOLUTION 2006-60 AND 2006-114 TO INCREASE THE SIGNATURE AUTHORITY OF THE COUNTY MANAGER

WHEREAS, the Purchasing Regulations & Policy Manual for Santa Fe County (adopted April 11, 2006 by Resolution 2006-60 and clarified by Resolution 2006-114) sets forth the authority of the County Manager to execute contracts on behalf of the County, and limits that authority based on the amount of funds which will be expended as a result of the contract and the amount of funds which may be generated as a result of the contract; and

WHEREAS, the previously set limitations are now deemed unreasonable given the scope and breadth of current and projected County operations; and

WHEREAS, the Board of County Commissioners believes that it is in the best interest of the County to promote efficiency and timeliness in the day-to-day management of the County's business by increasing the signature authority of the County Manager;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that Section 74 (Procedure for Review and Approval of Contracts) of Exhibit A to Resolution 2006-60 is hereby amended to read as follows:

74. PROCEDURE FOR REVIEW AND APPROVAL OF CONTRACTS:

A. Review. Any contract for the purchase of tangible personal property, services or construction shall first be reviewed and approved as to form by the Office of the County Attorney, and evidence that funds exist to satisfy the proposed procurement shall be provided by the using Department or Office. In addition, no contract for the purchase of tangible personal property, services or construction shall be awarded without the recommendation of the Procurement Manager.

B. Approval by the Board of County Commissioners. Any contract for purchase of tangible personal property, construction or professional services that exceeds the sum of Two Hundred and Fifty Thousand Dollars ($250,000) shall be presented to the Board of County Commissioners for approval before becoming effective. Any amendment to a contract approved by the Board of County Commissioners for purchase of tangible personal property, professional services or construction that increases the

EXHIBIT
C

total amount of a contract previously approved by the Board of County Commissioners by ten percent or more shall be presented to the Board of County Commissioners prior to becoming effective.

C. Approval of the County Manager. Any contract for purchase of tangible personal property, construction or professional services for the sum of Two Hundred and Fifty Thousand Dollars ($250,000) or less shall be presented to the County Manager for approval before becoming effective. An amendment or series of amendments to a contract approved by the County Manager that does not increase the total contract value above Two Hundred and Fifty Thousand Dollars ($250,000), shall be presented to the County Manager. An amendment or series of amendments to a contract approved by the Board of County Commissioners that does not increase the total contract value by more than Five Hundred Thousand Dollars ($500,000) shall be presented to the County Manager.

BE IT FURTHER RESOLVED THAT Resolution No. 2006-114 is revised to read as follows:

1. The Board of County Commissioners shall have the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency over the sum of Two Hundred and Fifty Thousand dollars ($250,000); and

2. The County Manager shall have the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency, for the sum of Two Hundred and Fifty Thousand dollars ($250,000) or less; and

3. The County Manager shall have the authority and responsibility to approve an amendment to any contract that extends the term of a contract, consistent with limitations placed upon such term extensions by the Procurement Code.

SFC CLERK RECORDED 04/29/2009

SANTA FE BOARD OF COUNTY
COMMISSIONERS

Mike D. Anaya, Chair

SANTA FE COUNTY CLERK VALERIE ESPINOZA SANTA FE COUNTY NEW MEXICO

Valerie Espinoza
Santa Fe County Clerk

APPROVED AS TO FORM:

4-28-09

Stephen C. Ross, Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 3

I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of April, 2009 at 11:09:29 AM And Was Duly Recorded as Instrument # 1560901 Of The Records Of Santa Fe County

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

SANTA FE COUNTY CLERK VALERIE ESPINOZA SANTA FE COUNTY NEW MEXICO

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION 2009 – 102

A RESOLUTION AMENDING RESOLUTION 2009-91 WHICH AMENDED RESOLUTIONS 2006-60 AND 2006-114 TO INCREASE THE SIGNATURE AUTHORITY OF THE COUNTY MANAGER

WHEREAS, the Purchasing Regulations & Policy Manual for Santa Fe County (adopted April 11, 2006 by Resolution 2006-60 and clarified by Resolution 2006-114) sets forth the authority of the County Manager to execute contracts on behalf of the County, and limits that authority based on the amount of funds which will be expended as a result of the contract and the amount of funds which may be generated as a result of the contract; and

WHEREAS, the previously set limitations are now deemed unreasonable given the scope and breadth of current and projected County operations; and

WHEREAS, the Board of County Commissioners believes that it is in the best interest of the County to promote efficiency and timeliness in the day-to-day management of the County's business by increasing the signature authority of the County Manager;

WHEREAS, the Board of County Commissioners approved Resolution 2009-91 to increase the County Manager's signature authority and now wishes to clarify the increased authority granted to the County Manager.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that Section 74 (Procedure for Review and Approval of Contracts) of Exhibit A to Resolution 2006-60 is hereby amended to read as follows:

74. PROCEDURE FOR REVIEW AND APPROVAL OF CONTRACTS:

A. Review. Any contract for the purchase of tangible personal property, services or construction shall first be reviewed and approved as to form by the Office of the County Attorney, and evidence that funds exist to satisfy the proposed procurement shall be provided by the using Department or Office. In addition, no contract for the purchase of tangible personal property, services or construction shall be awarded without the recommendation of the Procurement Manager.

EXHIBIT
tabbies
D

B. Approval by the Board of County Commissioners. Any contract for purchase of tangible personal property, construction or professional services that exceeds the sum of Two Hundred and Fifty Thousand Dollars ($250,000) shall be presented to the Board of County Commissioners for approval before becoming effective. Any amendment to a contract approved by the Board of County Commissioners for purchase of tangible personal property, professional services or construction that increases the total amount of a contract previously approved by the Board of County Commissioners by ten percent or more, or that increases the total amount of the contract by more than Five Hundred Thousand Dollars ($500,000), shall be presented to the Board of County Commissioners prior to becoming effective.

C. Approval of the County Manager. Any contract for purchase of tangible personal property, construction or professional services for the sum of Two Hundred and Fifty Thousand Dollars ($250,000) or less may be presented to the County Manager for approval before becoming effective. An amendment or series of amendments to a contract approved by the County Manager that does not increase the total contract value above Two Hundred and Fifty Thousand Dollars ($250,000), may be presented to the County Manager. An amendment or series of amendments to a contract 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 may be presented to the County Manager.

BE IT FURTHER RESOLVED THAT Resolution No. 2006-114 is revised to read as follows:

1. The Board of County Commissioners shall have the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency over the sum of Two Hundred and Fifty Thousand dollars ($250,000); and

2. The County Manager shall have the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency, for the sum of Two Hundred and Fifty Thousand dollars ($250,000) or less; and

3. The County Manager shall have the authority and responsibility to approve an amendment to any contract that extends the term of a contract, consistent with limitations placed upon such term extensions by the Procurement Code.

SFC CLERK RECORDED 05/26/2009

SANTA FE BOARD OF COUNTY COMMISSIONERS

Mike D. Anaya, Chair

ATTEST:

Valerie Espinoza
Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 3

I Hereby Certify That This Instrument Was Filed for Record On The 26TH Day Of May, 2009 at 03:59:23 PM And Was Duly Recorded as Instrument # 1564270 Of The Records Of Santa Fe County

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

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2012-57

SFC CLERK RECORDED 04/12/2012

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

EXHIBIT

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 increases 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, Chair

ATTEST:

_____
Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

_____
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 # 1668110 Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 04/12/2012