

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2024 - 065

**A RESOLUTION TO AMEND THE SANTA FE COUNTY PURCHASING REGULATIONS
AND POLICY MANUAL WITH REGARD TO THE PROCUREMENT OF OUTSIDE
CONTRACTS AND THE AWARD OF MULTI-YEAR CONTRACTS**

WHEREAS, in 2006, the Santa Fe County Board of County Commissioners passed Resolution No. 2006 – 60, A Resolution Adopting Santa Fe County Purchasing Regulations and Policy Manual (the “Purchasing Regulations”), which serves as the primary regulations, policies and procedures to govern the procurement of goods and services by Santa Fe County. The provisions of the Purchasing Regulations are based on the New Mexico Procurement Code, NMSA 1978, Section 13-1-1 (the “Procurement Code”); and

WHEREAS, it is the County’s interest and in furtherance of efficient and timely procurements of all contracts by the Purchasing Division, to amend the Purchasing Regulations to be consistent with the Procurement Code with respect to the procurement of outside contracts and the award of multi-term contracts; and

WHEREAS, to make the Purchasing Regulations consistent with the Procurement Code, Sections 49 and 50 of the Purchasing Regulations should be amended with regard to the procurement of outside contracts under NMSA 1978, Section 13-1-129, and the procurement of multi-term contracts.

NOW, THEREFORE, BE IT RESOLVED by the Santa Fe County Board of County Commissioners that Section 49 of the Purchasing Regulations is deleted in its entirety and replaced with:

49. PROCUREMENT UNDER EXISTING CONTRACTS: The Procurement Manager may contract for services, construction, or items of tangible personal property without the use of competitive sealed bids or competitive sealed proposals as follows:

- A. At a price equal to or less than the contractor’s current federal supply contract (GSA), providing the contractor has indicated in writing a willingness to extend the contract’s pricing, terms and conditions to the County and the purchase order adequately identifies the contract relied upon; or
- B. With a business which has a current exclusive or nonexclusive price agreement with the state purchasing agent, central purchasing office, or the County for the item, services, or construction meeting the same standards and specifications as the item(s) to be procured, if the following conditions are met:
 - 1. The quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement; and
 - 2. The purchase order adequately identifies the price agreement relied upon.

SFC CLERK RECORDED 05/07/2024

C. Other than A and B above and cooperative procurements as authorized by NMSA 1978, Section 13-1-135, no other procurement under existing contracts is authorized. "Piggybacking" is not allowed; purchases under contracts developed through cooperative procurement authorized under NMSA 1978, Section 13-1-135, or contracts under NMSA 1978, Section 13-1-129, is permitted and does not constitute "piggybacking."

BE IT FURTHER RESOLVED, that a new Section 50 (Multi-term contracts)¹ be inserted into the Purchasing Regulations to read:

50. MULTI-TERM CONTRACTS, DETERMINATION PRIOR TO USE, LIMITATIONS, CANCELLATION DUE TO UNAVAILABILITY OF FUNDS:

- A. Prior to the utilization of a multi-term contract, the Procurement Manager shall make a determination that the estimated requirements cover the period of the contract and are reasonable firm and continuing, and that the contract will serve the best interest of the County.
- B. A multi-term contract for items of tangible personal property, construction or services except for professional services, in an amount under \$25,000, may be entered into for any period of time deemed to be in the best interest of the County not to exceed four years; provided that the term of the contract and conditions of renewal or extension, if any, are included in the specifications and funds are available for the first fiscal year at the time of contracting. If the amount of the contract is \$25,000 or more, the term must not exceed 10 years, including all extensions and renewals, except for a contract entered into pursuant to the Public Facility Energy Efficiency and Water Conservation Act, NMSA 1978, Section 13-23-1, the term must not exceed 25 years. Payment and performance obligations or succeeding fiscal years will be subject to the availability and appropriation of funds.
- C. A contract for professional services may not exceed four years, including all extensions and renewals, except for the following:
 - 1. Financial assistance and child support enforcement management information or payment systems;
 - 2. A multi-term contract for the services of trustees, escrow agents, registrars, paying agents, letter of credit issuers and other forms of credit enhancement and other similar services, excluding bond attorneys, underwriters and financial advisors with regard to the issuance, sale and delivery of public securities, may be for the life of the securities or as long as the securities remain outstanding; and
 - 3. Services relating to measurement and verification of conservation-related cost savings and utility cost saving pursuant to the Public Facility Energy Efficiency and Water Conservation Act.

¹ Sections 50 (Copies of contracts and price agreements) through 74 (Authority of the Purchasing Manager, Purchase Orders) of the Purchasing Manual are re-designated as Sections 51 – 75, respectively.

D. Payment and performance of obligations in any succeeding fiscal year of a multi-term contract is subject to the availability and appropriation of funds. When funds are not appropriated or otherwise made available to support continuation of performance of a multi-term contract in a subsequent fiscal year, the contract must be canceled or terminated.

PASSED, APPROVED, AND ADOPTED THIS 30 DAY OF April, 2024.

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS

By: *Hank Hughes*
Hank Hughes, Chair

ATTEST:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk

05/01/2024
Date



SFC CLERK RECORDED 05/07/2024

Approved as to form:

Jeff Young
Jeff Young
Santa Fe County Attorney

04/26/2024
Date

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 7TH Day Of May, 2024 at 11:20:31 AM
And Was Duly Recorded as Instrument # 2033323
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy *Alvete Garcia* County Clerk, Santa Fe, NM