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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2019-__

INTRODUCED BY:

- Councilor Signe I. Lindell
- Councilor Renee D. Villarreal
- Councilor Christopher M. Rivera

AN ORDINANCE

**AMENDING SECTION 11-13 TO INCREASE TRANSPARENCY REGARDING
COMPETITIVE SEALED PROPOSALS AND COMPETITIVE SEALED
QUALIFICATIONS BASED PROPOSALS AND TO AMEND CITATIONS TO STATE
STATUTES.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Section 11-13 of SFCC 1987 (being Ord. #1991-1, as amended) is
amended to read:**

11-13 ADOPTION OF CITY'S PROCUREMENT CODE.

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

B. Exemptions permitted by [§§] Sections 13-1-98 through 13-1-98.2 NMSA

1 1978 are hereby adopted, in addition to the following exemptions:

2 (1) Purchases of publicly provided utilities including but not limited to:
3 gas, electricity, water, telecommunications, and cable television;

4 (2) Bond attorneys, if approved by the city council as part of the
5 underwriting team involved in the issuance, sale and delivery of public securities for
6 city bonds or city-issued bonds; and

7 (3) Legal services for advice, consultation, and representation of the city.

8 C. The city manager's approval for contracts shall be consistent with the statutory
9 "Small Purchases" amount currently set at sixty thousand dollars (\$60,000.00), excluding
10 applicable state and local gross receipts taxes, as defined by Section 13-1-125 NMSA 1978[~~, §~~
11 ~~13-1-125(2013)~~], as it may be amended. The city manager's approval authority shall increase
12 or decrease if and when the state changes the statutory amount for "small purchases".

13 D. The purchasing officer shall be the "Chief Procurement Officer of the City" as
14 defined by Section 13-1-38.1 NMSA 1978[~~, § 13-1-38.1(2013)~~].

15 E. Local Preferences. Notwithstanding, Section 13-1-21 NMSA 1978[~~, § 13-1-~~
16 ~~21(2016)~~], the city shall apply the following definitions and preferences:

17 (1) "Resident business" means a business that has a valid resident
18 business certificate issued by the taxation and revenue department pursuant to Section
19 13-1-22 NMSA 1978, and which shows that the resident business resides within the
20 Santa Fe municipal limits.

21 (2) When the city makes a purchase using a formal bid process, the public
22 body shall deem a bid submitted by a resident business to be three percent (3%) lower
23 than the bid actually submitted. In addition, if the bid includes subcontractors who are
24 also resident businesses, the public body shall deem a bid submitted by a resident
25 business with resident business subcontractors to be six percent (6%) lower than the

1 bid actually submitted. If a non-resident business hires all resident business
2 subcontractors, the public body shall deem the bid to be three (3) percent lower than
3 the bid actually submitted.

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

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

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

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

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

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

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

20 F. Competitive sealed proposals valued in excess of one million dollars
21 (\$1,000,000.00).

22 (1) If the bid or proposal includes to subcontractors who are also resident
23 businesses, the public body shall deem a bid or proposal submitted by a resident
24 business to be six percent (6%) lower than the bid actually submitted, if and only if at
25 least fifty percent (50%) of the subcontracted services go to subcontractors who are

1 resident businesses.

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

6 G. Confidentiality of proposals in response to competitive sealed proposals.

7 1. Proposals and scores evaluating proposals shall become public after
8 the chief procurement officer reviews and approves a recommended awardee.

9 2. The provision in subsection (1) above allows for public disclosure of
10 proposals earlier than permitted under Section 13-1-116 NMSA 1978 and Section 13-
11 1-120 NMSA 1978.

12 G. City employees shall endeavor to procure local goods and services that qualify
13 as "small purchases" as defined by Section 13-1-125 NMSA 1978~~[, § 13-1-125]~~.

14 H. The Purchasing Manual may be amended as follows:

15 (1) The chief procurement officer, finance and budget director or any
16 member of the governing body may propose amendments to the finance committee;

17 (2) The finance committee shall make its recommendation to the
18 governing body;

19 (3) The governing body shall approve, modify or disapprove the proposed
20 amendments.

21 I. At the beginning of each fiscal year, if amendments are made, the Purchasing
22 Manual shall be re-published with the publication date clearly designated, and all amendments
23 shall be incorporated therein.

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1 APPROVED AS TO FORM:

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4 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2019/Bills/Procurement Transparency*