

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2020-__**

3 **INTRODUCED BY:**

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10 **A RESOLUTION PERMITTING CITY DEPARTMENTS**
11 **TO SEEK RETROACTIVE APPROVAL OF CONTRACTS FOR FISCAL YEAR 2021**
12 **FOR UP TO NINETY (90) DAYS**
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15 **WHEREAS**, the COVID-19 pandemic has caused unforeseeable disruption globally and
16 locally in the City of Santa Fe; and

17 **WHEREAS**, one of the consequences of this disruption has been that the City's
18 revenues, expenditures, and budget are uncertain and the State of New Mexico has postponed the
19 requirement for submitting an approved budget to the State; and

20 **WHEREAS**, City Departments' budgets have been uncertain, while contracts have
21 expired with the typical end of fiscal year; and

22 **WHEREAS**, if certain contracts expire without renewal, the delay of renewal will cause
23 further delays to the provision of services throughout the City, and the City would require
24 additional time to solicit and negotiate replacement contracts; and

25 **WHEREAS**, the purchasing manual allows for the retroactive approval of contracts for

1 up to thirty (30) days after their expiration date and longer if exceptional circumstances apply that
2 are not caused by the procuring department; and

3 **WHEREAS**, state law permits emergency procurement “when the service, construction
4 or item of tangible personal property procured is needed immediately to control a serious threat to
5 public health, welfare, safety or property caused by a flood, fire, epidemic, riot, act of terrorism,
6 equipment failure or similar event; or plan or prepare for the response to a serious threat to public
7 health, welfare, safety or property caused by a flood, fire, epidemic, riot, act of terrorism,
8 equipment failure or similar event and cannot be acquired through normal procurement methods.”
9 NMSA 1978, § 13-1-127.

10 **WHEREAS**, the COVID-19 pandemic has created an ongoing disruptive, deadly, and
11 costly exceptional circumstance that necessitates retroactive approval of contracts and
12 amendments that would have otherwise expired at the beginning of Fiscal Year 2021, for up to
13 ninety (90) days beyond the date they would otherwise expire.

14 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
15 **CITY OF SANTA FE** that Departments may bring contracts to be amended or extended for up
16 to ninety (90) days after the end of the contract term, if the renewal has been delayed by the
17 COVID-19 pandemic for Fiscal Year 2021; and

18 **BE IT FURTHER RESOLVED** that in no event shall contracts as extended or amended
19 exceed the terms allowed by NMSA 1978, Sections 13-1-150 to -152; and

20 **BE IT FURTHER RESOLVED** that the Finance Department shall track the number of
21 contracts retroactively approved during the COVID-19 pandemic and report the number to the
22 Finance Committee on a periodic basis during the pendency of the pandemic.

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24 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2020.
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ALAN M. WEBBER, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

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2 *Legislation/2020/Resolutions/*