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1 CHIEF PROCUREMENT OFFICER. That person charged with the  
2 responsibility of administering the Central Purchasing Office~~[, or its designee]~~.

3 CIP. The Capital Improvement Program of the city, or any department or  
4 division of the city subsequently charged with the oversight of capital  
5 construction projects.

6 COMPETITIVE SOLICITATION. ~~[A request to businesses to respond to~~  
7 ~~contractual requirements established by the Central Purchasing Office]~~ [The  
8 procurement process the City uses to request offers] for the purchase, sale,  
9 lease, rental of goods, services or construction; or [an] other transaction~~[s by~~  
10 ~~submitting an offer. A competitive solicitation may take the]~~ [The request may  
11 be in the] form of a request for bids (RFB), a request for proposals (RFP), a  
12 request for quotes (RFQ), or [an] other procurement methodology established  
13 by the Chief Procurement Officer.

14 CONCESSION CONTRACTS. [A] ~~[r]~~ Revenue-producing contracts [that  
15 licenses or permits]~~[licensing or permitting]~~ the use of city property~~[other~~  
16 ~~than]~~ [except any kind of] rights of way~~[, of any kind]~~, by [a] businesses for the  
17 sale of goods or services at a profit.

18 CONSTRUCTION. The building, alteration, repair, improvement,  
19 installation, or demolition of any public structure, building, pipeline, or other  
20 public improvement of any kind on public real property. Construction does not  
21 include routine repair or maintenance of public buildings or other public  
22 structures.

23 CONTRACT or AGREEMENT. Any written agreement for the procurement  
24 of goods, services or construction, or for the establishment of a concession,  
25 including, but not limited to, a purchase order and incorporated documents.

26 CONTRACTOR. An offeror who has been awarded a contract.

27 COOPERATIVE PROCUREMENT AGENCY. Any public or private  
28 procurement cooperative established for use primarily by public agencies.

29 GOODS. Items of tangible personal property.

30 GREATER ALBUQUERQUE METROPOLITAN AREA. All locations within  
31 the city and Bernalillo County.

32 INTERGOVERNMENTAL AGREEMENT. An agreement between two or  
33 more public [entities]~~[agencies.]~~

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1           **[LOCAL BUSINESS shall mean a business that is headquartered in and**  
2 **maintains its principal office and place of business in the Greater Albuquerque**  
3 **Metropolitan Area, as defined in § 5-5-3. Local business shall be verified on**  
4 **request by submittal of the business's quarterly IRS Form 941 or other**  
5 **documentation acceptable to the city.]**

6           **MANAGEMENT or OPERATION OF A CITY OWNED FACILITY. Services**  
7 **provided under an approved professional/technical contract, concessions**  
8 **contract, or other operating agreement with the city in which a contractor is**  
9 **responsible for the daily management or operation of a city owned facility,**  
10 **including, but not limited to, the scheduling of facility events and maintenance**  
11 **of a facility event schedule.**

12           **MAYOR. The Mayor of the city~~[, which term, as used herein, shall refer to~~**  
13 **the Mayor and~~]or the Mayor's designee(s).~~**

14           **OFFER. A response to a competitive solicitation.**

15           **OFFEROR. A business [or individual] that submits a response to a**  
16 **competitive solicitation.**

17           **[PLACE OF BUSINESS shall mean a business's location in the Greater**  
18 **Albuquerque Metropolitan Area which is staffed and open to the public on a**  
19 **regular basis.]**

20           **PROFESSIONAL/TECHNICAL SERVICES. ~~[These s]~~[S]ervices performed**  
21 **by or under the direction of a licensed professional, ~~other~~ [a] professional**  
22 **technician, or [an]other person with technical training, as more particularly**  
23 **defined by the Chief Procurement Officer.**

24           **PUBLIC AGENCY. Any ~~[local]~~ public body, department, division,**  
25 **commission, council, board, committee, institution, legislative body, agency,**  
26 **government corporation, educational institution or official of the executive,**  
27 **legislative or judicial branch of the United States, any state of the United**  
28 **States, any Indian tribe or pueblo, [any local government,] or any foreign**  
29 **government.**

30           **PURCHASING or PROCUREMENT. The buying, renting, leasing, lease-**  
31 **purchasing or otherwise obtaining of any goods, services or construction or a**  
32 **concession contract. It includes all functions that pertain to any city**  
33 **procurements, including, but not limited to, the preparation of specifications,**

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1 solicitation and selection of sources, preparation and award of contracts, and  
2 contract administration unless otherwise excepted in this article.

3 RECOMMENDATION OF AWARD or ROA. The document approved by the  
4 Chief Procurement Officer which summarizes the offers received in response  
5 to a competitive solicitation and which designates the selected offeror and  
6 other relevant information.

7 RESPONSIBLE OFFEROR. A business which has the capability in all  
8 respects to perform fully the contract requirements set out in the competitive  
9 solicitation or existing contract~~[, and the integrity and reliability which will  
10 assure good faith performance, and who has not violated or attempted to  
11 violate any provisions of law or ethical conduct. Factors which may be  
12 considered in determining the offeror's capability to perform, among others,  
13 are its financial resources, production or service facilities, service reputation,  
14 response time, quality of services or goods, and experience]~~[as set forth in the  
15 Purchasing Rules and Regulations].

16 RESPONSIVE OFFER. A written offer [in response to a competitive  
17 solicitation] to furnish goods, services or construction in conformity with [the]  
18 standards, specifications, delivery terms and conditions, and all other  
19 requirements established in a [the] competitive solicitation. [Responsiveness  
20 of offers shall be as more fully set forth in the Purchasing Rules and  
21 Regulations.]

22 SERVICES. Labor, time or effort.

23 SOCIAL SERVICES. The provision, primarily to low and moderate income  
24 residents of the city, of human services such as health care, substance abuse  
25 treatment and prevention, day care, emergency shelter[s], youth services,  
26 senior services, employment services, and job training; ~~[the provision of]  
27 housing intended primarily for low and moderate income residents of the city;  
28 and economic development activities designed primarily to benefit low to  
29 moderate income areas of the city or to increase employment among low and  
30 moderate income residents. A social services contract is a contract with a  
31 nonprofit organization or public agency for social services in return for the  
32 [city's] payment by the city of costs associated with the provision of social~~

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1 services, including, but not limited to, the costs for labor, supplies, operating  
2 expenses, equipment, and the acquisition or improvement of real property.

3 SOFTWARE LICENSE or SOFTWARE SUBSCRIPTION. Software or  
4 technology services hosted remotely by a third party.]

5 USER DEPARTMENT, USER, or DEPARTMENT. A city department[,  
6 office,] or division for which procurement services are provided.

7 WATER UTILITY AUTHORITY. The Albuquerque Bernalillo County Water  
8 Utility Authority, a political subdivision of the State of New Mexico created by  
9 Laws 2003, Chapter 437 (Section 72-1-10 NMSA1978).”

10 SECTION 2. The Public Purchases Ordinance, Chapter 5, Article 5, Section  
11 17, ROA 1994, is hereby amended as follows:

12 “§ 5-5-17 ~~[RESIDENT, LOCAL AND SMALL BUSINESS]~~ PREFERENCES.

13 (A) Application of Preferences. Prior to making a recommendation of award  
14 ~~[of a contract pursuant to a request for bids or request for proposals],~~ the  
15 Central Purchasing Office shall apply ~~[to any applicable procurement]~~ the  
16 following preferences ~~[provided under state law to the amount of the bid or to~~  
17 ~~the proposal score in accordance with the applicable state law.]~~ by applying  
18 the 5% preference for each to the amount bid or the proposal score of all  
19 eligible offers. The preferences set forth in this section apply to bids and  
20 proposals only. This is in contrast to the Request for Quotes procurement  
21 methodology, in which quotes are requested initially from local businesses  
22 only. If all the quotes are obtained exclusively from local businesses, the  
23 application of a local preference is moot.

24 ~~— (1) A local business preference shall be applied to a qualified bid or~~  
25 ~~proposal submitted in response to a competitive solicitation for the purchase~~  
26 ~~of goods or services or for the award of a concession contract by a local~~  
27 ~~business, as defined in this section.~~

28 ~~— (2) A small business preference shall be applied to a qualified bid or~~  
29 ~~proposal submitted in response to a competitive solicitation for the purchase~~  
30 ~~of goods or services or for the award of a concession contract by a small~~  
31 ~~business, as defined in this section.~~

32 ~~— (3) The state's resident business and resident veteran business~~  
33 ~~preferences shall be applied to a qualified bid or proposal submitted in~~

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1 ~~response to a competitive solicitation for the purchase of goods or services,~~  
2 ~~in accordance with state law.~~  
3 ~~—(4) The state's resident contractor business and resident veteran~~  
4 ~~contractor business preference shall be applied to a qualified bid or proposal~~  
5 ~~submitted in response to a competitive solicitation for the purchase of~~  
6 ~~construction, in accordance with state law.~~  
7 ~~(5) The pay equity preference shall be applied to a qualified bid or~~  
8 ~~proposal in accordance with this article.~~  
9 ~~—(B) Definitions.~~  
10 ~~—LOCAL BUSINESS shall mean a business that is headquartered in and~~  
11 ~~maintains its principal office and place of business in the Greater Albuquerque~~  
12 ~~Metropolitan Area, as defined in § 5-5-3. Local business shall be verified on~~  
13 ~~request by submittal of the business's quarterly IRS Form 941 or other~~  
14 ~~documentation acceptable to the city.~~  
15 ~~—PLACE OF BUSINESS shall mean a business's location in the Greater~~  
16 ~~Albuquerque Metropolitan Area which is staffed and open to the public on a~~  
17 ~~regular basis.~~  
18 ~~—RESIDENT BUSINESS, RESIDENT VETERAN BUSINESS, RESIDENT~~  
19 ~~CONTRACTOR, AND RESIDENT VETERAN CONTRACTOR PREFERENCE shall~~  
20 ~~mean the preference described in Section 13-1-21 NMSA 1978 and Section 13-~~  
21 ~~4-2 NMSA 1978, as currently enacted or hereafter amended.~~  
22 ~~—SMALL BUSINESS shall mean a local business which employs an average~~  
23 ~~of fewer than 50 full-time employees in a calendar year, which number can be~~  
24 ~~verified on request by submittal of the business's quarterly IRS Form 941 or~~  
25 ~~other documentation acceptable to the city.~~  
26 (C) (B) Eligibility for Preferences.  
27 (1) To qualify for any state procurement preference, an offeror shall meet  
28 any eligibility requirements provided in the relevant state law, and shall submit  
29 with its bid or proposal, the certification issued by the State of New Mexico  
30 that relates to the preference sought. ~~a local business or small business~~  
31 ~~preference, the offeror must submit verifiable information in accordance with~~  
32 ~~procedures established by the Chief Procurement Officer.~~

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1 ~~—(2) To qualify for the state's resident contractor or state resident veteran~~  
2 ~~contractor preference, an offeror must submit with its offer the certification of~~  
3 ~~resident contractor or resident veteran contractor issued by the State of New~~  
4 ~~Mexico.~~

5 ~~—(3) To qualify for the state's resident business or resident veterans~~  
6 ~~business preference, the offeror must submit with its offer the certification of~~  
7 ~~resident business or resident veterans business issued by the State of New~~  
8 ~~Mexico.~~

9 ~~—(4) If necessary, the Central Purchasing Office may seek additional~~  
10 ~~information or proof to verify the offeror's eligibility.~~

11 ~~—(5) Only the principal offeror or one of the principal offerors, not a~~  
12 ~~subcontractor, may qualify an offer for a preference.~~

13 ~~—(D) Small Business Goal. Each fiscal year the Central Purchasing Office~~  
14 ~~shall strive to award to small businesses competed city purchases for goods~~  
15 ~~and services processed through that office equivalent to 10% of the total value~~  
16 ~~of such purchases for the prior fiscal year.~~

17 ~~—(E) Limitation. The total amount of all preferences awarded under this~~  
18 ~~section for the purchase of goods and services in any single award shall not~~  
19 ~~exceed 10%.~~

20 ~~—(F) Applicability. This section shall not apply to competitive solicitations~~  
21 ~~where the cost to the city or revenues to the business will exceed \$5,000,000.”~~

22 SECTION 3. The Public Purchases Ordinance, Chapter 5, Article 5, Section  
23 20, ROA 1994, is hereby amended as follows:

24 “§ 5-5-20 EXEMPTIONS.

25 The following purchases shall be exempt from the competitive  
26 requirements of this article, unless otherwise determined by the Chief  
27 Procurement Officer:

28 (A) Agreements for services of professionals selected pursuant to §§ 14-  
29 7-2-1 et seq., Selection Advisory Committee ordinance;

30 (B) [Reserved.] [Purchase of a software license or software subscription  
31 that does not exceed \$10,000 per fiscal year, including services required to  
32 build, install, maintain or support the software, or that are otherwise  
33 associated with the acquisition of the license or subscription.]

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1 (C) Leases, licenses, permits, exchanges, or purchases of real property  
2 and all other real property transactions;

3 (D) Purchases from regulated utilities such as gas, electricity, water,  
4 telephone, cable TV, sewer and refuse collection service, unless competition  
5 is available and the annual cost will exceed \$100,000;

6 (E) Purchases of books, periodicals, films, training materials,  
7 subscriptions [(excluding software subscriptions)], on-line information  
8 services, or advertising from the publishers and distributors or agents thereof;

9 (F) Purchases of travel by common carrier or by private conveyance and  
10 related travel expenditures such as meals and lodging;

11 (G) Purchases, exchanges, sales, or transportation of ~~[animals for  
12 BioPark/Zoo; or purchases of food for BioPark/Zoo animals; and purchases of  
13 prescription animal food and medical testing supplies for use by the Animal  
14 Welfare Department;]~~

15 [(1) animals for the BioPark/Zoo, APD, and AFR;

16 (2) food, medications, medical testing, or medical supplies for  
17 BioPark/Zoo animals; and

18 (3) prescription animal food and medical testing supplies for use  
19 by the Animal Welfare Department.]

20 (H) Purchases of surety bonds;

21 (I) Purchases of exotic plants which will be accessioned into a  
22 permanent collection maintained by the city;

23 (J) [Short-term contracts for p]~~[P]~~urchases of parts and labor for  
24 equipment or machinery [if the machinery or equipment is in immediate  
25 danger of failure and such] ~~[where]~~ a breakdown of this equipment or  
26 machinery could cause an emergency or costly condition to exist ~~[and where  
27 the machinery or equipment is in immediate danger of failure];~~

28 (K) Purchases of parts and labor or maintenance [agreements] to repair  
29 disabled equipment or machinery if the equipment or machinery [is required to  
30 be repaired by] a franchised dealer or by a factory authorized repair shop [to  
31 retain warranty];

32 (L) Purchases of chemicals, drugs, and [other] controlled substances,  
33 the distribution and use of which is controlled by law or requires licensing;



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1 (M) Concession contracts~~[, unless such contracts are]~~ expected to  
2 generate revenues to the contractor in [an amount]~~[excess]~~ of \$75,000 [or  
3 less], over a 12-month period;

4 (N) Purchases of ~~[computer]~~ software and ancillary services required to  
5 match other software [previously procured and] in use ~~[is required to be used~~  
6 ~~in the public interest]~~. This includes licensing fees, [maintenance fees,] and  
7 services required to update, modify or maintain proprietary software ~~[, if such~~  
8 ~~services are available from only a single provider]~~;

9 (O) Purchase, lease, rental or any other financial arrangement for the  
10 acquisition of works of art, artifacts, or other items for the purpose of  
11 exhibition in a public facility or area;

12 (P) Payments for conference registrations, membership dues, offsite  
13 training courses, or similar minor purchases where prepayments are required  
14 ~~[or which are administrative in nature and non-competitive as determined by~~  
15 ~~the Chief Procurement Officer]~~;

16 (Q) Purchases necessary for the investigation of criminal activities,  
17 which, if purchased competitively, would compromise an investigation as  
18 determined by the Chief of Police in writing. All funds expended [as described  
19 in this paragraph Q shall]~~[for this type of activity will]~~ be properly receipted  
20 and accounted for with supporting documentation maintained by the  
21 [Albuquerque] Police Department and [are] subject to internal audit;

22 (R) Purchases of specialty goods, as defined by the Chief Procurement  
23 Officer, for resale to the general public at a retail business operated by the  
24 city;

25 (S) Agreements for the services of medical practitioners such as  
26 dentists, doctors, psychiatrists, psychologists, veterinarians, nurses,  
27 technicians, and the like, except that medical and mental health services for  
28 the Employee Health Center, and similar group medical services, shall be  
29 competitively obtained;

30 (T) Agreements for the services of attorneys, other than bond attorneys,  
31 and for legal assistants, except as otherwise provided in this article;

32 (U) Contracts and expenditures in connection with court or  
33 administrative proceedings, including, but not limited to, experts, mediators,

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- 1 interpreters, translators, court reporters, process servers, witness fees, and
- 2 printing and duplicating of materials for filing;
- 3 (V) Agreements for the services of lobbyists;
- 4 (W) Agreements with a sports professional or team;
- 5 (X) Contracts with private, nonprofit, independent contractors whose
- 6 primary purpose is to provide services to persons with disabilities, and which
- 7 contracts provide employment opportunities for persons with disabilities;
- 8 (Y) Grant funded contracts with civic groups to provide community
- 9 services, as required by the terms of the grant;
- 10 (Z) Contracts for retirement and other benefits which are paid for
- 11 directly by city employees, except that employee health care insurance will be
- 12 obtained competitively as otherwise provided in this article;
- 13 (AA) Contracts with professional entertainers and ~~[associated]~~
- 14 expenditures [and expenditures associated with those contracts];
- 15 (BB) Purchases of goods, and ancillary services such as installation or
- 16 training, where required to match equipment currently in use and where a
- 17 written standardization policy [has been developed for such goods or ancillary
- 18 services] ~~[is in effect is required to be used in the public interest]~~. This
- 19 includes applicable purchases and services to obtain, modify, or maintain
- 20 equipment ~~[, if such services are available from only a single provider]~~;
- 21 (CC) The purchase of goods or services for a reasonable trial period for
- 22 testing purposes as approved by the Chief Procurement Officer; ~~[on the~~
- 23 ~~condition]~~ [provided] that if additional purchases are required after [the trial
- 24 period and] testing, [the subsequent purchase of] such goods or services
- 25 shall be subject to the requirements of this article; and
- 26 (DD) The purchase of used items if available for a limited time, such as
- 27 by auction or public sale, and if determined to be at a cost advantage to the
- 28 city. A memo~~[random]~~ shall be ~~[written]~~ [submitted] to the Chief Procurement
- 29 Officer ~~[for approval]~~ describing the steps taken to determine that a cost
- 30 advantage to the city exists~~[, and the Chief Procurement Officer's approval of~~
- 31 the purchase is required.]

32 SECTION 4. The Public Purchases Ordinance, Chapter 5, Article 5, Section  
33 27, ROA 1994, is hereby amended as follows:

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1           **“§ 5-5-27 REQUEST FOR QUOTES.**

2           Purchases of goods, services and construction may be made by the  
3           Central Purchasing Office by request for quotes in accordance with the  
4           following provisions:

5           (A) A single purchase involving the expenditure of more than the small  
6           purchase limit, but not more than \$100,000, may be made after requesting  
7           quotes. ~~[Such quotes shall be obtained]~~ [Departments are encouraged to  
8           obtain quotes] first from local businesses as defined in this article.

9           ~~[(1) If fewer than three responsive quotes are obtainable from local~~  
10          ~~businesses, additional quotes from nonlocal businesses shall be considered.~~

11          ~~—(2) If fewer than three responsive quotes are obtainable from any~~  
12          ~~source, the purchase may be made at the best documented obtainable price~~  
13          ~~and a memo shall be [written] to the Chief Procurement Officer [for his~~  
14          ~~approval] describing the steps taken to obtain the quotes and determine the~~  
15          ~~best price.]~~

16          (B) Award [of a contract] may be made only to the responsible offeror(s)  
17          submitting the lowest responsive offer(s).”

18          SECTION 5. The Public Purchases Ordinance, Chapter 5, Article 5, Section  
19          29, ROA 1994, is hereby amended as follows:

20           **“§ 5-5-29 PURCHASES OF PROFESSIONAL/TECHNICAL SERVICES.**

21           Purchases of professional/technical services of \$100,000 or less may be  
22           made by negotiation and execution of a contract: signed by the Chief  
23           Procurement Officer, and processed through the Central Purchasing Office;  
24           ~~[signed by the CIP Official for such contracts processed through CIP; or~~  
25           ~~signed by the Director of Council Services for such contracts entered into by~~  
26           ~~the City Council pursuant to its legislative function].~~ All contracts shall be  
27           reviewed for legal sufficiency. The provisions in this article applicable to  
28           professional/technical services do not apply to: intergovernmental  
29           [agreements]; [oƒ] social services agreements; [or agreements for services  
30           that relate directly to a particular purchase of a software license or software  
31           subscription]. The application of this § 5-5-29 shall be determined by the Chief  
32           Procurement Officer in the Standard Operating Procedure interpreting § 5-5-  
33           9(C) Purchase Splitting Prohibited, as may be amended.”

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1 SECTION 6. The Public Purchases Ordinance, Chapter 5, Article 5, Section  
2 31, ROA 1994, is hereby amended as follows:

3 “§ 5-5-31 PAY EQUITY [~~REPORTING FORM AND PAY EQUITY~~  
4 ~~PREFERENCE~~].

5 (A) [The City intends to conduct business with contractors that consider  
6 gender pay equity and comply with the New Mexico Fair Pay for Women Act,  
7 Section 28-23-1, et seq. NMSA 1978, the federal Equal Pay Act, 29 USCA 206(d)  
8 and other federal gender pay equity laws.] [~~Reporting Form. The city requires~~  
9 ~~that all responses to requests for bids or requests for proposals include a~~  
10 ~~completed City of Albuquerque Pay Equity Reporting Form. The form~~  
11 ~~calculates the deviation between salaries for men and women and is designed~~  
12 ~~to encourage compliance with the New Mexico State Fair Pay for Women Act~~  
13 ~~and federal gender pay equity laws. The Central Purchasing Office or the CIP~~  
14 ~~Official shall review all responses to bids and proposals to determine whether~~  
15 ~~the form is included. Any response that does not include a completed form~~  
16 ~~shall be deemed nonresponsive unless the form is submitted within 24 hours~~  
17 ~~of the response deadline. The Central Purchasing Office and the CIP Official~~  
18 ~~may allow the respondent to submit a revised Pay Equity Reporting Form~~  
19 ~~should, in their sole opinion, the originally submitted form require a technical~~  
20 ~~change.~~

21 —(B) ~~Pay Equity Preference. Prior to making a recommendation of award,~~  
22 ~~the Central Purchasing Office or CIP Official shall apply a 5% pay equity~~  
23 ~~preference to the amount bid or to the total score of any business that~~  
24 ~~includes with its response a valid form.~~

25 —(1) ~~Pay Equity Business. A business is eligible for a pay equity~~  
26 ~~preference if it maintains an overall deviation and position-specific deviations~~  
27 ~~between the salaries paid to men and the salaries paid to women for~~  
28 ~~comparable positions at the percentages provided by Administrative~~  
29 ~~Instruction. The Chief Administrative Officer may annually adjust the average~~  
30 ~~and position-specific deviations contained in this article by issuing an~~  
31 ~~Administrative Instruction and a notification to City Council. For purposes of~~  
32 ~~this section, comparable positions are those listed in the Job Classification~~

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1 ~~Guide 2019 (or as may be updated and amended from time to time) published~~  
2 ~~by the federal Equal Employment Opportunity Commission.~~

3 ~~—(2) Certification. The city shall certify any business that demonstrates~~  
4 ~~that it has satisfied the requirements of subsection (1) above as a Pay Equity~~  
5 ~~Business. The certification process shall be as provided by Administrative~~  
6 ~~Instruction. Certificates shall be valid for one year from the date of issuance.~~  
7 ~~The city will continue to honor existing certificates until their dates of~~  
8 ~~expiration.~~

9 ~~—(C) Limitation. The total amount of all preferences, including the pay~~  
10 ~~equity preference, is limited by § 5-5-17(E).]~~

11 [(D)][B] Rules and Regulations. The Mayor or [the Mayor’s] [his]  
12 designated representative [shall enforce this section and] may prescribe  
13 reasonable rules and regulations to carry out the intent and purpose of this  
14 section.”

15 SECTION 7. The Public Purchases Ordinance, Chapter 5, Article 5, Section  
16 41, ROA 1994, is hereby added as follows:

17 “[§ 5-5-41 PURCHASES OF SOFTWARE LICENSES AND SOFTWARE  
18 SUBSCRIPTIONS.

19 Purchases of software licenses and software subscriptions of \$100,000 or  
20 less may be made by request for demonstrations. Each request for  
21 demonstrations shall include a detailed specification and a weighted scale to  
22 indicate the relative importance of evaluation factors in the scoring of  
23 proposals. The process for procuring software licenses and software  
24 subscriptions under this § 5-5-41 shall be determined by the Chief  
25 Procurement Officer in the Standard Operating Procedure interpreting § 5-5-  
26 41, as may be amended.]”

27 SECTION 8. SEVERABILITY CLAUSE. If any section, paragraph, word or  
28 phrase of this ordinance is for any reason held to be invalid or unenforceable  
29 by any court of competent jurisdiction, such decision shall not affect the  
30 validity of the remaining provisions of this ordinance. The Council hereby  
31 declares that it would have passed this ordinance and each section,  
32 paragraph, sentence, clause, word or phrase thereof irrespective of any  
33 provision being declared unconstitutional or otherwise invalid.

1 SECTION 9. COMPILATION. The amendments set forth in Section 1 above  
2 shall amend, be incorporated in and made part of the Revised Ordinances of  
3 Albuquerque, New Mexico, 1994.

4 SECTION 10. EFFECTIVE DATE. This ordinance shall take effect five days  
5 after publication by title and general summary.

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## **Cover Analysis**

### **1. What is it?**

This legislation makes several amendments to the Purchasing Ordinance.

### **2. What will this piece of legislation do?**

If approved, this legislation will amend the Purchasing Ordinance sections relating to Definitions, Preferences, Pay Equity, Request for Quotes, Exemptions, and Software.

### **3. Why is this project needed?**

The Ordinance amendment is needed to: (a) update our preferences to comply with the recent legislative changes to the State preference laws; (b) move our pay equity initiative into the data review and policy phase; (c) simplify the request for quotes process; (d) clarify exemptions relating to ancillary purchases; and (e) update our process for procuring software licensing and software subscriptions.

### **4. How much will it cost and what is the funding source?**

No new costs are associated with this amendment.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

N/A

### **6. What will happen if the project is not approved?**

If the amendments are not approved, we will be out of compliance with State law, and will continue to be limited by outdated processes for procurement activities.

### **7. Is this service already provided by another entity?**

N/A



**FISCAL IMPACT ANALYSIS**

TITLE: AMENDING CHAPTER 5, ARTICLE 5, OF THE REVISED ORDINANCES OF ALBUQUERQUE, THE "PUBLIC PURCHASES ORDINANCE" RELATING TO DEFINITIONS, PREFERENCES, EXEMPTIONS, PAY EQUITY AND PURCHASES OF SOFTWARE. R: O: X

FUND: 110

DEPT: DFAS

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

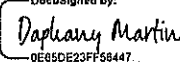
	Fiscal Years			Total
	2022	2023	2024	
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property			-	-
Indirect Costs	-	-	-	-
<b>Total Expenses</b>	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> Estimated revenues not affected				
<input checked="" type="checkbox"/> Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
<b>Total Revenue</b>	\$ -	\$ -	\$ -	\$ -

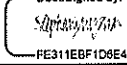
These estimates do not include any adjustment for inflation.  
 \* Range if not easily quantifiable.

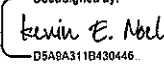
Number of Positions created

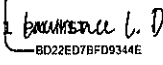
**COMMENTS:** (a) update our preferences to comply with the recent legislative changes to the State preference laws; (b) move our pay equity initiative into the data review and policy phase; (c) simplify the request for quotes process; and (d) update our process for procuring software licensing and software subscriptions.

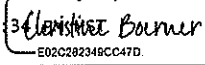
**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

PREPARED BY:  
 DocuSigned by:  
  
 12/8/2022 | 10:15 AM MST  
 DE85DE23FF58447  
 FISCAL ANALYST

APPROVED:  
 DocuSigned by:  
  
 12/8/2022 | 1:54 PM PST  
 FE311EBF1D9E43C  
 DIRECTOR (date)

REVIEWED BY:  
 DocuSigned by:  
  
 12/12/2022 | 9:21 AM MST  
 D5A9A311B430446  
 EXECUTIVE BUDGET ANALYST

DocuSigned by:  
  
 12/14/2022 | 12:34 PM MST  
 BD22ED7BFD9344E  
 BUDGET OFFICER (date)

DocuSigned by:  
  
 12/14/2022 | 1:40 PM MST  
 E02C282349CC47D  
 CITY ECONOMIST