

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-95 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca and Nichole Rogers

1 **ORDINANCE**

2 **AMENDING THE PUBLIC PURCHASES ORDINANCE TO SIMPLIFY AND**
3 **STREAMLINE THE PROCESS FOR AFFORDABLE AND TRANSITIONAL**
4 **HOUSING DEVELOPMENT PROJECTS.**

5 **WHEREAS, the New Mexico Legislative Finance Committee (LFC) in its**
6 **Housing and Supports Overview before the Legislative Health and Human**
7 **Services Committee in July reported that unhoused people in New Mexico**
8 **increased by 11% from 2009-2023, and by 48% from 2022-2023, according to**
9 **Department of Housing and Urban (HUD) Development Point in Time data; and**

10 **WHEREAS, LFC also reported that unhoused people increased by 83%**
11 **between 2022 and 2023 in Albuquerque; and**

12 **WHEREAS, LFC further stated that HUD reports up to 40,000 rental units**
13 **are needed for very low-income renters statewide; and**

14 **WHEREAS, state legislatures are increasingly taking up housing policy**
15 **as affordability becomes a more urgent issue; and**

16 **WHEREAS, this year, states are advancing bills aimed at promoting**
17 **more housing construction and many of the proposals focus on reducing**
18 **regulations imposed by local governments; and**

19 **WHEREAS, Governor Michelle Lujan Grisham has released her Western**
20 **Governors' Association report, titled Building Resilient and Affordable New**
21 **Developments (BRAND) West that examines areas where local governments**
22 **can provide meaningful solutions that address the housing crisis including**
23 **simplifying and streamlining processes for housing development; and**

24 **WHEREAS, the City's Public Purchases Ordinance authorizes the City to**
25 **promulgate regulations, which it has done by creating separate regulations for**
26 **its Purchasing Division, Department of Health, Housing, and Homelessness,**

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1 and Department of Municipal Development that should be reviewed and
2 updated to assist in more efficiently completing transitional and affordable
3 housing development projects.

4 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
5 **ALBUQUERQUE:**

6 **SECTION 1. ROA 1994, Section 5-5-3 is hereby amended to add the**
7 **following definition in alphabetical order:**

8 **§ 5-5-3 DEFINITIONS. REQUEST FOR QUALIFICATIONS. A request for**
9 **submission used to evaluate a potential contractor's experience and**
10 **qualifications that demonstrate their ability to deliver the required product or**
11 **service.**

12 **SECTION 2. A new Section 5-5-18 is hereby added to the Public Purchases**
13 **Ordinance as follows:**

14 **§ 5-5-18 REQUEST FOR QUALIFICATIONS. A Request for Qualifications**
15 **may be issued for the procurement of tangible personal property, services, or**
16 **construction to evaluate the qualifications of prospective contractors. An**
17 **award may then be made to the most qualified contractor, based on the**
18 **criteria established in the Request for Qualifications. If the Chief Procurement**
19 **Officer, Director of the Department of Health, Housing, and Homelessness, or**
20 **Director of the Department of Municipal Development, as applicable,**
21 **determines in writing that proceeding directly to award without a subsequent**
22 **Request for Bids or Request for Proposals is appropriate and is in the best**
23 **interest of the City, a two-step procurement process shall not be required.**

24 **SECTION 3. ROA 1994, Section 5-5-19(A) of the Public Purchases**
25 **Ordinance is hereby amended to add new subsections as follows:**

26 **§ 5-5-19 APPROVAL OF CONTRACTS.**

27 **(A) The following contracts must be approved by the City Council:**

28 **(9) Contracts procured under § 5-5-20(FF), as follows:**

29 **(a) Any contract procured under § 5-5-20(FF) in an amount exceeding**
30 **\$100,000 for a single project;**

31 **(b) Any amendment to a contract procured under § 5-5-20(FF) which**
32 **causes the amount of that contract to exceed \$100,000; and**

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1 (c) Any supplement to a contract procured under § 5-5-20(FF)
2 previously approved by City Council shall require additional approval by City
3 Council if the contract is increased by over 20% of the amount previously
4 identified.

5 SECTION 4. ROA 1994, Section 5-5-20 of the Public Purchases Ordinance is
6 hereby amended to add the following exemption:

7 § 5-5-20 EXEMPTIONS. (FF) Procurement of items of tangible personal
8 property, services, and construction utilizing funds appropriated from the
9 State Department of Finance and Administration Capital Outlay program and
10 general appropriations for affordable and transitional housing projects, which
11 comply with a transparent process developed in conjunction with the
12 Purchasing Division, the Department of Health, Housing, and Homelessness,
13 or the Department of Municipal Development, as applicable, in support of
14 affordable and transitional housing development. This process shall ensure
15 the fair and equitable treatment of all participants, maximize the efficient use
16 of public funds, and include appropriate safeguards to uphold the integrity,
17 quality, and transparency of the City's procurement system.

18 SECTION 5. REVIEW AND IMPROVE ESTABLISHED REGULATIONS AND
19 POLICIES FOR THE DEPARTMENT OF HEALTH, HOUSING, AND
20 HOMELESSNESS. The City shall undertake a review of Department of Health,
21 Housing, and Homelessness procurement regulations and established
22 policies relating to transitional and affordable housing development projects.
23 Based on these reviews, the Mayor shall initiate amendments or recommend
24 for Council approval amendments that would simplify and streamline
25 transitional and affordable housing development projects. These processes
26 shall be completed, and an update provided to the Council via Executive
27 Communication no later than 30 days following the enactment of this
28 legislation.

29 SECTION 6. REVIEW AND IMPROVE ESTABLISHED REGULATIONS AND
30 POLICIES FOR THE DEPARTMENT OF MUNICIPAL DEVELOPMENT. The City
31 shall undertake a review of Department of Municipal Development
32 procurement regulations and established policies relating to transitional and
33 affordable housing development projects. Based on these reviews, the Mayor

1 shall initiate amendments or recommend for Council approval amendments
2 that would simplify and streamline transitional and affordable housing
3 development projects. These processes shall be completed, and an update
4 provided to the Council via Executive Communication no later than 30 days
5 following the enactment of this legislation.

6 SECTION 7. SEVERABILITY. If any section, paragraph, sentence, clause,
7 word or phrase of this Ordinance is for any reason held to be invalid or
8 unenforceable by any court of competent jurisdiction, such decision shall not
9 affect the validity of the remaining provisions of this Ordinance. The Council
10 hereby declares that it would have passed this Ordinance and each section,
11 paragraph, sentence, clause, word or phrase thereof irrespective of any
12 provision being declared unconstitutional or otherwise invalid.

13 SECTION 8. COMPILATION. SECTIONS 1, 2, 3, and 4 of this Ordinance
14 amends, is incorporated in, and is to be compiled as part of the Revised
15 Ordinances of Albuquerque, New Mexico, 1994.

16 SECTION 9. EFFECTIVE DATE. This Ordinance takes effect five days after
17 publication by title and general summary.

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