CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL

COUNCIL	BILL NO	O-14-29	ENACTMENT NO.	
SPONSO	RED BY:	Klarissa J. Peña		
1			ORDINANCE	
2	AMENDING	CHAPTER 5, ARTI	CLE 5, SECTION 19 ROA 1994 AND CHAPTER 5	
3	ARTICLE 5,	SECTION 29 ROA	1994 RELATING TO PURCHASING	
4	REQUIREM	ENTS FOR THE PR	OCUREMENT OF COLLECTIVE BARGAINING	
5	SERVICES	BY THE CITY.		
6	BE IT ORD	AINED BY THE COL	JNCIL, THE GOVERNING BODY OF THE CITY O	
7	ALBUQUEF	RQUE:		
8	SECTIO	N 1. AMENDING SE	ECTION 5-5-19 OF THE PUBLIC PURCHASES	
9	ORDINANC	E AS FOLLOWS:		
10	"§ 5-5-19	9 APPROVAL OF C	ONTRACTS.	
11	(A) TI	he following contra	cts must be approved by the City Council:	
12	(1)	All special assessn	nent district construction contracts in	
13	accordance	e with §§ 6-8-1-1 et	seq., Albuquerque Special Assessment District	
14	Policy Ordi	nance;		
15	(2)	Contracts for ambu	llance services and other emergency rescue	
16	services;			
17	(3)	Contracts for profe	ssional/technical services, as follows:	
18	(a)	Any contract for	orofessional/technical services in an amount	
19	exceeding S	\$75,000, including,	but not limited to, legal services contracts and	
20	contracts e	ntered into by the (City Council to facilitate its legislative function;	
21	(b)	An amendment to	a professional/technical services contract	
22	which caus	es the amount of tl	nat contract to exceed \$75,000; and	
23	(c)	Any professional	technical services contract with a single	
24	business where the total amount in a single fiscal year for			
25	professiona	al/technical contrac	ets with that business exceeds \$150,000[; and	

(d) Any contract or amendment to a contract for

26

1 professional/technical services for collective bargaining or negotiator services 2 regardless of the dollar amount.] 3 (4) Social services contracts as follows: 4 (a) Any social services contract in an amount exceeding \$120,000: 5 and 6 (b) An amendment to a social services contract causes the amount 7 of that contract to exceed \$120,000; or any amendment to a social services 8 contract exceeding \$120,000 that increases the amount of the contract by 20% 9 or more; and 10 (c) Any social services with a single organization or agency where 11 the total amount in a single fiscal year for social services contracts with the 12 organization or agency exceeds \$120,000; 13 (d) Except that City Council approval shall not be required if the goal, 14 amount and contractor of any such contract or amendment is included in the 15 City of Albuquerque annual performance plan or has been previously 16 approved by the Council in an appropriating resolution. 17 (e) The exception contained in § 5-5-19(A)(4)(d) shall not apply if a 18 Councillor has requested a special report on a particular contract from the 19 Mayor, which report shall be due within 30 days of the request, and a 20 Councillor has requested approval of said contract by the full Council. 21 (5) Concession contracts expected to generate revenues to the 22 contractor in excess of \$75,000 over a 12-month period. 23 (6) Sole source construction contracts in excess of \$50,000 for a 24 single project. 25 (7) If the City Council has previously approved a contract by approving 26 the selection of the contractor, the contract amount and the services or 27 subject matter of the contract, either through approval of a Performance Plan, 28 a recommendation of award, or other similar approval process, the final 29 contract will not require an additional approval pursuant to this section. 30 (8) Any supplements to a contract will not require an additional

approval by the City Council if the original amount of the contract and the

approval, and the increase to the contract is within 20% of the amounts

amount of possible supplements were previously presented to City Council for

31

32

33

previously identified.

- (B) The following purchases must be approved by the Mayor rather than City Council:
- (1) When the Mayor determines that urgent and compelling reasons require an emergency procurement of professional/technical services exceeding \$75,000 or social services exceeding \$120,000, the Mayor shall notify the City Council, at its next regularly scheduled meeting, of the action and shall give a full description of the urgent and compelling reasons, the scope of work, the contract amount, and the name of the contractor;
- (2) Award or rejection of offers and the execution of contracts for the construction, demolition, alteration, improvement, or repair of public works; and
- (3) Contracts with the New Mexico State Auditor, or other contracts required by law.
 - (C) All other purchases shall be approved by the City Purchasing Officer or designee, or as otherwise provided by ordinance.
- (D) For all procurements and approval of contracts and purchases by or for the Water Utility Authority pursuant to this article approval by the Executive Director of the Water Utility Authority shall substitute for approval by the Mayor and approval by the Water Utility Authority Board shall substitute for approval by the City Council."
- 22 SECTION 2. AMENDING SECTION 5-5-29 OF THE PUBLIC PURCHASES 23 ORDINANCE AS FOLLOWS:
- 24 "§ 5-5-29 PURCHASES OF PROFESSIONAL/ TECHNICAL SERVICES.

Purchases of professional/technical services of \$75,000 or less may be made by negotiation and execution of a contract signed by the City Purchasing Officer, and processed through the Central Purchasing Office; signed by the CIP Official for such contracts processed through CIP; or signed by the Director of Council Services for such contracts entered into by the City Council pursuant to its legislative function. [All contracts for the procurement of collective bargaining or negotiator services must contain language that requires City Council review and approval on an annual basis.] All contracts shall be reviewed for legal sufficiency. The provisions in this article

1	applicable to professional/technical services do not apply to
2	intergovernmental or social services agreements."
3	SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
4	clause, word or phrase of this ordinance is for any reason held to be invalid or
5	unenforceable by any court of competent jurisdiction, such decision shall not
6	affect the validity of the remaining provisions of this ordinance. The Council
7	hereby declares that it would have passed this ordinance and each section,
8	paragraph, sentence, clause, word or phrase thereof irrespective of any
9	provision being declared unconstitutional or otherwise invalid."
10	SECTION 4. COMPILATION. The ordinance amendment prescribed by
11	SECTION 1 shall amend, be incorporated in and made part of the Revised
12	Ordinances of Albuquerque, New Mexico, 1994.
13	SECTION 5. EFFECTIVE DATE. This ordinance shall take effect five days
14	after publication by title and general summary.
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30 31 32	x:\city council\share\cl-staff_legislative staff\legislation\ordinances\amendments to the purchasing ordinance - klarissa.docx