

# CITY of ALBUQUERQUE

## TWENTY-FIRST COUNCIL

COUNCIL BILL NO. O-14-29 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa J. Peña

1 **ORDINANCE**

2 **AMENDING CHAPTER 5, ARTICLE 5, SECTION 19 ROA 1994 AND CHAPTER 5,**  
3 **ARTICLE 5, SECTION 29 ROA 1994 RELATING TO PURCHASING**  
4 **REQUIREMENTS FOR THE PROCUREMENT OF COLLECTIVE BARGAINING**  
5 **SERVICES BY THE CITY.**

6 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
7 **ALBUQUERQUE:**

8 **SECTION 1. AMENDING SECTION 5-5-19 OF THE PUBLIC PURCHASES**  
9 **ORDINANCE AS FOLLOWS:**

10 **“§ 5-5-19 APPROVAL OF CONTRACTS.**

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

12 **(1) All special assessment district construction contracts in**  
13 **accordance with §§ 6-8-1-1 et seq., Albuquerque Special Assessment District**  
14 **Policy Ordinance;**

15 **(2) Contracts for ambulance services and other emergency rescue**  
16 **services;**

17 **(3) Contracts for professional/technical services, as follows:**

18 **(a) Any contract for professional/technical services in an amount**  
19 **exceeding \$75,000, including, but not limited to, legal services contracts and**  
20 **contracts entered into by the City Council to facilitate its legislative function;**

21 **(b) An amendment to a professional/technical services contract**  
22 **which causes the amount of that 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 **professional/technical contracts with that business exceeds \$150,000; and**

26 **(d) Any contract or amendment to a contract for**

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 Councilor 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 Councilor 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  
31 approval by the City Council if the original amount of the contract and the  
32 amount of possible supplements were previously presented to City Council for  
33 approval, and the increase to the contract is within 20% of the amounts

1 previously identified.

2 (B) The following purchases must be approved by the Mayor rather than  
3 City Council:

4 (1) When the Mayor determines that urgent and compelling reasons  
5 require an emergency procurement of professional/technical services  
6 exceeding \$75,000 or social services exceeding \$120,000, the Mayor shall  
7 notify the City Council, at its next regularly scheduled meeting, of the action  
8 and shall give a full description of the urgent and compelling reasons, the  
9 scope of work, the contract amount, and the name of the contractor;

10 (2) Award or rejection of offers and the execution of contracts for the  
11 construction, demolition, alteration, improvement, or repair of public works;  
12 and

13 (3) Contracts with the New Mexico State Auditor, or other contracts  
14 required by law.

15 (C) All other purchases shall be approved by the City Purchasing Officer  
16 or designee, or as otherwise provided by ordinance.

17 (D) For all procurements and approval of contracts and purchases by or  
18 for the Water Utility Authority pursuant to this article approval by the  
19 Executive Director of the Water Utility Authority shall substitute for approval  
20 by the Mayor and approval by the Water Utility Authority Board shall  
21 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.

25 Purchases of professional/technical services of \$75,000 or less may be  
26 made by negotiation and execution of a contract signed by the City  
27 Purchasing Officer, and processed through the Central Purchasing Office;  
28 signed by the CIP Official for such contracts processed through CIP; or signed  
29 by the Director of Council Services for such contracts entered into by the City  
30 Council pursuant to its legislative function. All contracts for the procurement  
31 of collective bargaining or negotiator services must contain language that  
32 requires City Council review and approval on an annual basis. All contracts  
33 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 and 2 shall amend, be incorporated in and made part of the  
12 Revised 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.

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