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1 (A) Unless otherwise agreed to by the Central Purchasing Office
2 and CIP, the purchase of goods, services and construction for capital projects
3 not procured through the Central Purchasing Office, shall be procured
4 through CIP, in accordance with the "Regulation Governing the Award and
5 Rejection of Bids/Offer and Debarment of Contractors for Public Works
6 Projects of the City of Albuquerque", effective July 25, 2008, or as hereafter
7 amended.

8 (B) Goods, services and construction projects procured through
9 CIP must comply with the reporting and preference requirements of Section 5-
10 5-31 of the Public Purchases Ordinance, except when the preference creates a
11 conflict with federal laws relating to federally funded contracts.]

12 ~~(C)~~ The Mayor may promulgate additional or revised rules and
13 regulations regarding the solicitation of offers for capital projects and the
14 award or rejection of offers therefor, including but not limited to establishing
15 procedures for the solicitation and consideration of offers, award or
16 rejection of offers, determining the responsibility of offerors, and such other
17 matters as the Mayor deems desirable for the efficient administration of capital
18 projects.

19 ~~(C)~~(D) It is the policy of the city to require local participation in
20 capital projects where possible. Major construction projects which can
21 reasonably be expected to exceed \$5,000,000 in cost may require that a market
22 analysis be conducted to determine the percentage of local participation to be
23 required for the project. This determination of the need for a market analysis
24 and the appropriate local participation requirement shall be made on a case by
25 case basis by the user with advice from the city's legal department as needed.

26 ~~(D)~~(E) The purchase of goods, services or construction for
27 capital projects for the city shall not occur as part of a contract originally
28 procured as a concession contract or entered into as a lease unless the
29 following applies:

- 30 (1) The capital project is included in the original
31 competitive solicitation for the concession contract or lease; or
- 32 (2) A city contractor is unable to complete a capital project,
33 which was awarded to that city contractor through a competitive bid process,

1 which will cause damage or harm to the concessionaire or lessee and the
2 concessionaire or lessee can quickly complete the project as determined in
3 writing by the CIP Official; or

4 (3) The purchase meets the requirements of an emergency
5 purchase as set out in this article.

6 ~~[(E)(F)]~~ Any and all rules and regulations adopted or
7 promulgated under this provision shall be consistent with and subject to the
8 provisions of this article, and in the event of a conflict between such rules and
9 regulations and this article, this article shall control.

10 SECTION 2. ROA 1994 Section 5-5-31, "Pay Equity Reporting Form" is
11 amended as follow:

12 "§ 5-5-31 PAY EQUITY REPORTING FORM [AND PAY EQUITY
13 PREFERENCE].

14 [(A) Reporting Form.] All competitive sealed bids and competitive
15 sealed proposals shall require that responses include a completed [City of
16 Albuquerque] Pay Equity Reporting Form ~~[(PE-10-249 as provided by the New~~
17 ~~Mexico General Services Department, State Purchasing the "Form")]~~ to
18 determine the deviation between salaries for men and women and to
19 encourage compliance with the New Mexico State Fair Pay for Women Act.
20 The Central Purchasing Office [and the CIP Official] shall require that bids and
21 proposals include the Form. Any response that does not include a completed
22 form shall be deemed nonresponsive. The Central Purchasing Office [and the
23 CIP Official] may allow for a revised Pay Equity Reporting Form to be
24 submitted by the respondent should, in their sole opinion, the originally
25 submitted form requires a technical change.

26 "[(B) Pay Equity Preference. Prior to making a recommendation of
27 award, the Central Purchasing Office or CIP Official shall apply a 5% pay
28 equity preference to the amount bid or to the request for proposal of all offers
29 submitted by any business who at the time of submission of its bid or request
30 for proposal holds a valid Pay Equity Business Certificate issued by the City's
31 Office of Diversity and Human Rights .

32 (1) Pay Equity Business. For the purposes of this section, a
33 pay equity business is any business that maintains a deviation of 10% or less

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1 between the salaries paid to men and the salaries paid to women for
2 comparable positions, as reported in the Pay Equity Reporting form required
3 to be submitted by each offeror as prescribed under Section 5-5-31(A) of this
4 Article. For purposes of this section, comparable positions are those listed in
5 the Job Classification Guide 2010 (or as may be updated and amended from
6 time to time) published by the federal Equal Employment Opportunity
7 Commission.

8 _____ (2) Certification. The City Office of Diversity and Human
9 Rights shall issue a Pay Equity Business Certificate to any business satisfying
10 the requirements of subsection 1 above. Certificates shall be valid for a
11 duration of one year from the date of issuance.

12 _____ (C) Limitation. The total amount of all preferences, including the pay
13 equity preference, is limited by subsection 5-5-17(E).

14 _____ (D) Rules and Regulations. The Mayor or his designated
15 representative, the Director of the Office of Diversity and Human Rights, or its
16 successor agency, shall enforce this Section. The Office of Diversity and
17 Human Rights may prescribe reasonable rules and regulations to carry out the
18 intent and purpose of this section.]”

19 **SECTION 3. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
20 clause, word or phrase of this ordinance is for any reason held to be invalid or
21 unenforceable by any court of competent jurisdiction, such decision shall not
22 affect the validity of the remaining provisions of this ordinance. The Council
23 hereby declares that it would have passed this ordinance and each section,
24 paragraph, sentence, clause, word or phrase thereof irrespective of any
25 provision being declared unconstitutional or otherwise invalid.

26 **SECTION 4. COMPILATION.** The ordinance amendment prescribed by
27 **SECTIONS 1 and 2** shall amend, be incorporated in and made part of the
28 **Revised Ordinances of Albuquerque, New Mexico, 1994.**

29 **SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect on July 1,
30 **2015, and only after publication by title and general summary.**