



Legislation Details (With Text)

**File #:** O-14-29  
**Type:** Ordinance      **Status:** Sustained  
**File created:** 10/20/2014      **In control:** City Council  
**Final action:** 12/1/2014  
**Enactment date:**      **Enactment #:**  
**Title:** Amending Chapter 5, Article 5, Section 19 ROA 1994 And Chapter 5, Article 5, Section 29 ROA 1994 Relating To Purchasing Requirements For The Procurement Of Collective Bargaining Services By The City (Peña)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-29, 2. O-29final

Date	Ver.	Action By	Action	Result
12/1/2014	2	City Council	Sustained	
11/24/2014	2	Mayor	Vetoed	
11/14/2014	1	City Council	Sent to Mayor for Signature	
11/3/2014	1	City Council	Passed	Pass
10/20/2014	1	President	To be heard at the Council Meeting	
10/20/2014	1	City Council	Introduced	

**CITY of ALBUQUERQUE**  
**TWENTY-FIRST COUNCIL**

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

SPONSORED BY: Klarissa J. Peña

ORDINANCE

Amending Chapter 5, Article 5, Section 19 ROA 1994 And Chapter 5, Article 5, Section 29 ROA 1994 Relating To Purchasing Requirements For The Procurement Of Collective Bargaining Services By The City (Peña)

AMENDING CHAPTER 5, ARTICLE 5, SECTION 19 ROA 1994 AND CHAPTER 5, ARTICLE 5, SECTION 29 ROA 1994 RELATING TO PURCHASING REQUIREMENTS FOR THE

PROCUREMENT OF COLLECTIVE BARGAINING SERVICES BY THE CITY.  
BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
ALBUQUERQUE:

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

“§ 5-5-19 APPROVAL OF CONTRACTS.

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

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

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

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

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

(b) An amendment to a professional/technical services contract which causes the  
amount of that contract to exceed \$75,000; and

(c) Any professional/technical services contract with a single business where the total  
amount in a single fiscal year for professional/technical contracts with that business exceeds  
\$150,000; and

(d) Any contract or amendment to a contract for professional/technical services for  
collective bargaining or negotiator services regardless of the dollar amount.

(4) Social services contracts as follows:

(a) Any social services contract in an amount exceeding \$120,000; and

(b) An amendment to a social services contract causes the amount of that contract to  
exceed \$120,000; or any amendment to a social services contract exceeding \$120,000 that  
increases the amount of the contract by 20% or more; and

(c) Any social services with a single organization or agency where the total amount in a  
single fiscal year for social services contracts with the organization or agency exceeds \$120,000;

(d) Except that City Council approval shall not be required if the goal, amount and  
contractor of any such contract or amendment is included in the City of Albuquerque annual  
performance plan or has been previously approved by the Council in an appropriating resolution.

(e) The exception contained in § 5-5-19(A)(4)(d) shall not apply if a Councilor has

requested a special report on a particular contract from the Mayor, which report shall be due within 30 days of the request, and a Councilor has requested approval of said contract by the full Council.

(5) Concession contracts expected to generate revenues to the contractor in excess of \$75,000 over a 12-month period.

(6) Sole source construction contracts in excess of \$50,000 for a single project.

(7) If the City Council has previously approved a contract by approving the selection of the contractor, the contract amount and the services or subject matter of the contract, either through approval of a Performance Plan, a recommendation of award, or other similar approval process, the final contract will not require an additional approval pursuant to this section.

(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 amount of possible supplements were previously presented to City Council for approval, and the increase to the contract is within 20% of the amounts 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.”

SECTION 2. AMENDING SECTION 5-5-29 OF THE PUBLIC PURCHASES ORDINANCE AS FOLLOWS:

“§ 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 applicable to professional/technical services do not apply to intergovernmental or social services agreements.”

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

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

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

X:\CITY COUNCIL\SHARE\CL-Staff\_Legislative Staff\Legislation\21 Council\O-29final.docx