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2 AMENDING THE PUBLIC PURCHASES ORDINANCE RELATED TO THE
3 DEFINITION OF SOCIAL SERVICES AND DEPARTMENT REFERENCES,
4 DIRECTING THE CITY TO UPDATE INFORMATION ACCORDINGLY.

7 **SECTION 1. The definition of Social Services in ROA 1994, Section 5-5-3 of**
8 **the Public Purchases Ordinance is hereby amended as follows:**

9 SOCIAL SERVICES. The provision, primarily to low and moderate income
10 residents of the city, of human services such as health care, substance abuse
11 treatment and prevention, day care, emergency shelters, youth services,
12 senior services, employment services, and job training; housing intended
13 primarily for low and moderate income residents of the city; and economic
14 development activities designed primarily to benefit low to moderate income
15 areas of the city or to increase employment among low and moderate income
16 residents. A social services contract is a contract ~~[with a nonprofit~~
17 ~~organization or public agency]~~ [between the city and a governmental agency,
18 for-profit entity, or non-profit entity] for social services in return for the city's
19 payment of costs associated with the provision of social services, including,
20 but not limited to, the costs for labor, supplies, operating expenses,
21 equipment, and the acquisition or improvement of real property.

22 **SECTION 2. ROA 1994, Section 5-5-39 of the Public Purchases Ordinance is**
23 **hereby amended as follows:**

24 § 5-5-39 PURCHASES OF SOCIAL SERVICES.

25 **[(A)] Social services contracts shall be procured in accordance with written**
26 **regulations promulgated by the Family and Community Services**

1 ~~Department]~~[Department of Health, Housing, and Homelessness], or a
2 successor department, and approved by the Chief Administrative Officer and
3 the Chief Procurement Officer.

4 ~~[(B)]~~ At a minimum, these department regulations shall require social
5 services contracts to include service performance standards which shall be
6 reviewed and revised on a regular basis. If these performance standards are
7 not met for two consecutive years, a request for proposals pursuant to the
8 department regulations shall be required.

9 ~~[(C)]~~ Contracts which meet the definition of social services contracts shall
10 not be subject to the provisions in this article applicable to those
11 professional/technical services contracts and intergovernmental agreements
12 but shall be subject only to the provisions in this article applicable to social
13 services agreements. City Council approval of social services contracts is
14 required as set out in § 5-5-19 of this article.

15 SECTION 3. The City is directed to update all regulations, administrative
16 instructions, policies, guidance documents, communications, and websites to
17 reflect these updates to the Public Purchases Ordinance within 45 days of the
18 effective date of this Ordinance.

19 SECTION 4. The City shall review any related City legislation and report any
20 recommended changes to City Council by Executive Communication within 45
21 days of the effective date of this Ordinance.

22 SECTION 5. SEVERABILITY. If any section, paragraph, sentence, clause,
23 word or phrase of this Ordinance is for any reason held to be invalid or
24 unenforceable by any court of competent jurisdiction, such decision shall not
25 affect the validity of the remaining provisions of this Ordinance. The Council
26 hereby declares that it would have passed this Ordinance and each section,
27 paragraph, sentence, clause, word or phrase thereof irrespective of any
28 provision being declared unconstitutional or otherwise invalid.

29 SECTION 6. COMPILATION. SECTIONS 1 and 2 of this Ordinance amend,
30 are incorporated in, and are to be compiled as part of the Revised Ordinances
31 of Albuquerque, New Mexico, 1994.

32 SECTION 7. EFFECTIVE DATE. This Ordinance takes effect five days after
33 publication by title and general summary.