Internal Auditor Recommendation

ORDINANCE 26-XX

AN ORDINANCE AMENDING THE CITY OF ROSWELL'S PURCHASING PROCEDURES

WHEREAS, The City of Roswell is a local public body subject to the Procurement Code NMSA 1978, § 13-1-67, *and*

WHEREAS, The City has the authority enter into contracts and to procure personal property and services per NMSA 1978, § 3-18-1 *and*

WHEREAS, The Governing Body shall control the finances and property of the municipality, appropriate money for municipal purposes only, and provide for payment of debts and expenses of the municipality, NMSA 1978, § 3-37-2.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

Section Chapter 2 of the Roswell Code is amended as follows:

ARTICLE V. PURCHASING PROCEDURES

Sec. 2-141. Application of procurement code.

(a) "Procurement code" shall mean the provisions of the New Mexico Procurement Code as set forth in NMSA 1978, § 13-1-28 through 13-1-199, and all amendments thereto following the effective date of this article.

(b) The City of Roswell, as a non-charter municipality in the State of New Mexico, is subject to the provisions of the procurement code.

(c) The purchasing division of the finance department shall be the central purchasing office for the city, as that term is defined in the procurement code.

(d) Following a 30-day notice and comment period to the Governing Body, the city manager is authorized to adopt and amend policies and procedures for purchases of tangible personal property, services and construction on behalf of the city that are consistent with the provisions of the procurement code. The policies and procedures shall be updated to conform to changes made to the procurement code by the state legislature. The city manager may adopt additional requirements and controls for procurements which are more restrictive than the procurement code.

(e) The threshold amounts set forth under the definition of "small purchases" under the procurement code (NMSA 1978, § 13-1-125), as may be amended, shall

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apply as part of the city's policies and procedures for the purchases of tangible personal property, services, and construction on behalf of the city.

(f) All purchases of tangible personal property, services, and construction on behalf of the city shall be subject to the city's policies and procedures for purchasing unless otherwise exempted by the provisions of the procurement code.

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Sec. 2-14

a) Delegation of authority (budgeted purchases).
Within appropriations approved by the Governing Body in the annual budget, the City Manager or designee is authorized to approve and execute purchases, contracts, and amendments in accordance with the thresholds set forth in this section.

b)
Governing Body approval is required prior to execution for: (1) any unbudgeted or unappropriated expenditure, regardless of amount; (2) any contract with an Annual Contract Value exceeding $250,000; (3) any contract with an aggregate multi-year commitment exceeding $500,000

c) Competitive sealed proposal awards shall require Governing Body approval only when unbudgeted or when the Annual Contract Value exceeds $250,000 or the aggregate multi-year commitment exceeds $500,000. All other budgeted awards may be approved by the City Manager.

d) The City Manager shall provide the Finance Committee with a

e) In an emergency as defined by the Procurement Code, the City Manager may approve necessary procurements without prior Governing Body approval to protect life, safety, or property. Such actions shall be reported to the Finance Committee at the next regular meeting and presented to the Governing Body for

f) Competitive sealed proposal awards shall require Governing Body approval only when unbudgeted or when the Annual Contract Value exceeds $250,000 or the aggregate multi-year commitment exceeds $500,000. All other budgeted awards may be approved by the City Manager.

Sec. 2-14

PASSED, ADOPTED, SIGNED and APPROVED _____, _____.

CITY SEAL

_____
Timothy Z. Jennings, Mayor

ATTEST

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Amalia Martinez, City Clerk