

RESOLUTION NO. 2010-07

TOWN OF SILVER CITY CDBG PROCUREMENT POLICY

WHEREAS, no employee, officer or agent of the grantee shall participate in the selection or in the award or administration of a contract supported by CDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award; and

WHEREAS, no officer, employee or grantee shall solicit or accept gratuities, favors or anything of monetary value from the contractors, potential contractors or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value; and

WHEREAS, any alleged violations of these standards of conduct shall be referred to the District Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer. When violations of infractions appear to be substantial in nature, the matter may be referred to appropriate officials for criminal investigation and possible prosecution; and

WHEREAS, the grantee designated purchasing officer responsible for procurement of services, supplies, equipment or construction obtained with CDBG funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the grantee, an analysis to determine which approach would be the most economical shall be undertaken. Procurement requirements, however, may not be divided so as to constitute a small purchase; and

WHEREAS, the purchasing officer shall take affirmative steps to assure that small and minority firms and women's business enterprises are solicited whenever they are potential qualified sources. The purchasing officer shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms and women's business enterprises. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses. Where possible, evaluation criteria will include a factor with an appropriate weight for these firms.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Silver City, Grant County, New Mexico, **APPROVED, PASSED AND ADOPTED** the CDBG Procurement Policy this 23rd day of February, 2010.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk