

**Town of Silver City
Resolution 2005-36**

**AMENDING RESOLUTION 99-32
REGARDING THE TOWN PROCUREMENT CODE,
PUBLIC WORKS CONTRACTS AND ACCOUNTS PAYABLE PROCESS,
PURSUANT TO THE REQUIREMENTS OF THE TOWN CHARTER**

WHEREAS, the Council of the Town of Silver City passed Resolution 99-32 on November 9, 1999, adopting a new procurement code, accounts payable, purchasing card and per diem and mileage regulations; and

WHEREAS, it has been determined that portions of the procurement code, per diem and mileage regulations need amending per **EXHIBIT "A"** which will be incorporated as part of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Silver City that **EXHIBIT "A"** attached hereto are the amended changes and additions to the Town of Silver City Procurement Code to be utilized by all public officers, employees and agents of the Town through the Purchasing Division of the Finance Department.

PASSED, APPROVED AND ADOPTED this 22nd day of November 2005.

Terry Fortenberry, Mayor

Attest:

Jane Toomajanian, Town Clerk

RESOLUTION 2005-36
EXHIBIT "A"

- Section 12.1.8 professional services not exceeding ~~\$25,000.00~~ **\$30,000**; and
- Section 14.2 Bidders Lists. For formal sealed bidding process of bids or proposals exceeding ~~\$10,000.00~~ **\$25,000**, the Town of Silver City will utilize the bidders list provided by the State of New Mexico, General Service Division, Purchasing Division. Copies of bid advertisements will be sent to a minimum of 25% of the suppliers listed for the particular good(s) or services who are listed within Zone 11. Vendors or suppliers not on the State of New Mexico list may request to be placed on the Vendor List of the Town of Silver City by requesting and completing the VENDOR APPLICATION FOR REGISTRATION form. Bidders may be required to submit a fee for bids. Fee will be based on the appropriate cost for reproduction and/or postage for lengthy specifications and blueprints.
- Section 26.2 Architects, Engineers, Landscape Architects and Surveyors. For the procurement of architects, engineers, landscape architects and surveyors having a value not to exceed ~~\$25,000~~ **\$30,000** the Town shall procure such services per Section 46.1 SMALL PURCHASES OF PROFESSIONAL SERVICES, unless otherwise directed by the funding agency. In addition to guidelines of Section 46.1, architects, engineers, landscape architects and surveyors must submit a statement of qualifications, proof of certification and insurance per the New Mexico State Tort Claims Act. The provisions of Section 29 through 45 do not apply to the procurement of professional services of architects, engineers, landscape architects and surveyors for state public works projects or local public works projects. For state public works projects, the Town will comply with Sections 13-1-120 through 13-1-124 NMSA 1978. For local public works projects the Town will follow
- Section 26.3 Procurement of Professional Services exceeding ~~\$25,000~~ **\$30,000**. "Professional Services" are defined in Section 13-1-76 NMSA 1978, which acknowledges the difficulty of any attempt made to recognize and list each and every service that could conceivably fall within the definition of "professional services". Instead, the statute provides in relevant part that "... other persons or businesses providing similar professional services to those listed may be designated as such by a determination issued by the Town Purchasing Agent."
- Section 29.1 Procurement by the Town Purchasing Agent. The Town Purchasing Agent shall give public notice of the RFP in the same manner as provided in Section 14 of this Code. However, an RFP or a notice should be published not less than thirty calendar days prior to the date set for receipt of proposals unless a shorter time frame is requested and approval granted

by the Town Purchasing Agent; it is further provided that Subsection 14.2 of Section 14 of this Code does not apply to a solicitation of a professional services contract unless the value of the contract will exceed ~~twenty-five thousand dollars (\$25,000)~~. **Thirty thousand dollars (\$30,000)**.

Section 42.1

The provisions of the Section apply to the procurement of non-professional services, construction or items of tangible personal property having a value not exceeding ~~ten thousand dollars (\$10,000)~~ **twenty-five thousand dollars (\$25,000)** and to the procurement of professional services having a value not exceeding ~~twenty-five thousand dollars (\$25,000)~~. **thirty thousand dollars (\$30,000)** The methods of procurement set forth in Sections 44 through 46 provide for alternatives to the competitive sealed proposal methods of procurement. If the procurement methods set forth in sections 44 through 46 are not used, the competitive sealed bid or competitive sealed proposal methods shall apply.

Section 44 **SMALL PURCHASES OF ~~\$1,000~~**\$5,000** OR LESS:**

44.1

A Town department or division may procure services, construction or items of tangible personal property having a value not exceeding ~~one thousand dollars (\$1,000)~~ **five thousand dollars (\$5,000)** by issuing a direct purchase order to a contractor, vendor or supplier or by using a Town issued purchasing card. **A Town issued purchasing card will only be used for purchases up to \$2,000.** Petty cash may also be used for purchases of \$100 or less. Town departments or divisions should make an effort to seek the best obtainable price most advantageous to the Town.

Section 45.1

Quotation to be obtained. For small purchases of non-professional services, construction or items of tangible personal property having a value exceeding ~~one thousand dollars (\$1,000)~~ **five thousand dollars (\$5,000)** but not exceeding ~~five thousand dollars (\$5,000)~~ **twenty-five thousand dollars (\$25,000)**, ~~no fewer than three businesses shall be solicited to submit oral quotations that are recorded and placed in the procurement file. Quotations shall include at a minimum, description of each item requested, price per unit, the name of the supplier, telephone number, catalog and item number and the contact person.~~ **it is required to obtain no fewer than three signed, written quotations consisting of itemized prices to include quantity and delivery terms. In addition, the offeror shall include the date of the quotation and the period of time for which the quotation is valid. Catalogue quotations are accepted as written quotations. This option requires that the catalogue being used shall be identified. Item number, part number or catalogue number and page number shall be identified.**

Section 45.2

~~For purchases exceeding five thousand dollars (\$5,000) but not exceeding ten thousand dollars (\$10,000), it is required to obtain no fewer than three~~

~~signed, written quotations consisting of itemized prices to include quantity and delivery terms. In addition, the offeror shall include the date of the quotation and the period of time for which the quotation is valid. Catalogue quotations are accepted as written quotations. This option requires that the catalogue being used shall be identified. Item number, part number or catalogue number and page number shall be identified.~~

Disclosure: Prior to award, the contents of any response to a quotation shall not be disclosed to any other business from which the same request is also being solicited.

Section 46.1

Application. The Town Purchasing Agent, upon recommendation from a department head, may authorize the procurement of professional services having a value not exceeding ~~twenty five thousand dollars (\$25,000)~~ **thirty thousand dollars (\$30,000)** except for the services of architects, engineers and landscape architects, or surveyors for a State funded public works project.

Per Diem Regulations

Partial Day Per Diem is paid as follows:

For less than 2 hour, no partial day per diem.

From 2 hours up to less than 6 hours, ~~\$9.25~~ **\$12.00** of partial day per diem.

From 6 hours up to less than 12 hours, ~~\$18.50~~ **\$20.00** of partial day per diem.

For 12 hours and up ~~\$28.00~~ **\$30.00** of partial day per diem.

Actual Reimbursement for Meals

Actual expenses for meals shall be limited to a maximum of ~~\$28.00~~ **\$30.00** for a 24-hour period.

Partial periods will not exceed ~~\$28.00~~ **\$30.00** for a 24-hour period.

Mileage – Private Conveyance

Privately owned automobile, ~~25~~ **37** cents per mile, if a Town vehicle is not available. If the traveler elects to use their privately owned vehicle, when a Town vehicle is available, reimbursement will be made at ~~20~~ **32** cents per mile.

Privately owned airplane, ~~40~~ **88** cents per nautical mile.

Purchasing Card

3. Authorized for individual purchases up to ~~\$1,000~~ **\$2,000**, contingent on the level of delegation granted to the individual program, office or department in accordance with the procedures contained in this manual.

II. The Department Head is responsible for:

E. Transmitting authorization to raise an existing Purchasing Card single purchase limit to the Program Administrator in writing from the cardholder's Department Head. The single purchase limit may be set at any figure up to ~~\$1,000~~ **\$2,000**.