

TORRANCE COUNTY**Ordinance # 98-6****PURCHASING REGULATIONS**

The Torrance County Commission, pursuant to the New Mexico Procurement Code (13-1-1 to 13-1-199 NMSA 1978 hereafter the "Procurement Code") hereby adopts the following Purchasing Regulations pertaining to small purchases and related matters, and directs that they shall be adhered to as provided below:

1. Applicability

These regulations apply to purchases made by any and all departments of County Government and any and all organizations, non-profit corporations, and voluntary associations for which Torrance County serves as fiscal agent. (Hereafter collectively referred to as "Department").

2. Definition

For the purpose of this ordinance, a purchase is defined as the total of all goods or services being bought at one time.

3. Central Purchasing Office

The Torrance County Manager's Office is hereby designated as the Central Purchasing Office. The Administrative Assistant to the County Manager is hereby designated as the Purchasing Agent.

4. Duties of Purchasing Agent

The Purchasing Agent is responsible to the Torrance County Manager and to the Torrance County Commission for all procurement activity (purchasing) by and on behalf of Torrance County. The Purchasing Agent shall be responsible for compliance with these Purchasing Regulations and for compliance with the Procurement Code. All purchases shall be made by Purchase Order except utilities, contract or lease payments, and indigent claims.

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5. Purchasing Procedures

a. Requisitions

The first step in the purchasing process shall be the submission of a completed requisition form by the department initiating the purchase. All requisition forms shall be signed by the elected official in charge of the department or another person designated in writing by the head of the department.

All information requested on the requisition form shall be complete. The Central Purchasing Office may reject and return to the department initiating the request any requisition form that does not include all information required by the Central Purchasing Office. From time to time the Central Purchasing Office may revise and reissue requisition forms and other paperwork used in connection with the purchasing process.

Oral bids and written bids from competing vendors including the names of the vendor and the amounts of each bid shall be submitted to the Central Purchasing Office by the department initiating the request as provided for in these regulations. A department initiating a purchase request shall first verify that line item funds are available in the department's budget. Failure to do so will result in disapproval of the purchasing request.

b. Purchases between \$250.00 & \$500.00

All purchases between \$250.00 and \$500.00 shall be made at the best obtainable price.

c. Purchases between \$501.00 and \$5,000.00

All purchases between \$501.00 & \$5,000.00 shall be made at the best obtainable price after having first obtained three oral quotes. The name and address of the vendor from whom the quotation was received, the date the quotation was given and the amount of the quote shall be certified in writing

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by the person requesting the purchase on such forms as may be designated by the Central Purchasing Office.

d. Purchase between \$5,001.00 & \$20,000.00

All purchases between \$5,001.00 and \$20,000.00 shall be made at the best obtainable price after having first obtained three written quotes. The written quotes shall be submitted to the Central Purchasing Office and kept on file in the Central Purchasing Office with the requisition form and the other documentation as required by the Central Purchasing Office.

The low bid shall be considered the best obtainable price unless exceptional circumstances exist. If exceptional circumstances exist, the reasons must be stated in writing. Factors that may be considered in this regard include (1) time of day of purchase, (2) travel time required to pick up the goods, (3) the willingness of the vendor to deliver to the work place, (4) quality of goods and services provided, and other related factors.

In the event that a purchase is made at other than the low bid price, the Central Purchasing Office shall review the requisition form and after reviewing the reasons, may approve or disapprove the purchase.

e. Purchases of \$20,001.00 and over

Purchases of \$20,001.00 or more must be by sealed bid or sealed competitive proposal and conducted pursuant to the Procurement Code. No request for proposals shall be circulated or published in the newspaper without the prior approval of the Central Purchasing Office. The Purchasing Agent shall issue all sealed bid and proposal advertisements. In the event that a department has sought written bids for a purchase between \$5,001.00 or \$20,000.00 and received bids, two of which were for more than \$20,000.00, then, in that event, the purchase shall be made pursuant to competitive bids and shall be published in the newspaper in accordance with the Procurement Code.

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6. Frequent Purchases

Any department that makes frequent purchases of the same type of goods or services, for example, gasoline, food products, auto parts, etc. may request the Central Purchasing Office to issue a Request for Proposals for a contract to provide the goods or services. If such a request is made, the request shall be reviewed by the Central Purchasing Office and by the County Attorney for conformity with the Procurement Code and these Regulations. If approved by the Central Purchasing Office and the County Attorney, requests for proposals will be issued to solicit vendors for described goods and services at a specified price for a contract period not to exceed one year

7. Issuance of Purchase Orders

The Central Purchasing Office shall issue all purchase orders. The Central Purchasing Office shall set forth a schedule of accepting requisitions for purchase. Requisitions for purchase exceeding a budgeted line item will not be accepted, until the line item in question is amended. Prior to issuing a purchase order the Purchasing Office will review and ascertain that all requests conform to the Purchasing Regulations adopted by Torrance County. The issuance of a Purchase Order by the Central Purchasing Office constitutes a certification by that office that all paper work is complete in connection with the purchase and that the purchase is being made in compliance with the Procurement Code and these Regulations. In the event the Central Purchasing Office determines not to approve a Requisition and not to issue a Purchase Order, it may submit the matter to the County Manager for his/her review, and at the discretion of the County Manager, the matter may be submitted to the County Commission. However, this shall be done prior to the issuance of a Purchase Order. All issued Purchase Orders shall bear the signature of the Purchasing Agent or the County Manager.

8. Issuance of Warrants

No warrant (check) shall be issued without the approval of the Board of County Commissioners. A list of all warrants to be approved by the Board of County Commissioners shall be submitted to the Commission at each

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regular meeting of the Commission. Included therewith shall be a reference to any item purchased at other than the low bid amount and having a value of \$500.00 or more. The list of warrants shall be certified by the County Commission and attested by the County Clerk.

9. Deadline on all Disbursements

Deadline for submission of invoices for payment will be every Thursday, 5:00 p.m., prior to a regularly scheduled County Commission Meeting.

10. Payment Requirements

An itemized invoice or receipt is required for all payments. The Central Purchasing Office will not accept a statement in lieu of an invoice or receipt. A receiving report shall be attached to all invoices submitted for payment. If invoices are not turned in according to the timeframe set forth by section 9, are incomplete, or not correct, then the payment will be delayed until the next scheduled Commission meeting.

11. Emergency Purchases

An emergency purchase is made only when a threat exists to the public health, safety and general welfare of the residents of Torrance County. No purchase order shall be issued for an emergency purchase without the written approval of the County Manager. In addition, the provisions of the Procurement Code 13-1-127 and 128 NMSA 1978 shall be strictly adhered to.

12. Stale Warrants

All warrants issued by Torrance County are valid for one year. At the beginning of each month, the Purchasing Agent will void any warrant that has exceeded the one-year limit.

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13. Department Responsibilities

The Department Heads or their designee shall remain current with their department's accounts and invoices. It is the Department head or their designee's responsibility to assure all departmental purchases conform to these purchasing regulations.

14. Consequences for Non-compliance

A purchase order will not be issued until all appropriate forms have been completed and reviewed. If purchases are made without first obtaining a purchase order, then that purchase may become the liability of the person placing the order.

15. Volunteer Fire Departments

The County Fire Marshal for their recommendation prior to the issuance of a purchase order must review all Torrance County Volunteer Fire Department's purchase requisitions over \$500.00.

16. Fixed Assets

A fixed asset is hereby defined as any piece of equipment, furniture, vehicle, etc. that is owned and/or purchased by Torrance County. The Central Purchasing Office shall keep a current listing of all fixed assets with a value of \$500.00 or more. Every Department Head and/or their designee must notify the Central Purchasing Office, using the appropriate paperwork provided by the C.P.O., of any acquisition, transfer, or disposition of any fixed asset.

Under state law, the county cannot pay non-conforming purchases and no vendor can sue the county unless there is a valid written contract. Therefore, non- conforming purchases may be the liability of the person placing the order.

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Done at Estancia, Torrance County, New Mexico this 10th day of November 1998.

This ordinance becomes effective on the 10th day of December 1998.

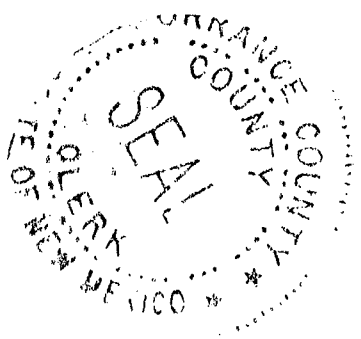
Torrance County Commission

Bill R. Williams
Bill R. Williams, Chairman

Rodger Rayner
Rodger Rayner, Member

Chester Riley, Jr.
Chester Riley, Jr., Member

Attest:
[Signature]
Clerk of the Board



State of New Mexico
County of Torrance

I hereby certify that this instrument was filed for record on the 10 day of NOV A.D., 19 98 at 11:34 o'clock AM and duly recorded in book 282 at page 1487

Witness my hand and Seal of Office
[Signature]
County Clerk, Torrance Co., N.M.
[Signature] Deputy

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