

TORRANCE COUNTY

Resolution # 2000-15

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 Assistant 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



**State of New Mexico
County of Torrance
Amendment #2 to Resolution # 2000-15
Purchasing Regulations
Section 16. Fixed Assets**

WHEREAS, the Governing Body for the County of Torrance, State of New Mexico is in the process of developing updated Purchasing Regulations, and

WHEREAS, the Purchasing Regulations adopted in Resolution 2000-15 are based on an obsolete version of the State Procurement Code and the Audit Act, and

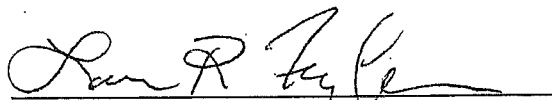
WHEREAS, this Board finds that the proposed amendment is necessary to improve the audit process until the adoption of new Purchasing Regulations.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Board of County Commissioners, Torrance County, State of New Mexico hereby amends Resolution 2000-15 as follows:


1. In Section 16, the second sentence is stricken and replaced with the following language: "The Central Purchasing Office shall keep a current listing of all fixed assets with a value over \$5,000."

RESOLVED: In Regular Board Session this 26th day of February 2013.

TORRANCE COUNTY COMMISSION



Lonnie R. Freyburger, Chair, District 1



Leanne M. Tapia, District 2





County Clerk



LeRoy M. Candelaria, District 3

1.4.1.52 SMALL PURCHASES OF PROFESSIONAL SERVICES:

- A. Applications. A central purchasing office may procure professional services having a value not to exceed sixty thousand dollars (\$60,000) except for the services of architects, engineers, landscape architects, or surveyors for state public works projects, as that term is defined in 13-1-91 NMSA 1978, in accordance with Subsections B, C, and D of this section and 2.40.2 through 2.40.17 NMAC.
- B. Examination of offeror list. Before contacting any business, a central purchasing office is encouraged to examine the state purchasing agent's current list of potential offerors, if any. Central purchasing offices are encouraged to contact at least three businesses for written offers before selecting a contractor.
- C. Negotiations. A central purchasing office shall negotiate a contract for the required services at a fair and reasonable price to the state agency.
- D. Disclosure. If more than one business is contacted, the contents of the written or oral offer of one business shall not be disclosed to another business until award is made. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

[1.4.1.52 NMAC – Rp, 1.4.1.52 NMAC, 08-30-13]

13-1-127. Emergency procurements.

- A. The state purchasing agent or a central purchasing office may make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances.
- B. An emergency condition is a situation that creates a threat to public health, welfare or safety such as may arise by reason of floods, fires, epidemics, riots, acts of terrorism, equipment failures or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:
- (1) the functioning of government;
 - (2) the preservation or protection of property; or
 - (3) the health or safety of any one person.
- C. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.
- D. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the emergency procurement and for the selection the particular contractor. The determination shall be in writing and included in the procurement file.
- E. Money expended for planning and preparing for an emergency response shall be accounted for and reported to the legislative finance committee and the department of finance and administration within sixty days after the end of each fiscal year.

[13-1-127 NMSA 1978]



**State of New Mexico
County of Torrance
Amendment to Resolution # 2000-15
Purchasing Regulations
Section 5. Purchasing Procedures**

WHEREAS, the Governing Body for the County of Torrance, State of New Mexico is in the process of developing updated Purchasing Regulations, and

WHEREAS, the Purchasing Regulations adopted in Resolution 2000-15 are based on an obsolete version of the State Procurement Code, and


WHEREAS, this Board finds that the proposed amendment is necessary to improve purchasing procedures until the adoption of new Purchasing Regulations.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Board of County Commissioners, Torrance County, State of New Mexico hereby amends Resolution 2000-15 as follows:

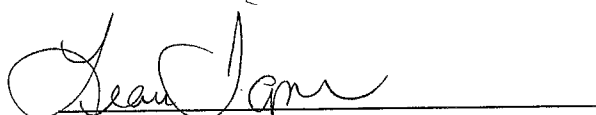
1. In Section 5, paragraphs b, c, d, e and f are stricken and replaced by the chart entitled "Interim Amendment to Section 5. Purchasing Procedures of Resolution 2000-15" and attached hereto.

RESOLVED: In Regular Board Session this 8th day of January 2014.

TORRANCE COUNTY COMMISSION

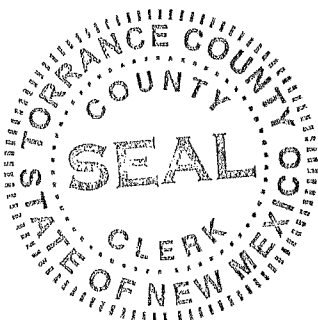


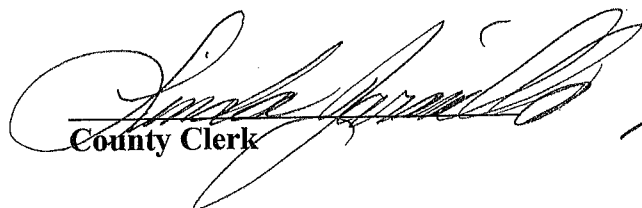
Lonnie R. Freyburger, District 1



Leanne M. Tapia, District 2

Attest:





County Clerk



LeRoy M. Candelaria, District 3



Interim Amendment to
Section 5. Purchasing Procedures
of Resolution 2000-15
Approved / /

Needs are recognized, perceived or indicated.

Specifications or statement of work is developed
13-1-189, 12-1-164 through 13-1-168

Nonprofessional services, construction or items of tangible personal property			Professional services, excluding the services of architects, engineers, landscape architects, or surveyors for public works projects.	
If cost is less than \$2,500, obtain best price from vendors or catalogues.	Small Purchases Less than \$20,000 13-1-125 (C)	Purchases \$20,000 or greater 13-1-102	Small Purchases Less than \$60,000 13-1-125 (B)	Purchases \$60,000 or greater 13-1-125 (B)
Purchase Order is required.	If cost is between \$2,500 and \$4,999.99, obtain best price after three oral or written quotes.	Formal competitive sealed bids (13-1-103 through 110) or Formal competitive sealed proposals (13-1-111 through 122) are required.	Utilize the procedure specified in 1.4.1.52 NMAC. See attached.	Formal competitive sealed proposals (13-1-111 through 122) are required.
	If cost is between \$5,000 and \$19,999.99, obtain best price based upon three written quotes.	If no bids are received or if all bids are rejected after two separate solicitations, then items or services may be procured by negotiation. 13-1-131		
	Purchase Order is required.			

Non-competitive procurement is allowed under:
Sole source procurement 13-1-126;
Emergency procurement 13-1-127 (see attached);
Procurement under existing contracts 13-1-129; and
Purchases from anti-poverty program business 13-1-130.

Exemptions to the procurement code:
i.e. books, utilities, travel, freight, etc. 13-1-98.

For Small Purchases of Professional Services of Less than \$60,000 (13-1-125(B))
Utilize 1.4.1.52 NMAC, AS AMENDED

ALL STATUTORY CITATIONS REFER TO NMSA 1978. ALL RULE CITATIONS REFER TO THE NEW MEXICO ADMINISTRATIVE CODE.

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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.

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

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

c. Purchases between \$501.00 and \$3,000.00

All purchases between \$501.00 & \$3,000.00 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 by the person requesting the purchase on such forms as may be designated by the Central Purchasing Office.

d. Purchase between \$3,001.00 & \$10,000.00

All purchases between \$3,001.00 and \$10,000.00 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

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and after reviewing the reasons, may approve or disapprove the purchase.

e. Purchases of \$10,001.00 and over

Purchases of \$10,001.00 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 \$3,001.00 or \$10,000.00 and received bids, two of which were for more than \$10,000.00, 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.

f. Single Item Purchases

Any single item being purchased that is over \$5,000.00 must be by sealed competitive bid or proposal pursuant to the Procurement Code.

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

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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 regular meeting of the Commission.

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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, 12:00 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. An "Accounts Payable & 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.

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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.

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. Failure to fulfill these responsibilities may lead to suspension of purchasing privileges.

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.

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

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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.

17. Exceptions

The following transactions shall be exempt from the procedures set forth herein:

- A. Purchases from a state agency or another local public body;
- B. Purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;
- C. Purchases of books and periodicals from the publishers or copyright holders thereof;
- D. Procurement of professional services as defined in N.M.S.A. 1978, 13-1-76 (as amended) having a value not exceeding the value set forth by N.M.S.A. 1978 13-1-125(B) (as amended), excluding applicable state and local gross receipts taxes, except for the services of architects, landscape architects, engineers or surveyors for state public works projects or local public works projects, as those phrases are defined in N.M.S.A. 1978 13-1-66.1 (as amended);
- E. Procurement under existing contracts as permitted by N.M.S.A. 1978 13-1-129 (as amended);
- F. Emergency procurement as permitted by N.M.S.A. 1978 13-1-127 (as amended) and as otherwise permitted by Torrance County Purchasing Procedures; and
- G. Sole source procurement as permitted by N.M.S.A. 1978 13-1-126 (as amended) so long as the using department submits the appropriate documentation, if required, which, in the sole determination of the Central Purchasing Office, adequately provides a basis for its determination that the only source for the

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service, construction or tangible personal property, goods or services is the vendor suggested.

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.

NOW THEREFORE BE IT RESOLVED this 22nd day of March 2000.

DONE at Estancia, Torrance County, New Mexico.

Torrance County Commission



Bill R. Williams, Chairman

Rodger Rayner

Rodger Rayner, Member

Attest:

[Signature]

Clerk of the Board

Chester Riley, Jr.

Chester Riley, Jr., Member