

RESOLUTION 2008-09

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 26th day of February, 2008.

(Seal)

/s/
James R. Marshall, Mayor

Attest:

/s/
Ann L. Mackie, Town Clerk

RESOLUTION 2008-09

EXHIBIT "A"

- Section 12.1.8 Professional services not exceeding \$50,000; and
- 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 \$50,000 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 \$50,000. "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 fifty thousand dollars (\$50,000).

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 twenty-five thousand dollars (\$25,000) and to the procurement of professional services having a value not exceeding fifty thousand dollars (\$50,000). 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 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 fifty thousand dollars (\$50,000) except for the services of architects, engineers and landscape architects, or surveyors for a State funded public works project.

Actual Reimbursement for Meals

Actual expenses for meals shall be limited to a maximum of \$40.00 for a 24-hour period. Partial periods will not exceed \$40.00 for a 24-hour period.

Mileage – Private Conveyance

Privately owned automobile: 48 cents per mile, if a Town vehicle is not available. This rate will be updated as updated per GSA (U.S. General Services Administration).

Privately owned airplane: \$1.07 per nautical mile. This rate will be updated as updated per GSA.

In the course of conducting Town business, there will be occasions where it may be appropriate for the Town Manager or his designee to incur the expenses of a meeting, including the costs of meals. Accordingly, the Town Manager or his designee is hereby authorized to incur these types of expenses when incurred incidental to the conduct of Town business. Such expenses for meals and incidentals shall not exceed \$200 per event, and there shall be an annual limitation in the amount of \$5,000 per year on all expenses in this category. The Town Manager or his designee is required to submit expense receipts for each event for which reimbursement is sought.