



AG E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
October 13, 2020
201 W. Chaco, City Hall
6:00 p.m.

Attendance:

Due to COVID-19 precautions from the State of New Mexico, the City of Aztec will be following the guidance from the Attorney General and the Governor of New Mexico regarding compliance with the Open Meetings Act. There will be NO public In-person attendance at this meeting. The public may watch the live stream on YouTube, or listen through a telephone number. The recorded video will remain available after the commission meeting ends.

I. CALL TO ORDER

II. INVOCATION AND PLEDGE OF ALLEGIANCE

United States Pledge of Allegiance

New Mexico Pledge of Allegiance

I Salute the Flag of the State of New Mexico and the Zia Symbol of Perfect Friendship among United Cultures

III. ROLL CALL

IV. APPROVAL OF AGENDA ITEMS

V. CONSENT AGENDA

- A. Commission Meeting Minutes September 8, 2020
- B. Closed Session Meeting Minutes September 22, 2020
- C. Lodger's Tax Advisory Board Member Appointment
- D. Resolution 2020-1199 Procurement Policy & Procedures
- E. Resolution 2020-1200 Capital Asset Certification
- F. Resolution 2020-1201 FY2021 First Quarter Budget Adjustments
- G. Memorandum of Agreement Amending the Intergovernmental Agreement for Building Inspection services with San Juan County

Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "items from Consent Agenda"

VI. ITEMS REMOVED FROM CONSENT AGENDA

Note: A final agenda will be posted 72 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410.

VII. CITIZENS INPUT (3 Minutes Maximum)

Comments can be submitted in multiple ways:

- **Hand-Delivered** to 201 S. Chaco, Aztec NM 87410 by Tuesday October 13 at 5:00 pm
- **Mailed** to City of Aztec Commission Comments 201 W. Chaco, Aztec NM 87410 by Tuesday October 13, 2020.
- **Faxed** to (505)334-7609 before 5:00 pm on Tuesday October 13, 2020.
- **Emailed** to www.ksayler@aztecnm.gov before 5:00 pm on Tuesday October 13, 2020

Comments submitted as listed will be distributed to commissioners and read into the recording during the public comment section. For those who wish to make comment during the meeting, you must join from a computer or mobile device.

Phone only number: 1-877-309-2073, Access Code 396-708-413

VIII. BUSINESS

- A. Final Adoption of Ordinance 2020-509 Amending Chapter 16, Fees Article XI Municipal Airport
- B. Resolution 2020-1202 Aztec Water Connection Suspension

IX. QUASI JUDICIAL HEARINGS (LAND USE)

X. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS

XI. CLOSED SESSION

Pursuant to State Law, Section 10-15-1H (7) Threatened or Pending Litigation Solar Fees

XII. ADJOURNMENT

1
2 CITY OF AZTEC
3 COMMISSION MEETING MINUTES
4 September 8, 2020
5

6 **I. CALL TO ORDER**
7

8 Mayor Victor Snover called the Virtual Meeting to order at 6:00 pm
9

10 **II. INVOCATION AND PLEDGE OF ALLEGIANCE**
11

12 The Invocation was led by Commissioner Austin Randall
13

14 The Pledge of Allegiance was led by Mayor Victor Snover
15

16 New Mexico Pledge was led by Mayor Victor Snover
17
18

19 **III. ROLL CALL**
20

21 Members Present: Mayor Victor Snover; Mayor Pro-Tem Fry;
22 Commissioner Mike Padilla (In Person); Commissioner Mark
23 Lewis; Commissioner Austin Randall
24

25 Members Absent: NONE
26

27 Others Present: City Manager Steve Mueller; City Attorney Tyson Gobble; IT
28 Director Wallace Begay; City Clerk Karla Saylor
29

30 **IV. AGENDA APPROVAL**
31

32 MOVED by Commissioner Lewis to Approve the Agenda as given SECONDED
33 by Mayor Pro-Tem Fry
34

35 All voted Aye: Motion passed five to zero
36
37

38 **V. CONSENT AGENDA**
39

- 40 A. Commission Workshop Minutes January 8, 2019
41 B. Commission Meeting Minutes January 8, 2019
42 C. Aztec Motocross Operation Agreement
43 D. Resolution 2019-1114 A Resolution Concerning the Governing Body Meetings
44 and Public Notice Required
45

46 Moved by Commissioner Randall, SECONDED by Mayor Pro Tem Fry to
47 approve the Consent Agenda

48
49 All Voted Aye: Motion Passed Five to Zero

50
51 **VI. ITEMS FROM CONSENT AGENDA**

52
53 None

54
55
56
57 **VII. BUSINESS ITEMS**

58
59
60 **A. Intent to Adopt Ordinance 2020-509 Amending Chapter 16, Fees Article XI**
61 **Municipal Airport**

62
63 City Manager Steve Mueller mentioned that this in an intent to adopt ordinance
64 on fees for the use of the Airport.

65
66 Airport Manager Wallace Begay reviewed the staff summary and fees associated
67 with the airport that are currently in place. He mentioned that this would change the
68 hanger fees from .96/sq.ft. per year to .26/sq.ft. per year. Dale Rhodes Chairman of
69 Airport Advisory Board currently leases a hanger and said that he researched the fees
70 in other airports around the state and said that all the rates are lower than ours. He
71 mentioned that if they lower the rates he would save about \$1,344 per year. It is staff
72 recommendation to lower the rate to .26/sq.ft.

73
74
75 Moved by Commissioner Padilla, SECONDED by Commissioner Lewis to
76 Approve the Intent to Adopt Ordinance 2020-509 Amending Chapter 16, Fees Article XI
77 Municipal Airport

78
79 A Roll Call was taken: All Voted Aye: Motion Passed Five to Zero

80
81 **VIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

82
83 City Manager Steve Mueller mentioned that we are in the process of putting the
84 grant funding application for businesses on the website to be effective tomorrow
85 morning. Steve mentioned that as of now we will continue to monitor the drought but as
86 of now we will not move to next stage. He mentioned that he will be out of the office
87 beginning September 14 and will return September 28.

88

89 Commissioner Lewis attended the San Juan Water Commission meeting last
90 week and mentioned that they adopted forms needed to apply for Reservation releases
91 in case of a drought and also had a meeting with the Interstate Stream Commission.
92

93 Commissioner Padilla thanked the commissioners for the site visit to Newman
94 Ave. He felt it was a very informational.
95

96 Mayor Pro-Tem Fry reported that she attended the Aztec Chamber meeting and
97 they are moving along with their membership drive. She mentioned that there will be an
98 Antique car show on 9/11/2020 which will also be combined with performances with the
99 pianos and mentioned that that will be the last day the pianos will be outdoors then will
100 be placed in businesses who have welcomed them.
101

102 Mayor Snover attended an ECHO board meeting last week. He mentioned to
103 keep in mind all the students that will be returning to school.
104

105 **IX. DEPARTMENT REPORTS**

106 None
107
108

109 **X. CLOSED SESSION**

110
111 Closed Session pursuant to Section 10-15-1H(2) Limited Personnel Matters, City
112 Manager
113

114 Mayor Snover moved the meeting into closed session pursuant to Section 10-15-1H(2)
115 Limited Personnel Matters, City Manager
116 at 6:47 pm.
117
118

119 Mayor Snover moved the meeting out of closed session at 7:47 pm. They all
120 stated that no action was taken and nothing else was discussed.
121

122 All Voted Aye
123

124 **XI. ADJOURNMENT**

125
126 Moved by Mayor Snover, SECONDED by Commissioner Lewis to adjourn the
127 meeting at 7:47 p.m.
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ATTEST:

Mayor, Victor Snover

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Karla Sayler, City Clerk

DRAFT

1
2 CITY OF AZTEC
3 CLOSED SESSION MEETING MINUTES
4 SEPTEMBER 22, 2020

5 **I. CLOSED SESSION PURSUANT TO SECTION 10-15-1H (2) LIMITED**
6 **PERSONNEL MATTERS CITY MANAGER**
7

8
9
10 Mayor Snover moved the meeting into closed session pursuant to Section 10-15-
11 1H(2) Limited Personnel Matters, City Manager
12 at 5:30 pm.

13
14 All Voted Aye
15

16
17 Mayor Snover moved the meeting out of closed session at 6:46 pm. They all
18 stated that no action was taken and nothing else was discussed.

19
20 All Voted Aye
21

22
23
24 **II. ADJOURNMENT**
25

26 Moved by Mayor Snover to adjourn the meeting at 6:46 p.m.
27
28
29
30
31

32 _____
Mayor, Victor C. Snover

33 ATTEST:
34

35 _____
36 Karla Sayler, City Clerk
37

38 MINUTES PREPARED BY:
39

40 _____
41 Karla Sayler, City Clerk

Staff Summary Report

MEETING DATE:	OCTOBER 13, 2020
AGENDA ITEM:	V. CONSENT AGENDA (C)
AGENDA TITLE:	Lodger's Tax Advisory Board Member Appointment

ACTION REQUESTED BY:	Lodger's Tax Advisory Board
ACTION REQUESTED:	Approve Lodger's Tax Advisory Board Member Appointment
SUMMARY BY:	Sherlynn Morgan

PROJECT DESCRIPTION / FACTS

- Recent events have put LTAB board down 3 members
- At this time we are unable to have a meeting, LTAB only has 2 members and we need 3 to have a quorum
- Sherlynn has received a letter of interest from Jessica Polatty
- This appointment will give us 3 members and we will have a quorum which will allow us to hold meetings
- The LTAB board will still be down by 2 members and both of those have to be Lodger's according to state statute

SUPPORT DOCUMENTS:	Letter of Interest
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DEPARTMENT'S RECOMMENDED MOTION:	Move to Approve the Appointment of Lodger's Tax Advisory Board Member
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March 16, 2020

Good Morning:

I am writing this letter of interest for a current vacancy that exists on the City of Aztec Lodger's Tax Advisory Board.

My name is Jessica Polatty and I have been a resident of Aztec, NM since August of 1998. I am one of the founders of the Feat of Clay Artists' Co-op on Main Avenue in Aztec which opened its doors in June of 2000 (20 years this June!). I was also the event coordinator for the Aztec Highland Games and Celtic Festival that takes place the first weekend of October at Riverside Park from 2011-2018.

I have been an active member in my Aztec/San Juan County, NM community for the past 15+ years having been involved with many organizations such as San Juan College (Encore instructor/Encore Advisory Board/Service Learning Advisory Board), The Committee for Health Equity (Homelessness Task Force/Education Committee), and the Community Health Improvement Council. I had my own errand business for a few years before accepting the position as Senior Center Director for the City of Bloomfield, a position I currently still hold (16 years). I also held a position on the Aztec Planning and Zoning Advisory Board from 2000-2006.

I am interested in being a part of the Aztec LTAB as I have been to these meetings before when asking for funding for events and have noticed getting a quorum has been difficult, which in turn poses difficulty for people who are requesting funds. I am also currently involved a bit with tourism at the state level and notice that a Lodger's Tax Best Practices guide is being created—probably way overdue. I would like to be a part of the advisory board in order to help advise the City Commission on the best use of the funds per our city and the state's guide for Lodger's Tax.

My hobbies include music (fiddle player), pottery, photography, travel, mountain biking (I'm very familiar with Aztec trails and beyond), running, river rafting (Riverside Park to Flora Vista is a favorite), time with friends, and just generally participating in and promoting whatever is going on in my awesome town of Aztec.

I hope you will consider me for the vacancy on the City of Aztec Lodger's Tax Advisory Board. I would appreciate the chance to learn more about our Lodger's Tax base as well as help contribute to future endeavors within the city.

Sincerely,

Jessica Polatty
322 S. Mesa Verde Ave., Aztec, NM 87410
505-419-7526 (C)
505-632-8351 (W)
weefay68@gmail.com

Staff Summary Report

MEETING DATE:	October 13, 2020
AGENDA ITEM:	V. CONSENT AGENDA (D)
AGENDA TITLE:	Resolution 2020-1199 Procurement Policy and Procedures

ACTION REQUESTED BY:	Finance Department
ACTION REQUESTED:	Approval
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

The City of Aztec Procurement was last updated and adopted in November 2015, Resolution 2015-956. Principal changes to the policy:

1. The addition of Chief Procurement Officer designation to a specific position (Finance Director). While state law only allows one certified individual to be designated, the City has two certified CPOs in the Finance Department in the event the primary is not available.
2. Procurement violation may be disciplinary action - this was added to the personnel policy in November 2015, and is now included in the procurement policy for consistency.
3. Threshold to obtain written quotes - increased from \$3,500 to \$10,000; the federal threshold has been increased to \$10,000 which is less than the state level of \$20,000; however, to avoid confusion or potential violation, the City's policy will be at the lower federal level for quotes
4. Procurements \$60,000 or greater - purchases which have been made through state price agreements or other cooperative agreements have not consistently been presented for commission approval. The policy will include a requirement that all purchases exceeding \$60,000 will require commission approval.
5. Purchases between \$20,000 and \$60,000 require City Manager approval prior to purchase commitment. This requirement was verbal direction from previous City Commission and has now been incorporated into the policy.
6. Policy has been updated to include electronic procurement.
7. Emergency and sole source posting have been updated to include posting on the state's portal (2019 legislative change which the City has been in compliance since its effective date of 7/2019).

SUPPORT DOCUMENTS:	<ul style="list-style-type: none">• Resolution 2020-1199• 2020 Procurement Policy and Procedures
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DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2020-1199 Adopting the City of Aztec Procurement Policy and Procedures effective November 1, 2020.

**CITY OF AZTEC
RESOLUTION 2020-1199
A RESOLUTION ADOPTING THE CITY OF AZTEC
PROCUREMENT POLICY and PROCEDURES**

WHEREAS, the purpose of this Resolution is to adopt regulations to translate or define general and specific requirements of the Procurement Code; and

WHEREAS, the purposes of the Procurement Code are to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity, Sec 13-1-29c NMSA 1978; and

WHEREAS, the Governing Body may adopt regulations through resolution or ordinance to effect the powers and duties granted the municipality by state law;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Aztec, New Mexico that the regulations attached hereto is the procurement policy and procedures to be utilized by all officers and employees of the municipality through the Purchasing Office in the procurement of all tangible personal property, services and construction.

This resolution supersedes Resolution 2015-956 City of Aztec Procurement Policy in its entirety.

PASSED, APPROVED AND SIGNED this 13TH day of October, 2020.

MAYOR VICTOR C. SNOVE4

ATTEST:

CITY CLERK KARLA SAYLER

PROCUREMENT POLICY & PROCEDURES



**Adopted by Resolution 2020-1199
Effective November 1, 2020**

RESOLUTION 2020-1199 will be inserted on this page

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**CITY OF AZTEC
PROCUREMENT POLICY & PROCEDURES
GENERAL PROVISIONS
EFFECTIVE: NOVEMBER 1, 2020**

OBJECTIVE

This policy is developed to ensure consistent and effective procurement activities for the purchasing office, departments, personnel, individuals, or other users authorized to make purchases from public funds budgeted, controlled by, or otherwise under the supervision of the City of Aztec.

This Procurement Policy & Procedures (policy) replaces (supersedes) any and all previous City of Aztec procurement procedures whether written or oral. Should any provisions in this manual be found to be invalid and unenforceable, such findings do not invalidate the entire manual, but only that particular provision.

The purpose of this policy is to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards in order to provide a procurement system of quality and integrity. (§ 13-1-29 NMSA 1978)

ADMINISTRATION

The responsibility for administration of the provisions of this policy shall be under the Finance Director, the Chief Procurement Officer for the City.

The Procurement Specialist shall be responsible for having the knowledge to insure that all provisions of this manual and all other purchasing concerns and activities of the City of Aztec are appropriate and consistent with the most current generally accepted purchasing techniques and all provisions of the law.

SCOPE

Except for expenditures exempt from state statutes, this policy applies to every expenditure by the City of Aztec for the procurement of items of tangible property, services, and construction (§13-1-28 to §13-1-199 NMSA 1978).

CONSISTENCY WITH STATE PROCUREMENT CODE

The provisions of this policy are subject to change. Where this policy or any revision of this policy is inconsistent with the State Procurement Code or Statutes, the State Code and Statutes shall prevail.

PROCUREMENT SPECIALIST AND PURCHASING OFFICE

The Purchasing Office is the general term for the individuals designated by the City Manager to fulfill the responsibility and functions of the City's Procurement Policy and Procedures. The primary objective of the Purchasing Office is to provide timely and responsive support to City Departments. The primary functions of the Purchasing Office are:

- > To audit all purchase requisitions and issue purchase orders
- > To provide guidance and training to user departments on procurement code.
- > To formulate procedures and recommend policy changes concerning purchasing.

POLICY RESOLUTIONS

The City of Aztec Procurement Policy and Procedures is adopted by resolution by the City Commission.

PROCEDURE REVIEW

The City of Aztec Procurement Policy and Procedures are reviewed annually, at a minimum. Revisions are recommended by the Procurement Specialist and approved by the Chief Procurement Officer.

PERSONAL USE PROHIBITED

Employees are prohibited from making any purchases for the purpose of personal or private use.

CIVIL PENALTIES

Persons knowingly violating the State Procurement Code, State Statutes, or this City of Aztec Procurement Policy may be subjected to a fourth degree felony if the transaction involves more than \$50K, a misdemeanor if the transaction is \$50K or less as per New Mexico State Statutes (§13-1- 199 NMSA 1978). To be a violation, there must be a "willful" violation of the Code. In addition, persons violating this policy, State Statutes, or "violation of the State Procurement Code may be subject to disciplinary action up to and including termination of employment by the City. (§13-1- 196 NMSA 1978)

UNLAWFUL PARTICIPATION

It is unlawful for any local public body employee, as defined in the Procurement Code (§13- 1- 28 to §13-1-199 NMSA 1978), to participate directly or indirectly in a procurement when the employee knows that the employee or any member of the employee's immediate family has a financial interest in the business seeking or obtaining a contract.

DISCIPLINARY ACTION

Violations of the City of Aztec Procurement Policy and/or Chapter 13 Public Purchases and Property NMSA 1978 may be subject to the disciplinary action as defined in the City of Aztec Personnel Policy, Section 6.

**CITY OF AZTEC
STANDARD PROCUREMENT PROCEDURES
EFFECTIVE: NOVEMBER 1, 2020**

1. POLICY

The procurement practices of the City of Aztec shall adhere to the provisions of the New Mexico Procurement Code, NMSA 1978, §§ 13-1-1 *et seq.*, as amended (hereinafter “the Procurement Code”). All City procurement shall be subject to the procedures as set forth herein, except purchases whose value has been estimated to exceed the sum of sixty thousand dollars (\$60,000), and for procurement of Professional Services whose value has been estimated to exceed sixty thousand dollars (\$60,000), which shall be governed by the procedures set forth in the Sealed Bid/Proposal Procedure.

2. PROCEDURES

Prior to an award or rejection, the contents or results of a procurement solicitation may not be disclosed to any individual(s) who are not directly involved in the procurement on behalf of the City. All communication regarding the procurement is the responsibility of the Chief Procurement Officer or designee.

2.1 Procurements Levels (not professional services):

- a) Purchases less than \$10,000 quotes are encouraged, but not required. Purchases should be the best obtainable price.
- b) Purchases of \$10,000.01 to \$19,999.99 (Small Purchase) shall have **three written quotes** attached to the requisition. The Purchasing Office or the using department shall obtain a minimum of three (3) bona fide and responsible written quotes and are required to use the City’s Request for Quote form which must be signed by an authorized representative of the firm submitting the quote. Quote requests will be posted to the city website and other electronic procurement systems which may be used by the City. Requisitions may be initiated by the Using Department or Purchasing Office.

All proposed purchases exceeding \$20,000 require City Manager approval prior to initiation of procurement process regardless of the method of procurement. This includes those purchases which may be identified as exempt from procurement code.

- c) Purchases Between \$20,000 and \$60,000 (Informal Procedure): For each procurement whose value has been estimated to exceed the sum of twenty thousand dollars (\$20,000) and less than sixty thousand dollars (\$60,000), the requesting Department shall confer with the Purchasing Office to determine the method of procurement which is in the best interest of the City. Requisitions may be initiated by the Using Department or Purchasing Office.

All proposed purchases \$60,000 and greater require City Commission approval action prior to issuance of purchase order regardless of the method of procurement. This includes those purchases which may be identified as exempt from procurement code.

- d) Purchases \$60,000 and greater: All purchases sixty thousand dollars (\$60,000) and greater must follow the Sealed Bid/Proposal Procedure. All formal procurements require City Commission approval prior to issuance of a contract and/or purchase order. Requisitions will be generated

through the Purchasing Office.

- e) Leases or Multi-Term Contracts: Regardless of method of procurement:
 - i Total value, all terms, less than \$20,000 requires City Manager approval prior to the issuance of the contract.
 - ii Total value, all terms, between \$20,000 and \$60,000 require City Attorney review and City Manager approval prior to issuance of contract.
 - iii Total value, all terms, \$60,000 and greater require City Attorney review and City Commission approval prior to issuance of contract and/or purchase order.

2.2 Procurement of Professional Services:

"Professional Services" means the services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, a management and systems analysts, certified public accountants, registered public accountants, lawyers, psychologists, planners, researchers, construction managers and other persons or business providing similar professional services, which may be designated as such by a determination issued by the Purchasing Office. Professional services are defined by the State of New Mexico.

- a) "Small Purchase" Professional Services: Professional Services having a value less than sixty thousand dollars (\$60,000), excluding applicable state and local gross receipts taxes may be procured as defined the Procurement Code, NMSA 1978 § 13-1-125B. The Using Department or Purchasing Office shall negotiate a contract for the required services at a fair and reasonable price.

Prior to the issuance of a Purchase Order for Small Purchase Professional Services, a separate contractual agreement or letter agreement shall be prepared based upon best obtainable price and must be reviewed by the Purchasing Office prior to being submitted for approval and signature by the City Manager.

- i Agreements less than \$20,000 requires City Manager approval prior to the issuance of the contract.
 - ii Agreements, between \$20,000 and \$60,000 require City Attorney review and City Manager approval prior to issuance of contract.
- b) Procurement of Professional Services Greater than \$59,999: Professional Services having a value exceeding the following limits must follow the Sealed Bid/Proposal Procedure.
 - i Professional Services having a value exceeding sixty thousand dollars (\$59,999), excluding applicable state and local gross receipts taxes, except for the services of architects, landscape architects, engineers or surveyors for local public works projects, in accordance with professional services procurement regulations.
 - ii Architectural and engineering services exceeding sixty thousand dollars (\$59,999) or more; excluding applicable state and local gross receipts taxes.
 - iii Landscape architectural or surveying services exceeding ten thousand (\$10,000) or more, excluding applicable state and local gross receipts taxes.

2.3 Procurement of Non-Professional Services:

“Services” means the furnishing of labor, time or effort by a contractor not involving the delivery of a specific end product other than reports and other materials which are merely incidental to the required performance.

“Services” includes the furnishing of insurance but does not include construction or the services of employees of a state agency or a local public body. (NMSA 13-1-87).

Procurement of non-professional services follows Section 2.1 Procurement Levels.

2.4 **Procurement Under Existing Contracts**

The Purchasing Office may authorize purchase of tangible personal property, services or construction through State or Federal purchasing agreements or cooperative agreements consistent with the New Mexico Procurement Code.

Approval levels defined in 2.1 also apply to procurements under existing contracts.

The requisition must include a detail line identifying the price agreement including expiration date and current agreement must be attached with requisition. A purchase order must be obtained **PRIOR** to the use of the contract.

2.5 **Purchases Under \$750**

A SPO (Small Purchase Order) may be used by authorized City of Aztec employees to make small purchases not to exceed \$750 from vendors in accordance with the policies and procedures stated in SMALL PURCHASE ORDER PROCEDURES and in accordance with the provisions of the Procurement Code. For any purchases, service or property, less than seven hundred fifty dollars (\$750.00), a small purchase order may be used in lieu of a purchase order. Purchase at the best obtainable price is encouraged.

2.6 **Purchases Greater Than \$750 and Less Than \$60,000**

a) **Requisition:**

- I. **Purchases less than \$5,000:** Using departments are encouraged to submit the purchase requisition for purchases less than \$5,000 prior to placing an order. If the order has been placed prior to requisition submittal, a detail line will be included identifying when the order was placed or purchased, including order number confirmation or invoice number.
- II. **Purchases \$5,000 or greater:** A purchase requisition **shall** be submitted to the Purchasing Office **PRIOR** to placing an order for goods or services exceeding \$5,000. The requisition shall include exact specifications for the item(s) to be purchased, vendors, and the source of available funds (by line item). A standing purchase order requisition may be submitted for materials or services to be used on an as-needed basis for up to a twelve (12) month period (PO term cannot exceed fiscal year end date of June 30th), otherwise the requisition shall be prepared for the amount of the purchase, based on information available at the time of requisition creation. A purchase may not exceed the amount of the issued purchase order. An amended Purchase Order may be issued upon receipt of a written request from the using department. Requisitions **SHALL NOT** be artificially divided as to avoid a formal procurement method.

b) **Review of Requisition:** Upon receipt by the Purchasing Office, the purchase requisition shall be

reviewed for proper documentation of procurement process (2.1 through 2.4), existing contracts located and attached, proper insurance documented in vendor file, and appropriate licensing specific to purchase. Requisitions lacking adequate information or support documentation will be returned to the requesting department. If a separate contract is to be prepared, the document shall be reviewed by both the Purchasing Office and City Attorney prior to being submitted for approval and signature by the City Manager or City Commission. Following review, the requisition will be finalized with respect to price and vendor and Purchase Order will be issued.

Any purchase, \$5,000 or greater, made without a Purchase Order number having been issued must be explained in writing by the using Department Director. The City has the right to refuse to pay for any purchase obtained without a Purchase Order.

- c) **Quotations:** Vendors must be supplied with the same specifications for the materials or services required. All vendors contacted must have an equal opportunity to supply the material or service. Any addendum to a request for a quotation, written or oral, must be provided to all vendors who were asked to respond. In the event two vendors have the same quote, written justification shall be provided by the requesting department as to how one vendor was chosen. Determinations can be made by local availability, items in stock, vendor delivery, or shipping charges. If a using department has obtained its own quotations, the Purchasing Office shall review the appropriate documentation/information and make a determination if the purchase request appears valid.

Exceptions to the Procurement Code will be determined by the Purchasing Office and documented in a detail line in the requisition.

- d) **Issuance of Purchase Order:** Following the foregoing review, the purchase may, if appropriate, be authorized and forwarded to the Finance Director for approval. Upon issuance of the Purchase Order, the receiving copy of the Purchase Order shall be forwarded to the using department for payment authorization after receipt, inspection and acceptance of the purchase. Unless requested, the Finance Department and/or Purchasing Office will NOT send purchase orders directly to the vendor – this will be the responsibility of individual departments.
- e) **Receipt:** The using department shall be responsible for inspecting and accepting or rejecting deliveries. The using department shall determine whether the quantity is as specified in the purchase order or contract and whether the quality conforms to the specifications referred to or included in the purchase order or contract. If inspection reveals the delivery does not conform to the quantity or quality specified in the purchase order or contract, the using department shall immediately notify the vendor and/or Purchasing Office. The vendor should be notified that the delivery has been rejected and shall request the vendor to promptly make a satisfactory replacement or supplementary delivery. Incomplete and/or unsatisfactory product or service should be documented and details of same provided to the vendor for resolution. Documentation should also be provided to the Purchasing Office. Partial payments may be authorized on products or service which meet the approval and acceptance of the receiving department.

Discrepancies in prices quoted/bid and billed must be resolved prior to the receiving department authorizing payment.

If the delivery conforms to the quantity and quality specified in the purchase order or contract, the using department will authorize payment and provide documentation to Accounts Payable (any exceptions to conditions or quantity of goods received must be noted).

Payment authorization may not exceed the amount encumbered and must include:

- Name and Date of Individual authorizing payment;
- invoice number, date and amount and how the invoice is to be applied if multiple lines exist in the purchase order;
- If the authorized payment completes the purchase, payment authorization must also include "CLOSE PURCHASE ORDER".

2.7 **Change Orders**

a) **Projects Under \$60,000**

10% of the total project or \$6,000, whichever is GREATER, change orders can be approved by the City Manager. Updates should be provided to City Commission.

Anything over the 10% (either with one change order or composite total) threshold shall go to City Commission for approval.

b) **Projects From \$60,000 to \$600,000**

Change orders below 10% of the total project can be approved by the City Manager, with updates to City Commission.

Anything over the 10% (either with one change order or composite total) threshold shall go to City Commission for approval.

c) **Projects over \$600,000**

Change order process will be set for larger projects as the project is awarded by City Commission.

3. **EXEMPTIONS FROM PROCUREMENT CODE.**

The provisions of the Procurement Code, 13-1-98 NMSA 1978, shall not apply to:

- A. procurement of items of tangible personal property or services by a state agency or a local public body from a state agency, a local public body or external procurement unit except as otherwise provided in Sections 13-1-135 through 13-1-137 NMSA 1978;
- B. procurement of tangible personal property or services for the governor's mansion and grounds;
- C. printing and duplicating contracts involving materials that are required to be filed in connection with proceedings before administrative agencies or state or federal courts;
- D. purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;
- E. purchases of books, periodicals and training materials in printed or electronic format from the publishers or copyright holders thereof and purchases of print, digital or electronic format library

- materials by public, school and state libraries for access by the public;
- F. travel or shipping by common carrier or by private conveyance or to meals and lodging;
- G. purchase of livestock at auction rings or to the procurement of animals to be used for research and experimentation or exhibit;
- H. contracts with businesses for public school transportation services;
- I. procurement of tangible personal property or services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978, by the corrections industries division of the corrections department pursuant to rules adopted by the corrections industries commission, which shall be reviewed by the purchasing division of the general services department prior to adoption;
- J. purchases not exceeding ten thousand dollars (\$10,000) consisting of magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases where prepayments are required;
- K. municipalities having adopted home rule charters and having enacted their own purchasing ordinances;
- L. the issuance, sale and delivery of public securities pursuant to the applicable authorizing statute, with the exception of bond attorneys and general financial consultants;
- M. contracts entered into by a local public body with a private independent contractor for the operation, or provision and operation, of a jail pursuant to Sections 33-3-26 and 33-3-27 NMSA 1978;
- N. contracts for maintenance of grounds and facilities at highway rest stops and other employment opportunities, excluding those intended for the direct care and support of persons with handicaps, entered into by state agencies with private, nonprofit, independent contractors who provide services to persons with handicaps;
- O. contracts and expenditures for services or items of tangible personal property to be paid or compensated by money or other property transferred to New Mexico law enforcement agencies by the United States department of justice drug enforcement administration;
- P. contracts for retirement and other benefits pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;
- Q. contracts with professional entertainers;
- R. contracts and expenditures for legal subscription and research services and litigation expenses in connection with proceedings before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts;
- S. contracts for service relating to the design, engineering, financing, construction and acquisition of public improvements undertaken in improvement districts pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and in county improvement districts pursuant to Subsection L of Section 4-55A-12.1 NMSA 1978;
- T. works of art for museums or for display in public buildings or places;

- U. contracts entered into by a local public body with a person, firm, organization, corporation or association or a state educational institution named in Article 12, Section 11 of the constitution of New Mexico for the operation and maintenance of a hospital pursuant to Chapter 3, Article 44 NMSA 1978, lease or operation of a county hospital pursuant to the Hospital Funding Act [Chapter 4, Article 48B NMSA 1978] or operation and maintenance of a hospital pursuant to the Special Hospital District Act [Chapter 4, Article 48A NMSA 1978];
- V. purchases of advertising in all media, including radio, television, print and electronic;
- W. purchases of promotional goods intended for resale by the tourism department;
- X. procurement of printing services for materials produced and intended for resale by the cultural affairs department;
- Y. procurement by or through the public education department from the federal department of education relating to parent training and information centers designed to increase parent participation, projects and initiatives designed to improve outcomes for students with disabilities and other projects and initiatives relating to the administration of improvement strategy programs pursuant to the federal Individuals with Disabilities Education Act; provided that the exemption applies only to procurement of services not to exceed two hundred thousand dollars (\$200,000);
- Z. procurement of services from community rehabilitation programs or qualified individuals pursuant to the State Use Act [13-1C-1 through 13-1C-7 NMSA 1978];
- AA. purchases of products or services for eligible persons with disabilities pursuant to the federal Rehabilitation Act of 1973;
- BB. procurement, by either the department of health or Grant county or both, of tangible personal property, services or construction that are exempt from the Procurement Code pursuant to Section 9-7-6.5 NMSA 1978;
- CC. contracts for investment advisory services, investment management services or other investment-related services entered into by the educational retirement board, the state investment officer or the retirement board created pursuant to the Public Employees Retirement Act [Chapter 10, Article 11 NMSA 1978];
- DD. the purchase for resale by the state fair commission of feed and other items necessary for the upkeep of livestock;
- EE. contracts entered into by the crime victims reparation commission to distribute federal grants to assist victims of crime, including grants from the federal Victims of Crime Act of 1984 and the federal Violence Against Women Act;
- FF. procurement by or through the children, youth and families department of pre-kindergarten services purchased pursuant to the Pre-Kindergarten Act [32A-23-1 through 32A-23-9 NMSA 1978];
- GG. procurement of services of commissioned advertising sales representatives for New Mexico magazine; and

HH. procurements exempt from the Procurement Code as otherwise provided by law.

Note: Procurement requirements shall not be artificially divided so as to constitute a small purchase (i.e. split between Small Purchase Orders and/or regular Purchase Orders).

**CITY OF AZTEC
SEALED BID/PROPOSAL PROCEDURES
EFFECTIVE: NOVEMBER 1, 2020**

1. POLICY

The bidding practices and acceptance of sealed proposals by the City of Aztec shall adhere to the provisions of the New Mexico Procurement Code, N.M.S.A. 1978, §§ 13-1-1 *et seq.*, as amended (hereinafter “the Procurement Code”). Bids shall be taken on materials, equipment, construction, or services which have been estimated to exceed sixty thousand dollars (\$60,000) subject to the exceptions to the bidding requirements of the Procurement Code. Sealed Proposals shall be accepted for professional services whose amounts exceed sixty thousand dollars (\$60,000). The City shall not, however, be prohibited from securing bids or proposals when lesser amounts are involved if it is in the best interest of the City to do so. The City of Aztec's bid and proposal policy shall be revised to reflect any amendments or revisions to the Procurement Code as they may occur.

2. PROCEDURE

The following procedure will be followed after determining a purchase has been estimated to exceed the sum of sixty thousand dollars (\$60,000) or for procurement of professional services whose value has been estimated to exceed sixty thousand dollars (\$60,000) and is not otherwise exempted from the bidding or request for proposal requirements of the Procurement Code:

- 2.1 Required Submittal: A Procurement Request Form (**see Exhibit A**) and complete set of specifications, signed by the Department Head, the Finance Director and the City Manager, shall be submitted to the Purchasing Office. When the City Manager deems it appropriate, said specifications will be presented to the City Commission for approval. If this determination is made, it will be the responsibility of the using department to have a representative present at the Commission Meeting to address any questions regarding the specifications.
- 2.2 Prepare and Publish Solicitation: After the procurement request, specifications and any other items required are approved and complete, an Invitation to Bid or Request for Proposal shall be prepared and submitted to the local newspaper to print in the legal section at least ten (10) days prior to the bid opening or proposal deadline. A Notice of Pre-Bid or Pre-Proposal Conference (if applicable) will also be published at this time. The full solicitation will be posted on the City Website under the Purchasing Office Home Page and to the electronic procurement system.
- 2.3 Electronic Mail Solicitation to Interested Persons: A mailing list may be compiled from the list of suggested vendors submitted by the using department together with any vendors who have previously indicated interest in receiving such solicitations. An Invitation to Bid or a Request for Proposal may be electronically mailed to the persons on the mailing list, the vendors suggested by the using department, and to each interested supplier responding to the advertisement(s).
- 2.4 Bidder Preferences:
 - a) NM Resident Bidders' Preference: The 5% State of New Mexico Resident Bidders' Preference is applicable and required by the New Mexico State Procurement Code (NMSA 13-1-21) on all formal sealed bids and requests for proposals except procurements involving federal funds.

A bidder or proposer must have registered with the State of New Mexico Taxation and Revenue Department and have a Resident Bidder's Preference Number indicated on the Bid or RFP documents and submit a copy of a current Resident Business Certificate with the bid or proposal to obtain the 5% preference.

- b) NM Resident Veterans Bidders' Preference: The State of New Mexico Procurement Code has a provision to allow for preference to be given to qualified veterans businesses. This preference will be in place for all Bids and Requests for Proposals (RFP) as required by (NMSA 13-1-21 and 13-1-22) except procurements involving federal funds.

A bidder or proposer must have registered with the State of New Mexico Taxation and Revenue Department and have a Resident Veterans Bidder's Preference Number indicated on the Bid or RFP documents and submit a copy of a current Resident Veterans Business Certificate with the bid or proposal to obtain the preference as defined in NMSA 13-1-21.

- 2.5 Amended or Supplemental Solicitations: If, at any time prior to the bid opening or proposal deadline, the Purchasing Office determines additional information or changed specifications should be furnished to potential bidders or potential respondents, an appropriate amendment shall be prepared and distributed to each person who has submitted an Acknowledgement of Receipt Form to receive such future communications. Solicitation amendments will be posted to the City Website under the Purchasing Office Home Page and electronic procurement system.
- 2.6 Receipt of Bids or Proposals: All sealed bids or proposals shall be through the electronic procurement system. The purchasing office will not accept sealed bids or proposals in a paper format unless otherwise stated.
- 2.7 Opening: Bids shall be publicly opened and prices read aloud at the established time and date in the presence of at least two persons, any of whom may be employees of the City of Aztec Finance Department. Proposals shall not be publicly opened and tabulated, but shall be reviewed after the established deadline in the manner established in the Request for Proposals.
- 2.8 Evaluation of Bids: Bids shall be evaluated by the using department and the Purchasing Office for compliance with the specifications and requirements. The department's evaluation of the bids and award recommendations shall be submitted to the Purchasing Office for final review/approval. The recommendation shall be detailed and shall address any discrepancies in the bid responses. Final award of the bids shall be made by the City Commission.
- 2.9 Evaluation of Proposals: Proposals shall be evaluated by an evaluation committee (appointed by Purchasing Office comprised of City of Aztec personnel or representatives who have completed the Code of Conduct and Confidentiality Agreement, **Exhibit B**) according to the evaluation and relative weight factors set forth in the specifications. Discussions and/or negotiations may be conducted with responsible offerors so long as at least one representative from the using department and one representative from the Purchasing Office are present. The evaluation committee's recommendations for award shall be submitted in writing to the Purchasing Office. The recommendation shall be detailed and shall address any discrepancies in the proposal responses. Final award shall be made by the City Commission.
- 2.10 Negotiations with Responsive Offeror (Proposals): Negotiations may be conducted with a responsive offeror who submitted a proposal found to be responsive and likely to be selected for award. The

contents of any competing proposal shall not be disclosed during the negotiations process. All negotiations will be conducted under the direction of the City Manager.

- 2.11 Confidentiality of Proposals: The contents of any proposal shall be kept confidential until a Contract or Purchase Order is awarded. Following award of a Contract or Purchase Order, all documents pertaining to the proposal shall be open to public inspection, except for any material which is designated by the Offeror as proprietary or confidential. No pages of a proposal which have been designated by the Offeror shall be disclosed to the public or otherwise made public. If a member of the public requests disclosure of data for which an Offeror has designated portions confidential, the Purchasing Office shall examine the Offeror's proposal and make a written determination which specifies which portions of the proposal shall be disclosed in accordance with applicable law. Unless the Offeror takes action to prevent the disclosure, the proposal will be disclosed as recommended in the written report. From that time, the proposal shall be open to public inspection.
- 2.12 Public Posting of Bid/Proposal Results: Bid tabulations will be published on the City's website and electronic procurement system after a recommendation for award has been received and accepted by the Purchasing Office. Proposal rankings and evaluation scores will be published after the City Commission award.
- 2.13 Issuance of Purchase Order: Following award, and execution of a written contractual agreement, if required, a Purchase Order shall be issued and concerned parties notified. In such cases where a price agreement is established, Purchase Orders may be issued on an as needed when needed basis.
- 2.14 Renewal: Prior to the expiration of a contract that has been awarded under a bid or proposal, with an option to renew, the using department shall submit written confirmation to the Purchasing Office that the procurement was satisfactory and renewal of the contract is requested. The Purchasing Office shall request a letter of commitment from the vendor. Upon receipt of said letter and a Purchase Requisition from the using department, a Purchase Order and/or a new contract, reviewed by the Purchasing Office and Legal Department and approved by the City Commission, may, if appropriate, be issued to the vendor. Should the using department be dissatisfied with the vendor's performance during the term of the agreement, notification of non-renewal and/or a request for early termination must be submitted in writing to the Purchasing Office.
- 2.15 Award: Award of any bid or proposal for any purchase which has been estimated to exceed the sum of sixty thousand dollars (\$60,000), or any renewal of a bid or proposal which exceeds that sum, shall be made by the City Commission upon recommendation of the Purchasing Office. Award of any bid for a "local public works project" or "construction contract", as those phrases are defined in the Procurement Code, N.M.S.A. 1978, § 13-1-66.1, as amended, shall also be made by the City Commission upon recommendation of the Purchasing Office if the value of the project exceeds the sum of sixty thousand dollars (\$60,000).
- 2.16 Record Retention: Records relating to competitive sealed bids or proposal procurements must be retained for three (3) years.

3. EXCEPTIONS

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

- 3.1 Purchases from a state agency, or another local public body;
- 3.2 Purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;
- 3.3 Purchases of books and periodicals from the publishers or copyright holders thereof;
- 3.4 Procurement under existing contracts as permitted by N.M.S.A. 1978, § 13-1-129 (as amended);
- 3.5 Emergency procurement as permitted by N.M.S.A. 1978, § 13-1-127 (as amended) and as otherwise permitted by the City of Aztec Purchasing Procedures (**see Exhibit C**);
- 3.6 Sole source procurement as permitted by N.M.S.A. 1978, § 13-1-125 (as amended) so long as the using department submits a completed *Justification Form* (**see Exhibit D**) and other documentation, if required, which, in the sole determination of the Office of Central Purchasing, adequately provides a basis for its determination that the only source for the service, construction or tangible personal property, goods or services is the vendor suggested; and
- 3.7 Small purchases of materials, equipment, construction or services which have not been estimated to exceed the value set by NMSA 1978, § 13-1-125(A) (as amended July 2005); and
- 3.8 Training materials in printed or electronic format; and
- 3.9 Magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases where prepayment is required not exceeding ten thousand dollars (\$10,000); and
- 3.10 Legal subscriptions and research services.

**CITY OF AZTEC
EMERGENCY/SOLE SOURCE PROCEDURES
EFFECTIVE: NOVEMBER 1, 2020**

1. POLICY

An emergency condition, as defined by the State Purchasing Act, is a situation which creates a threat to public health, welfare, safety, or property such as may arise by reason of floods, epidemics, riots, equipment failures, or similar events. The existence of such condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal purchasing methods and the lack of which would seriously threaten the functioning of government, the preservation or protection of property, or the health and safety of any person. **POOR PLANNING DOES NOT CONSTITUTE AN EMERGENCY.**

A sole source may be awarded without competitive sealed bids or proposals when there is only one source for the required service, construction or item of tangible personal property. The service, construction or item of tangible property personal property is unique and this uniqueness is substantially related to the intended purpose of the contract and other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract. The Purchasing Office shall not circumvent this section by narrowly drafting specifications so that only one predetermined source would satisfy those specifications.

The Purchasing Office shall use due diligence in determining the basis for sole source or emergency procurement, including reviewing available sources and consulting the using department and shall include its written determination in the procurement file.

2. PROCEDURE

- 2.1 Emergency Procurement: Should an emergency situation as stated above occur during normal working hours (7:00 a.m. to 6:00 p.m. Monday thru Thursday), it is the responsibility of the Department Head to contact the Purchasing Office to obtain permission to make the purchase.

Should a situation occur after normal working hours and the purchase is over \$10,000, it is the responsibility of the Department Head to determine if the purchase meets the criteria as an emergency purchase as stated above. It is then the responsibility of the Department Head to obtain a minimum of three telephone quotes. The Department Head will advise the City Manager, or in his absence, the Finance Director, of the emergency procurement. It is the responsibility of the Department Head to submit a purchase requisition, with an *Emergency Procurement Justification Form (Exhibit C)* explaining the emergency, and the approval by the City Manager, to the Purchasing Office on the next regular working day. If the Department Head approves a purchase that does not meet the criteria of the Purchasing Act, that Department Head will be held responsible.

Emergency procurements shall be posted on the City's web site and State of New Mexico portal within three (3) days of purchase.

- 2.2 Sole Source Procurement: A *Sole Source Certification Form (Exhibit D)* must be completed for any procurement determined to be sole source. as to why the item is sole source, and be approved by the City Manager

Sole source awards shall be posted on the City of Aztec website and State of New Mexico portal thirty

(30) days prior to award.

3. EXCEPTION

An emergency purchase shall not include the purchase or lease purchase of heavy road equipment.

CITY OF AZTEC
SMALL PURCHASE ORDER PROCEDURES
EFFECTIVE: JULY 1, 2014

1. POLICY

SPO (Small Purchase Order) books may be used by authorized City of Aztec employees to make small purchases not to exceed \$750 from vendors in accordance with the policies and procedures stated herein and in accordance with the provisions of the State of New Mexico Public Purchasing Act and City of Aztec Procurement Code. For any purchases, service or property, less than seven hundred fifty dollars (\$750.00), a small purchase order may be used in lieu of a requisition/purchase order.

2. PROCEDURE

- 2.1 Department Heads may assign responsibility for the use of Small Purchase Order books as they deem necessary for the efficient operation of their departments. The final responsibility for any purchase made on a Small Purchase Order will rest on the Department Head. All Small Purchase Order books should be treated as any prudent individual would treat his personal checkbook. Safe guarding of SPO books is the responsibility of the Department Head.
- 2.2 No Small Purchase Order shall exceed seven hundred fifty hundred dollars (\$750.00). Purchases in amounts exceeding \$750 will not be divided between two (2) or more SPOs in order to avoid submitting a regular purchase requisition. If this happens, the offending department MAY lose its SPO privilege.
- 2.3 SPOs should not be used to circumvent procurement. Regular repeated purchases from the same vendor for the same type of service may require a different procurement procedure.
- 2.4 All SPOs must be properly completed and must contain the following information (to the best of the department's ability)
 - a) Name of vendor. If no vendor number exists, remittance address for vendor is required;
 - b) Date of purchase and vendor number;
 - c) Description of items purchased;
 - d) General ledger account numbers (budget account number);
 - e) Dollar amount of purchase;
 - f) If items/service is for vehicles/equipment, unit number and odometer/hour readings required.
 - g) Signature of City employee receiving goods and legible on all copies;
 - h) Signature of Department Head or authorized employee and legible on all copies;
 - i) The entire SPO number must be on the vendor's invoice;

j) All information on SPO forms must be legible on all copies.

2.5 Distribution of SPO copies is as follows:

City representative using a SPO for a purchase must provide the SPO number to the vendor. Invoices, if possible, must include the SPO number.

a) White copy – to the Finance Department. The invoice and delivery document (if applicable) should be included with the SPO. If all items/service on the SPO are not authorized to pay, make a note on the SPO what is authorized (not an email). If Finance Department has received electronic invoices from vendor, it is not necessary for department to attach with SPO. It is the responsibility of the department issuing the SPO that all items have been received and accepted prior to authorization of payment.

- If purchasing via internet, if there is the ability to enter an order authorization, please use the SPO number.
- Be sure to print the confirmation of the internet order if vendor is not providing an invoice. If unsure, print the confirmation and include with SPO.

b) If the department chooses to maintain SPOs, the yellow copy may be retained within the department. Be aware that maintaining this record may trigger the records retention policy.

2.6 The SPO provided to the Finance Department is department authorization to pay. As noted above (2.5.b), if only a portion of the SPO is authorized to pay, note on the SPO what specifically is authorized to pay. As remaining items are authorized, a copy of the SPO may be used to instruct Finance the items/amounts to be paid.

2.7 The Finance Department Accounts Payable Office will match the invoices with the Small Purchase Orders (if not attached with the SPO).

2.8 After payment, the invoice and SPO will be stamped PAID and filed with the check copy in the paid vendor file.

2.9 In the event, items are returned, a copy of the original SPO (available electronically) may be used to advise Finance of the credit and what account the credit should be posted. Do NOT issue a new SPO for credits.

2.10 The Finance Director will furnish the Accounts Payable Technician with a list of persons authorized to approve Small Purchase Orders.

**CITY OF AZTEC
CAPITAL PURCHASE PROCEDURES
EFFECTIVE: NOVEMBER 1, 2020**

1. POLICY

Normally any item costing \$5,000.00 or more, with an anticipated useful life of at least two years becomes a part of the City of Aztec Fixed Assets Inventory and is considered capital outlay and must be listed as part of the Capital Outlay Budget.

2. PROCEDURE

2.1 Item or Project is listed on the Capital Outlay Budget:

- a) Item or Project Less than \$60,000: Using department may proceed with the purchase according to the STANDARD PROCUREMENT PROCEDURES.
- b) Item or Project Greater than \$59,999: Procurement will be conducted according to the section on SEALED/BID PROPOSAL PROCEDURES.

2.2 Item or Project is NOT listed on the Capital Outlay Budget:

- a) Item or Project Less than \$60,000: Using department may proceed with the purchase according to the STANDARD PROCUREMENT PROCEDURES with the understanding the City Manager may required justification beyond the Procurement Request Form.
- b) Item or Project Greater than \$59,999: The City Manager may direct the department to seek City Commission approval for the proposed purchase/project PRIOR to advertisement by Purchasing Office. Procurement will be conducted according to the section on SEALED/BID PROPOSAL PROCEDURES.

If there are questions pertaining to the status of the item, please contact the Finance Director.

2.3 Receipt of property: Upon receipt of new equipment or vehicles, the using department is responsible for the completion of the Asset Acquisition Form (Exhibit E). This form, along with the MSO, purchase agreement, odometer reading and any other purchase documentation must be forwarded to the Finance Department within three business days of receipt of property.

2.4 Completion of Project: Upon completion of a project, the Asset Acquisition Form must also be completed including value of the construction, type of construction, square footage, location of the facility and date available for public or City use. Coordination with Project Management Department for identification in City's GIS database is required.

3. EXCEPTION

None

**CITY OF AZTEC
INSURANCE COVERAGE PROCEDURES
EFFECTIVE: NOVEMBER 1, 2020**

1. POLICY

It is important for using departments to provide current information on the purchase, modifications, transfer or deletion of equipment, vehicles, etc. for insurance purposes. The following procedures are to be used when new equipment or vehicles are purchased, or construction is completed on City owned facilities. Typically, the capital threshold of \$5,000.

The Finance Department will provide, annually, lists of currently insured vehicles, equipment and properties for Department review. However, departments remain responsible to advise the Finance Department of any changes to city properties which may require changes to current insurance coverage. Changes must be submitted within 30 days of the change.

2. PROCEDURE

- 2.1 Equipment or Vehicles: Upon receipt of new equipment or vehicles, the using department is responsible for the completion of the Asset Acquisition Form (**Exhibit E**). This form, along with the MSO, purchase agreement, odometer reading and any other purchase documentation must be forwarded to the Finance Department within three business days of receipt of property.
- 2.2 Structures: Acquisition of a structure requires the Asset Acquisition Form be completed include value of the construction, type of construction, square footage, location of the facility and date available for public or City use.
- 2.3 Transfer of property to another department requires the completion of an Asset Transfer Form (Exhibit F). Both departments (transfer to and from) should complete the form and forward to the Finance Department.

3. EXCEPTIONS

None

CITY OF AZTEC
PROFESSIONAL SERVICES – CONSTRUCTION MANAGEMENT
EFFECTIVE: NOVEMBER 1, 2020

1. POLICY

When a construction or local public works project requires construction management services, for the purpose of controlling time, cost, and quality of a project, the services shall be procured in accordance with the regulations and procedures stated herein (Statutory Authority: Section 13-1-100.1, N.M.S.A. 1978/1 N.M.A.C. 5.8), and in accordance with the provisions of the City of Aztec Purchasing Procedures and the New Mexico Procurement Code, N.M.S.A. 1978 (as amended).

2. OBJECTIVE

To insure fair, uniform, clear, and effective procedures for the utilization of construction management services to assist in the delivery of a quality project for the City, on time and within budget.

3. DEFINITIONS

- 3.1 Construction Management Services: "Construction Management Services" means a comprehensive array of management and/or consulting services spanning all phases of the design and construction process from conception to completion of the construction project; that applies appropriate management techniques to project planning, design, and construction for the purpose of controlling time, cost, and quality for the project owner; includes construction manager services, but does not include professional design or professional engineering services or acting in the capacity of contractor, general or subcontractor, for a construction project.
- 3.2 Construction Manager: "Construction Manager" means a person, properly licensed under the Construction Industries Licensing Act, or any successor agency as applicable, who acts as an agent of the City for a construction project; who coordinates and manages the construction process; who is a member of the construction team with the owner, architect, engineer and other consultants that may be required for the project; and who utilizes his skill and knowledge of general contracting to assist in developing schedules, preparing project construction estimates, studying labor conditions, and advising concerning construction, safety and other issues that may surface which are related to the project and may include, but are not limited to, monitoring progress, payments, changes, and other factors affecting cost or as may otherwise be specified in the RFP solicitation.
- 3.3 Agent: "Agent" means a person who has been delegated specific authority by the City to act on its behalf and represent its interests throughout all phases of a construction project. The authority delegated by the City shall not include central purchasing authority as defined in the Procurement Code, [Section 13-1-37 N.M.S.A. 1978].
- 3.4 Determination: "Determination" means the written documentation of a decision of the Procurement Specialist, including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

- 3.5 Person: "Person" includes an individual, firm, partnership, corporation, Limited Liability Company or partnership, association, or other organization or any combination thereof, including, but not limited to, a joint venture.
- 3.6 Using Department: "Using department" means any City department, office, or associated entity authorized to utilize the services of the City Purchasing Office to acquire services, construction, or items of tangible personal property.

4. DISCUSSION

- 4.1 As used herein "Construction Management Services" is given a broad and general meaning to describe a project delivery method that, for any duration from conception to completion of the construction project, applies appropriate management techniques to project planning, design and construction in order to control time and cost and assure quality for the project owner. Such overall services may include advisory consulting services, reviewing or preparing cost estimates, reviewing or suggesting program requirements or other similar functions. The program of services requested and applied to a particular project should be one which is appropriate to the size, type, and complexity of the project and the needs of the City. The Construction Management process is most effective when employed from the beginning of the project, allowing the Construction Manager, the owner, and the design professional(s) to identify and resolve issues of value and constructability prior to the construction phase of the project.
- 4.2 Whereas in this policy, "Construction Manager" is more specific and applies to the necessary professional qualifications and experience of the "person" in order to meet the specified scope of work, goals, and objectives as established by the City and set forth in a competitive solicitation. The Construction Manager's primary task is to represent the interests of the City throughout all phases of the project.
- 4.3 When utilizing Construction Manager Services for a construction project, the City, rather than the construction manager, assumes the risk and responsibility for a project.
- 4.4 Advisory consulting services such as cost estimating, reviewing, or suggesting program requirements, lighting, and acoustical consulting and other special purpose services may be procured without meeting the specific requirements of these regulations.

5. DETERMINATION REQUIRED

- 5.1 The City may issue a solicitation, through the Purchasing Office, and enter into a construction management services contract, when it first makes a determination that it is in the public's interest to utilize such services. The Purchasing Office determination will be supported by a written justification, from the "using department", which will provide the basis for the construction management services requirement. The determination shall include findings of fact to support the decision that:
 - a) the construction management services would not duplicate, and would be in addition to the normal scope of separate architect or engineer contracts; and
 - b) a detailed description of the complexity or unusual requirements of the project, prompting the need for construction management services.

- 5.2 The determination may also include additional findings that:
- a) the City does not otherwise have sufficient or qualified staff resources to adequately provide construction management services;
 - b) the provision of construction management services would better meet the needs of the City;
 - c) the utilization of construction management services could provide early completion of the public works project is essential; or
 - d) specialized expertise in specified construction areas is desirable for the construction project and may be reflected as an additional criterion.

6. PROCEDURES FOR SOLICITATION OF CONSTRUCTION MANAGEMENT SERVICES

- 6.1 Construction Management Services shall be solicited through a competitive sealed qualification-based request for proposals method of procurement.
- 6.2 The Purchasing Office, in consultation with the City Manager, shall appoint a construction management selection committee which shall consist of a procurement manager who manages and administers the procurement and others who are members of the committee and who shall perform the evaluation of offeror proposals. The size of the committee can be any number; however, it should be manageable and include both user and technical support representatives as appropriate.
- 6.3 For each proposed construction management contract, the construction management selection committee shall evaluate statements of qualifications and performance data submitted by all responsive businesses in regard to the particular project, and may conduct interviews with, and may require public presentation by, all businesses applying for selection regarding their qualifications, their approach to the project, and their ability to furnish the required services.
- 6.4 The construction management selection committee shall select, ranked in the order of their qualifications, no less than three businesses deemed to be the most highly qualified to perform the required services, after considering the following criteria, together with any criteria established by the using department:
- a) specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required;
 - b) capacity and capability of the business, including any consultants, their representatives, qualifications, and locations, to perform the work, including any specialized services, within the time limitations;
 - c) past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules;
 - d) proximity to, or familiarity with, the area in which the project is located;

- e) the amount of design work that will be produced by a New Mexico business within the state;
 - f) the volume of work previously done for the City which is not seventy-five percent complete with respect to basic professional design services, with the objective of effecting an equitable distribution of contracts among qualified businesses and of insuring that the interest of the public in having available a substantial number of qualified businesses is protected; provided, however, that the principle of selection of the most highly qualified businesses is not violated; and
 - g) price of construction management fees may be considered as criteria in the selection of construction management services. It is recommended that this criterion not exceed ten percent of the overall selection criteria, unless the Purchasing Office makes a determination that the characteristics of the construction management services warrant the designation of a higher percentage.
- 6.5 The use of the words "specialized design and technical competence," "design work," and "design services" in the selection criteria refers to such competence, work, and service pertinent to construction and construction management.
- 6.6 The City Manager, or his designee, shall negotiate a contract in a manner consistent with the selection criteria, with the highest qualified business at compensation determined in writing to be fair and reasonable. In making this decision, the estimated value of the services to be rendered and the scope, complexity, and professional nature of the services shall take into account. Should the City Manager or his designee be unable to negotiate a satisfactory contract with the business considered to be the most qualified, at a price determined to be fair and reasonable, negotiations with that business shall be formally terminated. The City Manager or his designee shall then undertake negotiations with the second most qualified business. Failing accord with the second most qualified business, the City Manager or his designee shall formally terminate negotiations with that business. Negotiations shall then undertake with the third most qualified business. Should the City Manager or his designee be unable to negotiate a contract with any of the businesses selected by the committee, additional businesses shall be ranked in order of their qualifications, and the City Manager or his designee shall continue negotiations in accordance with this section until a contract is signed with a qualified business or the procurement process is terminated and a new request for proposals is initiated. The Office of Central Purchasing shall publicly announce the business selected for award.
- 6.7 The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, the construction management selection committee's final ranking and evaluation scores for all proposals shall become public information. Businesses which have not been selected for contract award shall be so notified in writing within fifteen days after an award is made.
- 6.8 Any proposal received in response to a solicitation that has been cancelled in accordance with Section 13-1-131 N.M.S.A. 1978 is not public information and shall not be made available to competing offerors.

CITY OF AZTEC
PROFESSIONAL SERVICES – DESIGN AND BUILD PROJECT DELIVERY
EFFECTIVE: NOVEMBER 1, 2020

1. POLICY

A design and build project delivery system method of procurement may be authorized for specific construction or local public works projects, under certain conditions, in order to provide a procurement process allowing for design, construction, and delivery of a project under a single contract. The procurement shall be made in accordance with the regulations and procedures stated herein (Statutory Authority: Section 13-1-119.1, N.M.S.A. 1978/1 N.M.A.C. 5.7), and in accordance with the provisions of the City of Aztec Purchasing Policy and Procedures and the New Mexico Procurement Code, NMSA 1978 (as amended).

2. OBJECTIVE

To ensure fair, uniform, clear, and effective procedures for procuring a design and build project delivery system and to assist in the delivery of a quality project, on time and within budget.

3. DEFINITIONS

- 3.1 Design and Build Project Delivery System: "Design and Build Project Delivery System" means a procurement process by which City contracts with one firm who has responsibility for the design, construction, and delivery of a project under a single contract with the City.
- 3.2 Design and Build Team or Firm: "Design and Build Team" or "Firm" as the terms are used herein, are synonymous with one another and, within their broad definition mean any offeror, who may be a person, a legal entity, a consortium of experts, a joint venture, a team of persons who, through partnership, general or limited or other legal entity, corporation, association, other organizations, or any combination thereof, formally organized so that it may submit a qualified offer in response to a request for proposals and, as result, who may be considered for a contract award for a design and build project delivery system by the City. No distinction is made between formally organized design/build firms and a project-specific design/build firm.
- 3.3 Determination: "Determination" means the written documentation of a decision of a procurement specialist, including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.
- 3.4 Project: "Project" means a construction project undertaken by the City.
- 3.5 Using Department: "Using department" means any City department, office, or associated entity authorized to utilize the services of the City Purchasing Office to acquire services, construction, or items of tangible personal property.

4. DETERMINATION REQUIRED

- 4.1 A design and build project delivery system, as defined in this rule, may be authorized when the Purchasing Office makes a determination in writing that it is appropriate and in the best interest of the City to use design and build on a specific project. A determination will be supported by a written

justification from the "using department", which will provide a basis for use of the design and build project delivery system.

4.2 The determination shall include consideration of the following criteria:

- a) the extent to which the project requirements have been, or can be, adequately defined;
- b) time constraints for delivery of the project;
- c) the capability, experience and availability of potential offerors familiar with the design and build process;
- d) the suitability of the project for use of the design and build process as concerns time, schedule, costs, and quality; and
- e) the capability of the City to manage the project, including experienced personnel or outside consultants, and to oversee the project with persons who are familiar with the design and build process.

4.3 It is recommended that determination also include consideration of:

- a) budget constraints;
- b) the desirability of alternative designs;
- c) the need or desirability for a single point of accountability;
- d) the desirability to use specialized services for the project;
- e) the availability of design and build teams; and
- f) other factors as may be documented with facts by the City.

5. SOLICITATION OF DESIGN AND BUILD PROJECT DELIVERY SYSTEMS

- 5.1 When a determination has been made by the Purchasing Office that it is appropriate to use a design and build project delivery system, the design and build team shall include, as needed, a New Mexico registered engineer or architect, and a contractor properly licensed in New Mexico for the type of work required.
- 5.2 For design and build projects which have a maximum allowable construction cost of four hundred thousand dollars (\$400,000) or less and the only requirement for architects, engineers, landscape architects or surveyors is limited to either site improvements or adaption for a pre-engineered building or system, procurement shall be accomplished by competitive sealed bids, defined in SEALED BID/PROPOSAL PROCEDURES.
- 5.3 For proposed design and build project delivery system, not meeting item #2, the City shall utilize a two phase request for proposal procedure for awarding design and build contracts.

- a) During phase one, and prior to solicitation, the following shall occur:
- I. procurement documents shall be prepared for a "request for qualifications based proposal" by an engineer or architect registered in New Mexico;
 - II. such registered engineer or architect may be either an employee of the City or selected in accordance with Section 13-1-120, N.M.S.A. 1978; and
 - III. the documents shall include minimum qualifications, scope of work statement and schedule, documents defining the project requirements, evaluation criteria and a description of the selection process, the composition of the selection committee, and a description of the phase two requirements, program statements for the facility that describe space needs, design goals, and specific objectives so that all responsive offers can be comparably evaluated and meet using department's needs. If the using department desires, it may include complete programming and schematic design including recommended or required building systems, elevations, areas, floor plans and cross sections, all depicted in limited detail for further development by design and build team.
 - IV. the document shall also include a description of subsequent management to be provided to bring the project to completion proposed contractual terms and conditions, and a summary of proposed relationships between the design and build team and the owner's specified representatives. It is recommended that a qualified professional be retained, or use the services of a professional employed by the City to assist them in the oversight of the project from the preparation of the documents to completion.
 - V. the request shall include all design factors necessary to describe the project and should include, as appropriate, the following:
 - a. the legal description of the site;
 - b. survey information, site data and subsoil investigation;
 - c. interior space requirements;
 - d. special material and quality standards;
 - e. aesthetic considerations and compatibility with existing facilities;
 - f. conceptual criteria for project;
 - g. special equipment and system requirements;
 - h. cost or budget estimates including available funding;
 - i. time schedules;
 - j. quality assurance and quality control requirements;
 - k. site development requirements;

- l. special codes, regulations, ordinances, or statutes;
- m. provisions for availability, and responsibility for costs of utilities, parking and landscaping requirements;
- n. future expansion requirements;
- o. existing contracts, if any, to be utilized; and
- p. any other applicable requirements.

5.4 A selection committee, appointed by the Purchasing Office in consultation with the City Manager, shall evaluate the proposals and select a design and build team in two phases:

a) In phase one, the selection committee shall evaluate each offeror's experience, technical competence and capability to perform, the past performance of the offeror's team and members of the team, and other appropriate factors submitted by the team or firm in response to the request for qualifications. Design and build qualifications of responding firms shall be evaluated and a maximum of five firms shall be short-listed in accordance with technical and qualification-based criteria. A mandatory pre-proposal conference shall be conducted to allow a short-listed offeror the opportunity to submit questions of clarification. The selection committee should not use any submittal as the basis of retaining any design and build team other than the submitting design and build team.

b) In phase two, the selection committee shall invite short-listed offerors to submit detailed specific technical concepts or solutions, costs, and scheduling.

I. Unsuccessful phase two offerors submitting a responsive proposal may be paid a stipend to cover proposal expenses. It is recommended that criteria be developed to determine whether a stipend will be provided to the short-listed firms. For the purposes of this section, a stipulated stipend means using funds, as determined by the City, to cover some expenses likely to be incurred by the short-listed firms.

II. The selection committee shall evaluate the short listed offerors with selection criteria stated in the RFP including the weight given to each criteria. The selection criteria should include but are not limited to:

- a. phase one qualification;
- b. quality of proposed design, including required technical submittals;
- c. quality of construction approach;
- d. demonstrated response to program requirements;
- e. management plan for constructing the project; and
- f. cost and schedule.

III. Presentation requirements to properly judge the offers should be stated in the RFP and

should include but are not limited to:

- a. the maximum number and size of drawings and/or technical submittals allowed;
- b. whether models are allowed or not; and
- c. types of media that can be used in the presentation.

IV. Upon completion of the evaluation process the selection shall be made and the contract awarded to the highest ranked offeror.

5.5 Once the proper determination is made, and the evaluation and selection conducted in accordance with the regulations and procedures stated herein, a contract may be awarded regardless of whether the contract falls below, equals, or exceeds ten million dollars.

EXHIBIT A: PROCUREMENT REQUEST



PROCUREMENT REQUEST FORM

All proposed purchases exceeding \$20,000 require approval prior to initiation of procurement process regardless of the method of procurement. This includes those purchases which may be identified as exempt from procurement code. This is an internal requirement.

This request form must be completed and approvals (signatures) obtained **prior to** forwarding the form to Purchasing Office for processing. City Manager Approval is the last signature.

PROCUREMENT NUMBER (Assigned by Purchasing Office): _____

PROCUREMENT DESCRIPTION							
PROCUREMENT TITLE							
DESCRIPTION (WHAT, WHY, WHERE, HOW MANY)							
REQUESTING DEPARTMENT							
G/L ACCOUNT NUMBER (S)							
AVAILABLE BUDGET							
ESTIMATED COST							
SUGGESTED VENDORS							
NIGP CODES							
SPECIFICATIONS AVAILABLE, IF NO WHEN?							
PLANS COMPLETE, IF NO WHEN?							
FUNDING REQUIREMENTS MARK ALL THAT MAY APPLY							
FEDERAL	<input type="checkbox"/>	STATE	<input type="checkbox"/>	CITY	<input type="checkbox"/>	LOCAL	<input type="checkbox"/>
TYPE OF REQUEST (check all that apply):							
FORMAL (OVER \$59,999)				<input type="checkbox"/>	INFORMAL (UNDER \$60,000)		<input type="checkbox"/>
STATE PRICE AGREEMENT				<input type="checkbox"/>	COOPERATIVE PURCHASING AGREEMENT		<input type="checkbox"/>
DEPARTMENT PROCUREMENT				<input type="checkbox"/>	PURCHASING OFFICE PROCUREMENT		<input type="checkbox"/>
MULTIPLE YEARS				<input type="checkbox"/>			
CONSTRUCTION SERVICES				<input type="checkbox"/>	PROFESSIONAL SERVICES (defined on KIVA)		<input type="checkbox"/>
TANGIBLE PROPERTY				<input type="checkbox"/>	NON-PROFESSIONAL SERVICES (defined on KIVA)		<input type="checkbox"/>
PROPOSED TIMELINE							
WAGE DECISION – PROJECTS OVER \$60,000 REQUIRING LABOR						ALLOW 7-10 DAYS	
PRE BID DATE:						MANDATORY?	

SPECIFICATIONS PREPARED BY: [Click here to enter text.](#)

This request form must be completed and approvals (signatures) obtained **prior to** forwarding the form to Purchasing Office for processing. City Manager Approval is the last signature.

Procurements by the Purchasing Office: The requesting department must submit complete and accurate specifications and identify any suggested vendors before any procurement request will be processed.

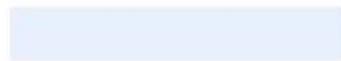
NOTE: Formal procurement requires legal advertisement; legal advertising is optional for informal procurement. A legal advertisement must be submitted to the Daily Times **four (4) days** prior to the date the legal ad is to be published. The legal advertisement must be published a minimum of ten (10) calendar days prior to the date of the bid opening or proposal closing date.



DEPARTMENT HEAD SIGNATURE

[Click here to enter a date.](#)

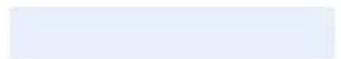
DATE SIGNED



FINANCE DIRECTOR REVIEW

[Click here to enter a date.](#)

DATE SIGNED



CITY MANAGER APPROVAL

[Click here to enter a date.](#)

DATE SIGNED

EXHIBIT B: EVALUATION COMMITTEE CODE OF CONDUCT

Code of Conduct and Confidentiality Agreement

I, the undersigned, a member of the Evaluation Committee for **Request for Proposal**
_____ will perform the evaluation under the guidelines and requirements set forth below:

1. Professional Conduct

I have a professional interest to ensure that the scoring and evaluation of the Respondent responses to the above named Request for Proposal can be supported and defended, and that the recommendation of the Evaluation Committee will lead to the selection of the proposal most advantageous to the **City of Aztec**, taking into consideration the evaluation factors set forth in the RFP.

2. Conflict of Interest

- a. Except as I have disclosed in written detail, I hereby affirm that I shall not accept any favor, gratuity, or any other thing of value from any person, firm, corporation or other entity that has submitted a proposal for funding or is in the process of negotiating a contract with the **City of Aztec**. Such favors, gratuities, or things of value shall include, but not be limited to, the seeking of or acceptance of gifts, favors, services, promises of future employment, and/or honorariums, from **City of Aztec** suppliers, contractors, regulated enterprises or individuals, interested parties or people seeking to do business with **City of Aztec**. I understand members of my immediate family (spouse, children or parents) and other household members are subject to the same restriction and disclosure requirements.
- b. I also agree that I shall disqualify myself from participating in any aspect of the proposal review and/or negotiation process directly or indirectly affecting a business in which I or a member of my immediate family has a financial interest.
- c. I did not participate in the development of proposals in response to this solicitation and understand I may not provide services to the successful respondent.

3. Non-Disclosure of Information

- a. I understand that Respondent responses to the above named RFP will be provided to me upon the receipt of this signed Code of Conduct and Confidentiality agreement. The responses are being shared with me as a member of the Evaluation Committee with the understanding they are confidential and should be treated as such. They are for the sole use of the members of the Evaluation Committee and alternates, as a part of their confidential information. Review of material is intended only for the individuals within the evaluation committee and mentioned within this Code of Conduct and Confidentiality Agreement.
- b. I affirm that I shall maintain the strictest level of confidentiality regarding all aspects of the proposal review and/or contract negotiation process. I shall not discuss with any person, or disclose, at any time, to any person, the contents or scoring of proposals, and/or decisions of the evaluation committee throughout the proposal, review, protest, and/or contract negotiation process.

I understand and agree to abide this Code of Conduct and Confidentiality Agreement and all applicable **City of Aztec** policies and laws and further agree to take full responsibility for the copies of all proposals delivered into my care. I will not disclose, or make available the contents therein to competing Respondents or persons not involved in the evaluation process.

If I should become aware of any situation, which might arise, that could alter any of the representations above, or that might otherwise create the appearance of a conflict or other impropriety, I will notify the Procurement Specialist, Procurement Manager or CPO immediately.

CPO

Date

Member, Evaluation Committee (signature)

Date

Member, Evaluation Committee (print)

EXHIBIT C: EMERGENCY PROCUREMENT



**CITY OF AZTEC
EMERGENCY DETERMINATION FORM**

Notification Number: _____

Post Date: _____

NIGP Code: _____

The emergency procurement method (NMSA 1978, Section 13-1-127) may only be used when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions. 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 person.

Emergency procurement must be posted within three business days of awarding an emergency procurement.

- I. Name of Department:
Department Head:
Telephone Number:
- II. Prospective Contractors (Name & Address):

- III. Amount of prospective contract:
- IV. Term of prospective contract:

III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract:

IV. Provide an explanation for the justification of the procurement including a description of the practicable competition utilized. (Do not use "technical jargon;" use plain English. Do not tailor the criteria simply to exclude other contractors if it is not rationally related to the purpose of the contract.)

Certified by:

_____ Date: _____
City Purchasing Specialist

Procurement Compliance Review by:

_____ Date: _____
Chief Procurement Officer

Budgetary Review:

_____ Date: _____
Finance Director

APPROVED:

_____ Date: _____
City Manager

EXHIBIT D: SOLE SOURCE



REQUEST FOR SOLE SOURCE DETERMINATION

NOTICE # _____

CITY WEBSITE POSTING DATE: _____

STATE WEBSITE POSTING DATE: _____

A sole source *determination* is not effective until the *sole source request for determination* has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the Purchasing Specialist, Chief Procurement Officer and City Manager (if required).

DEPARTMENTS COMPLETE PAGES 1 & 2, DEPARTMENT HEAD SIGNATURE ON PAGE 2 CERTIFYING THE SOLE SOURCE JUSTIFICATION AND SUBMIT ENTIRE FORM ELECTRONICALLY TO THE PURCHASING OFFICE

To: Purchasing Specialist

From Department Head: _____ Dept./Division _____

Subject: Sole Source Request for the Purchase of: _____

Requested Vendor: _____

Annual Cost Estimate: _____ Purchase Term: _____

NIGP Code(s): _____

Sole Source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances, which are totally justified to satisfy compatibility or technical performance needs.

*Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.

**Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of this item.

Property or Service Required:

Prior Procurement (RFP/BID #/PO #):

Please describe the item or service and its function:

This is a sole source* because (mark all that apply):

- sole provider of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
Standard established _____ (year)
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc)

What necessary features does this vendor provide which are not available from other vendors? Please be specific.

What steps were taken to verify that these features are not available elsewhere?

- Other brands/manufacturers were examined (please list phone numbers and names, and explain why these were not suitable)

Other vendors were contacted (please list phone numbers and names, and explain why these were not suitable).

STATEMENT OF NEED:

My department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justifications as prepared by our department, to the attached review of available products/services and to the completed Purchase Requisition.

Department Head Signature

Date

PURCHASING OFFICE FINDINGS:

**REQUIRED SIGNATURES
(AFTER 30 DAY POSTING PERIOD WITH NO PROTESTS)**

If this sole source relates to a procurement of general services or tangible property and is less than \$10,000

- 1) the signature of the City Purchasing Specialist on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenges;
- 2) the sole source is granted as of the date of the last signature;

If this sole source relates to a procurement of general services or tangible property and is greater than \$10,000 or is for professional services

- 3) the signature of the Chief Procurement Officer on this form is the final signature required for this sole source procurement, unless procurement exceeds \$20,000; and

If this sole source relates to a procurement of general services, tangible property or professional services and is greater than \$20,000

- 4) the signature of the City Manager is the final signature required.

APPROVED

Purchasing Specialist Signature

Date

APPROVED

Chief Procurement Officer Signature

Date

APPROVED (City Manager is the FINAL signature if required):

City of Aztec City Manager

Date

EXHIBIT E: ASSET ACQUISITION

CITY OF AZTEC - ASSET ACQUISITION

(This form should be completed for all tangible items with a cost greater than \$1,000 and an expected life of at least one year)

FINANCE DEPT COMPLETION
(SEND COMPLETED COPY ELECTRONICALLY TO FINANCE DEPARTMENT)

ASSET NO: _____
LICENSE PLATE NO: _____

INSURANCE INFORMATION
DATE NOTIFIED: _____
EFFECTIVE DATE: _____
INSURABLE VALUE: _____
PREMIUM AMT: _____
GL ACCT: _____
DATE NOTIFIED: _____

DEPARTMENT COMPLETION

PURCHASE INFORMATION

VENDOR NAME & #: _____
G/L ACCOUNT # _____
PO # OR SPO #: _____ INVOICE # & DATE _____
STATE CONTRACT, BID # OR OTHER: _____ CHECK # & DATE _____
TYPE OF FUNDS (CERF, SPECIAL, GRANTS, GENERAL, ENTERPRISE, ETC.) _____

ASSET DESCRIPTION

(Be sure to include make/model, serial/engine #, year, manufacturers, etc. For projects, please provide complete detail, beginning/ending points of construction, if water or sewer line, footage installed, # of services, etc.) :

PURPOSE OF ASSET

(Please remember that this form is going to the finance dept. And we don't always know what is purchased or why it is being purchased -- so we need you to educate us!!!):

DATE ASSET PLACED INTO SERVICE: _____

HOW LONG DO YOU EXPECT THIS ASSET (in Years): _____

To reasonably serve its purpose, before needing to be replaced or upgraded?

IS ASSET COMPLETE AS PURCHASED

Or will require additional equipment/components to be able to function as desired?

Complete as purchased: _____ YES _____ NO

Requires additional equipment/components: _____ YES _____ NO

If requires additional equip/components, will these items be purchased during the current fiscal year or is this an on-going project?

_____ YES _____ NO

Current year: _____ YES _____ NO

On-going project: _____ YES _____ NO

TYPES OF ADDITIONAL EQUIPMENT/COMPONENTS

WILL THIS ASSET BE ADDED TO AN EXISTING ASSET?

_____ YES _____ NO

If yes, what asset? _____

DOES THIS ASSET REPLACE AN EXISTING ASSET?

_____ YES _____ NO

If yes, what asset? _____

PRINCIPAL DRIVER/OPERATOR _____

MOTOR POOL RELATED

If you have an owner's manual, you can make a copy of the information and attach rather than completing the following items:

Warranty Terms: _____

Passenger Capacity: _____

Fuel Tank Capacity: _____

Beginning Odometer: _____

Beginning Hour Meter: _____

RECOMMENDED PREVENTATIVE MAINTENANCE SCHEDULES

Please list or provide copy of owners manual.

FORM COMPLETED BY: _____

DATE: _____

EXHIBIT F: ASSET TRANSFER

**CITY OF AZTEC
FIXED ASSET TRANSFER**

DEPARTMENT _____

DATE _____

ASSET NO: _____

ASSET DESCRIPTION

(Include year, make, model, serial/VIN number, etc)

ODOMETER READING:
(or HR METER READING)

TRANSFERRED TO DEPARTMENT:

DATE OF TRANSFER:

REASON FOR TRANSFER:

TRANSFER AUTHORIZED BY:

CONDITION OF ASSET:

EXCELLENT GOOD FAIR POOR

IS THIS ASSET BEING REPLACED?

YES NO

If YES, with what?

FORM COMPLETED BY

DATE

Staff Summary Report

MEETING DATE: October 13, 2020
AGENDA ITEM: V. CONSENT (E)
AGENDA TITLE: Resolution 2020-1200 Authorizing the Certification of the City of Aztec 2020 Capital Asset Inventory

ACTION REQUESTED BY: Finance Department
ACTION REQUESTED: Approval
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

Acronyms:

NMAC – New Mexico Administrative Code

NMSA – New Mexico Statutes Annotated

IPA – Independent Public Accountant

- Also known as the NM State Audit Rule, NMAC 2.2.2, establishes the policies, procedures, rules and requirements for audits of governmental agencies in the state of New Mexico.
- NMAC 2.2.2.10.W Capital Asset Inventory:

(1) The Audit Act (Section 12-6-10 NMSA 1978) requires agencies to capitalize only chattels and equipment that cost over five thousand dollars (\$5,000). All agencies shall maintain a capitalization policy that complies with the law. All agencies shall maintain an inventory listing of capitalized chattels and equipment that cost over five thousand dollars (\$5,000).

(2) Agencies shall conduct an annual physical inventory of chattels and equipment on the inventory list at the end of each fiscal year in accordance with the requirements of Section 12-6-10 NMSA 1978. The agency shall certify the correctness of the inventory after the physical inventory. This certification shall be provided to the agency's auditors. The IPA shall audit the inventory listing for correctness and compliance with the requirements of the Audit Act.

SUPPORT DOCUMENTS: Resolution 2020-1200 and Exhibit A (exhibit will be provided prior to meeting).

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2020-1200 Authorizing the Certification of the City of Aztec 2020 Capital Asset Inventory

CITY OF AZTEC

Resolution No. 2020-1200

**A RESOLUTION AUTHORIZING THE CERTIFICATION
OF THE CITY OF AZTEC'S 2020 CAPITAL ASSET INVENTORY**

WHEREAS, Section 12-6-10.A NMSA requires the City, at the end of each fiscal year, conduct a physical inventory of movable chattels and equipment costing more than five thousand dollars (\$5,000) under the control of the governing authority and that the inventory shall be certified by the governing authority as to its correctness; and

WHEREAS, the 2020 Capital Asset Inventory is a true, correct and complete listing of the City of Aztec's movable capital assets as of June 30, 2020; and

WHEREAS, the 2020 Capital Asset Inventory includes movable capital assets acquired since July 1, 2019; and

WHEREAS, movable capital assets which are obsolete, damaged beyond repair or stolen have been removed by the City of Aztec; and

NOW, THEREFORE, the Aztec City Commission resolves that the 2020 Capital Asset Inventory, attached and incorporated hereto as Exhibit "A", to be a true, correct and complete listing of movable Capital Assets acquired and owned as of June 30, 2020.

PASSED, APPROVED and ADOPTED by the governing body at its meeting of October 13, 2020.

Mayor Victor C. Snover

ATTEST:

Karla Saylor City Clerk

Staff Summary Report

MEETING DATE: October 13, 2020
AGENDA ITEM: V. CONSENT AGENDA (F)
AGENDA TITLE: Resolution 2020-1201 First Quarter Review

ACTION REQUESTED BY: Finance Department
ACTION REQUESTED: Approval
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

The City is required to submit quarterly financial reports to NM DFA Local Government Division. Prior to report submission, the Finance Department reviews the budget for all departments and for the quarter ending September 30, 2020, has identified budgets which require adjustments.

Signed airport funding agreements for the CARES Act (\$20,000) and the Runway Pavement Rehabilitation Project (total \$192,766, of which \$160,000 was budgeted) were not received in the Finance Department until after the final budget was adopted.

<u>Description</u>	<u>City Account Number</u>	<u>LGBMS Acct Number</u>	<u>Budget Increase</u>
Federal FAA AIP Grant	270-4900-33640	29900-0001-47699	32,766
Federal FAA CARES Grant	270-4900-38605	29900-0001-47699	20,000
Runway Maintenance	270-4990-75113	29900-2002-54030	32,766
CARES Grant Maintenance	270-4990-71105	29900-2002-54030	20,000

SUPPORT DOCUMENTS: Resolution 2020-1201

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Special Budget Resolution 2020-1201

RESOLUTION 2020-1201
State Of New Mexico, City Of Aztec
2020-2021 SPECIAL BUDGET RESOLUTION, 107th FISCAL YEAR,
FIRST QUARTER REVIEW

WHEREAS, the adopted budget for the City of Aztec has been reviewed for the quarter ending September 30, 2020; and

WHEREAS, the City of Aztec Airport Fund will be adjusted as follows; and

<u>Description</u>	<u>City Account Number</u>	<u>LGBMS Acct Number</u>	<u>Budget Increase</u>
Federal FAA AIP Grant	270-4900-33640	29900-0001-47699	32,766
Federal FAA CARES Grant	270-4900-38605	29900-0001-47699	20,000
Runway Maintenance	270-4990-75113	29900-2002-54030	32,766
CARES Grant Maintenance	270-4990-71105	29900-2002-54030	20,000

WHEREAS, the official meeting for the review of this special budget resolution was duly advertised on January 28, 2020, Resolution 2020-1170, and October 13, 2020, Commission Meeting Agenda, in compliance with the State Open Meetings act, and

WHEREAS, it is the majority opinion of this Commission that the adjusted budget meets the requirements as currently determined for fiscal year 2020-2021,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Body of the City of Aztec, State of New Mexico, hereby adopts the budget adjustment herein above described and respectfully requests approval from the Local Government Division of the Department of Finance of Administration.

RESOLVED: In session this 13th day of October, 2020.

MUNICIPAL GOVERNING BOARD AZTEC, NEW MEXICO

 Mayor Victor C. Snover

 Mayor Pro-Tem Rosalyn A Fry

 Commissioner Mark E. Lewis

 Commissioner Austin R. Randall

 Commissioner Michael A. Padilla, Sr.

ATTEST: _____
 Karla Saylor, City Clerk

Staff Summary Report

MEETING DATE: October 13, 2020
AGENDA ITEM: V. CONSENT AGENDA (G)
AGENDA TITLE: Memorandum of Agreement Amending the Intergovernmental Agreement for Building Inspection Services with San Juan County

ACTION REQUESTED BY: City Staff
ACTION REQUESTED: Approve Memorandum of Agreement Amending the Intergovernmental Agreement for Building Inspection Services with San Juan County
SUMMARY BY: City Staff

PROJECT DESCRIPTION / FACTS

The City of Aztec and San Juan County entered into an agreement on October 27th, 2009 for the County to provide the City with building inspection services. The City seeks to amend the current agreement to have the County provide a Fire Marshall on a part-time and occasional basis to the City to perform building inspections specific to the International Fire Code. The City's Attorney has reviewed the agreement. Originally, this agreement came before the City Commission on August 25, 2020. Due to grammatical errors in the original agreement, the Memorandum Of Agreement is before the City Commission for approval.

SUPPORT DOCUMENTS: Memorandum of Agreement

DEPARTMENT'S RECOMMENDED MOTION:
Move to approve Memorandum of Agreement Amending the Intergovernmental Agreement for Building Inspection Services with San Juan County

**Memorandum of Agreement
Amending Intergovernmental Agreement
For Building Inspection Services**

This Agreement is made and entered into this ____ day of _____, 2020 by and between the CITY OF AZTEC, NEW MEXICO (hereinafter "City") and SAN JUAN COUNTY, NEW MEXICO (hereinafter "County").

Whereas, the City and the County entered into an agreement on October 27th, 2009 for the County to provide the City with Building Inspection Services; and

Whereas, the agreement shall be in place for a period of one (1) year, and from year to year thereafter, unless terminated pursuant to paragraph 9 of that same agreement; and

Whereas, the City and County wish to amend the agreement to include the San Juan County Fire Marshal in the plan review, inspection of buildings, and investigation within the City of Aztec; and

Whereas, local building inspections and fire code enforcement within the corporate limits of the City of Aztec is the City's responsibility, but it is in the best interest of the City to contract with the County for the services of a Fire Marshal; and

Whereas, the County employs a full-time Fire Marshal and is willing to enter into an agreement with the City for plan review, building inspection, and investigation; and

Whereas, the parties hereto desire to enter into an agreement whereby the County contracts with the City to serve as the City's Fire Marshall.

Whereas, the parties wish for this Memorandum Agreement to serve as an Amendment to the Intergovernmental Agreement for Building Inspections entered into on October 27th, 2009 and hereby incorporate its terms within this document.

Now, Therefore, in addition to their terms of the Intergovernmental Agreement for Building Inspection, the parties agree that:

1. The County shall provide a Fire Marshal or his or her designee to the City on a part-time and occasional basis to perform plan review, building inspections, and in for the City. The Fire Marshal shall serve as the City's Fire Marshal and shall be governed by the provisions of the International Fire Code.
2. All notices, placards, permits and other forms to be used by the County Fire Marshal while performing plan review, inspections, and investigations for the City

shall indicate on their face that they have been issued and authorized by the City. The City of Aztec will provide the County Fire Marshal or his designee with all applicable notices, placards, permits, and other forms.

3. As material consideration for this Agreement, the City shall indemnify and hold harmless the County and all its Elected Officials, agents, managers, and employees, from and against claims, suits, actions, costs, attorney fees, expenses, damages, judgement, or decrees of any kind resulting from any actions or omissions of the County Fire Marshall, their agents, or employees, while acting on behalf of the City.

This agreement to indemnify shall not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of:

- A. The preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications by the indemnitee, or the agents or employees of the indemnitee; or
- B. The giving of or the failure to give directions or instructions by the indemnitee, or the agents or employees of the indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to person or damage to property.

EXECUTED this ____ day of _____, 2020.

CITY OF AZTEC, NEW MEXICO

**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**

Victor Snover, Mayor

Jack Fortner, Chairman

ATTEST

Karla Sayler, City Clerk

Tanya Shelby, County Clerk

APPROVED AS TO FORM

Tyson K. Gobble, City Attorney

Dough Echols, County Attorney

Staff Summary Report

MEETING DATE:	October 13, 2020
AGENDA ITEM:	VIII. BUSINESS ITEM (A)
AGENDA TITLE:	Final Adoption of Ordinance 2020-509 Amending Chapter 16, Fees Article XI. Municipal Airport

ACTION REQUESTED BY:	Airport Advisory Board
ACTION REQUESTED:	Approve Final Adoption of Ordinance 2020-509 Amending Chapter 16, Fees Article XI. Municipal Airport
SUMMARY BY:	City Staff

PROJECT DESCRIPTION / FACTS

The City Commission establishes fees for various operations by the City. In the past, the City has charged fees for the Municipal Airport Hangars through individual lease contracts. Many of these contracts vary in cost per square footage depending upon when the contract was created. For consistency and fairness purposes, hangar and ground leases need to be consistent and based on per square footage. Ordinance 2018-488 establishes a cost per square footage for hangars and ground leases.

The Airport Advisory Board, researched NM municipal airports, with a discovery of Ground Lease Rate for personally owned hangars on city grounds, lease rates ranged from .08 to .105 cents per square foot per year. (See Attachment 1) Our closest airport in NM is Four Corners Airport (Farmington) where they offer Corporate Hangar Ground Rent - Buildable Area at \$0.26 cents square foot per year. According to Farmington rate schedule the fee has not changed since 2012. Mike Arnold has utilized this rate for Aztec Municipal Airport. Aztec should consider a competitive rate, to encourage more growth development in our aviation community.

PROCUREMENT

N/A

FISCAL IMPACTS

The Airport is established as a Special Revenue Fund due to the federal and state funds which are received for maintenance and capital improvements. The intent of the fees assessed for the use of airport facilities is to cover the routine maintenance of the airport and possibly provide a portion of match funds (10%) which are required on the maintenance grant through New Mexico Aviation. Match funds (typically 5%) for capital improvement projects is required to be provided through the City's General Fund as the airport does not generate sufficient revenues to meet the requirement.

Aviation fuel sales are intended to cover the costs associated with the fuel system including annual permitting and liability insurance specific to fuel. Sales which exceed the costs contribute to the Airport cash reserve for future fuel purchases and other airport requirements. For the year ending June 30, 2020, fuel sales exceed costs associated with the fueling system by \$7,909. Fuel (8,000 gallons) was purchased in August, \$23,734; historically fuel is purchased every 9-10 months and staff anticipates fuel will be purchased towards the end of the current fiscal year (May or June).

<u>Revenues</u>		<u>Expenditures</u>		<u>Balance increase (decrease) Cash Reserve</u>
Fuel Sales	\$40,505	Fuel System Costs	\$32,596	\$7,909
		Courtesy Cars	\$1,415	(\$1,415)
Rent/Lease: Hangers, Tie Downs, Ground, Site, Parking	\$22,683	Airport Maintenance Costs (includes insurance)	\$15,150	\$7,533
Airport Maintenance Grant	\$3,842	Airport Maintenance Grant Costs	\$4,268	(\$426)
Airport Improvement Grants – Current Year	\$35,317	Airport Improvement Grant Costs	\$37,171	(\$1,854)
Cash Reserve Increase as of June 30, 2020				\$11,747
August 2021 Fuel Purchase				\$23,734
Cash Balance (does not include August fuel sales)				(\$11,987)

Specific to ground leases, last year revenues were \$4,525 based on .08/sq ft per month or .96/sq.ft. per year.

A reduction to \$0.26 / sq.ft. per year would be approximately \$1,222 annually, a reduction of \$3,303 (staff recommendation).

A reduction to \$0.10/sq.ft. per year would be approximately \$471 annually, a reduction of \$4,054.

SUPPORT DOCUMENTS: Ordinance 2020-509

MOTION: Move to approve Final Adoption of Ordinance 2020-509 Amending Chapter 16, Fees Article XI. Municipal Airport

CITY OF AZTEC

ORDINANCE 2020-509
An Ordinance Amending Chapter 16, Fees
Creating Article XI. Municipal Airport Fees

WHEREAS, The City Commission establishes fees for various operations by the City; and

WHEREAS, The City has in the past charged fees for the Municipal Airport Hangars through individual lease contracts; and

WHEREAS, for consistency and fairness purposes monthly rentals need to be consistent and per square footage;

NOW, THEREFORE, BE IT RESOLVED that the Aztec City Commission have created Article XI. Municipal Hangar Fees within Chapter 16 of the Aztec City Code to be consistent with all other established fees.

PASSED, APPROVED, SIGNED AND ADOPTED this 13th day of October 2020, by the Aztec City Commission, City of Aztec, New Mexico.

Mayor Victor C. Snover

ATTEST:

Karla Saylor, City Clerk CMC

APPROVE AS TO FORM:

City Attorney

Advertised Date of Final Adoption: _____

Effective Date of Ordinance: _____

ARTICLE XI. MUNICIPAL AIRPORT FEES

Sec. 16-401. Monthly Fees.

<i>Monthly Rentals</i>	<i>2019 Fees Per square foot</i>	<i>2020 Fees Per square foot</i>
Large Hangar (greater than 1400 sq ft)	\$ 0.1000	\$ 0.1000
Small Hangar	\$ 0.0688	\$ 0.0800
Ground Lease	\$ 0.0600	\$0.0800 \$ 0.0216

Staff Summary Report

MEETING DATE:	October 13, 2020
AGENDA ITEM:	VIII. BUSINESS (B)
AGENDA TITLE:	Resolution 2020-1202 Aztec Water Connection Suspension

ACTION REQUESTED BY:	Public Works
ACTION REQUESTED:	Approval of Resolution 2020-1202 Aztec Water Connection Suspension
SUMMARY BY:	Stephen Morse

PROJECT DESCRIPTION / FACTS

- The majority of the City of Aztec (the City) South Aztec Water Service Area is supplied with water and pressure from the Bladder Tank located along US 550 at the top of the hill about $\frac{3}{4}$ of a mile south of Lobo Street and the Jehovah's Witness Church.
- A 4-inch diameter pipe carries water from the Bladder Tank down to a multitude of 2-, 4-, and 6-inch diameter pipes that feed the East of US 550, CR 2595, Quail Run, Kelly Way, Sullivan Place, Bison Trail and Falcon Bluff areas.
- While the Bladder Tank provides sufficient pressure to the pipes under static conditions, only a limited volume of water can be supplied through these pipes during higher than minimal demand periods.
- Based upon these flow issues, a suspension of new connections is being proposed on all segments of the South Aztec Water Service Area served by these undersized pipes.

PROCUREMENT

None

FISCAL IMPACTS

None directly related to this resolution. However a remediation plan has been established that proposes the following to provide more water volume to this area in the future:

- Connect existing larger pipes to the smaller pipes in the smaller sub-service areas. This work is proposed to be performed by Public Works Staff under operations and maintenance budgets over the next 18 months.
- Install a new large waterline to connect to various smaller pipes in the CR 2595 area. This project has an estimated cost of \$750,000 and has been placed on the ICIP and this work would be completed upon receiving outside funding for this work.

-
- | | |
|---------------------------|---|
| SUPPORT DOCUMENTS: | <ul style="list-style-type: none">• Draft Resolution 2020-1202• Exhibit 1 – South Aztec Water Suspension Map |
|---------------------------|---|
-

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2020-1202 Aztec Water Connection Suspension

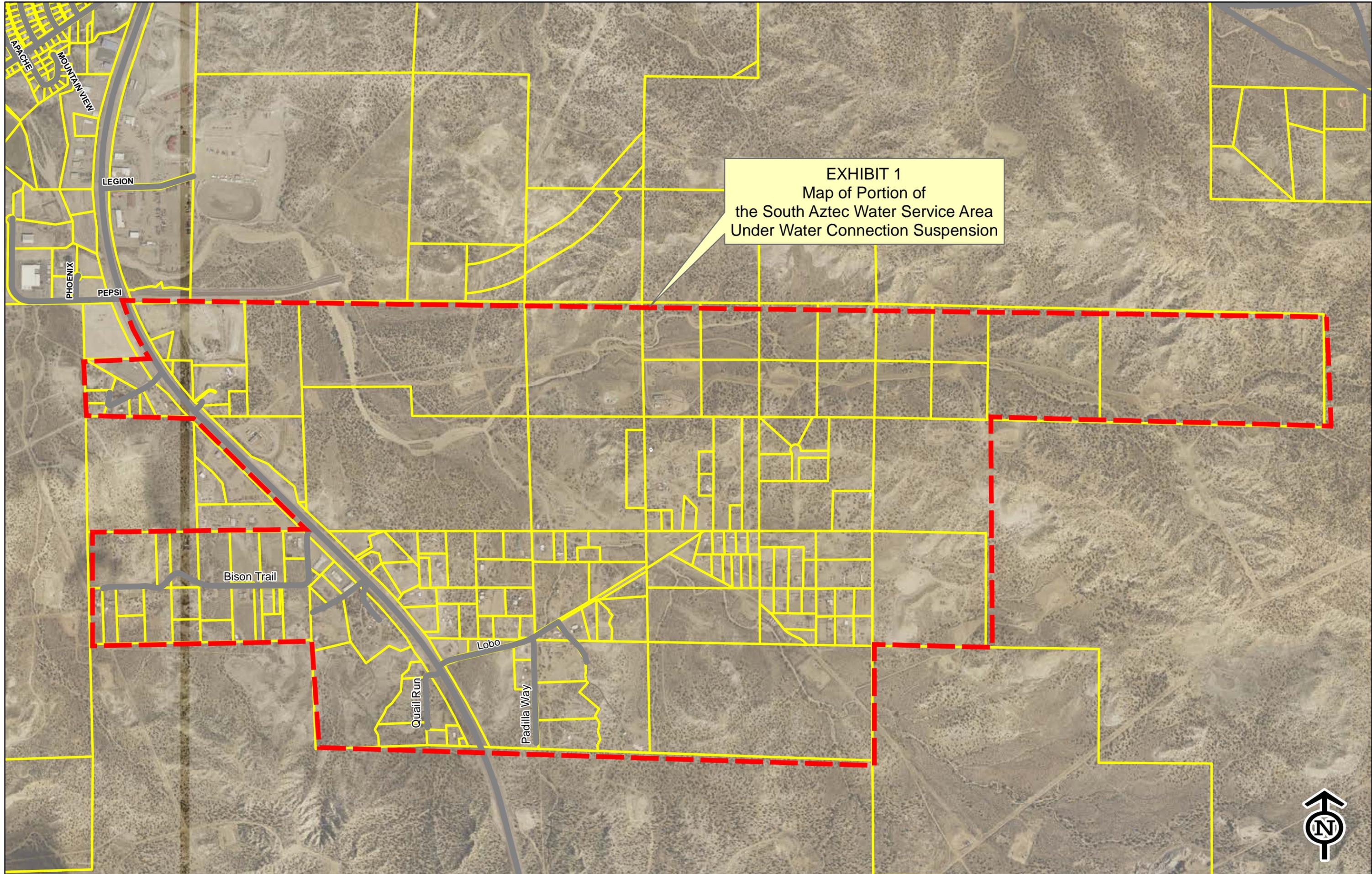


EXHIBIT 1
Map of Portion of
the South Aztec Water Service Area
Under Water Connection Suspension



**City of Aztec
Resolution 2020-1202**

**Suspension of Utility Connections (Water) for
a Portion of the South Aztec Water Service Area**

WHEREAS: The City has determined that there is insufficient water volume to allow any new utility (water) connections and/or any additional users/customers to a portion of the South Aztec Water Service Area (shown on the attached Exhibit 1) that is supplied from the Bladder Storage Tank through inadequately sized water trunk line pipes (4-inch diameter or less); and

Comment [srm1]:

Comment [srm2]:

WHEREAS: The City has determined that sufficient funding is not available at this time to complete an upgrade of the existing South Aztec water distribution system; and

WHEREAS: Additional water utility connections to the portions of the South Aztec distribution system served by the inadequately sized trunk line pipes will have a negative impact on the existing water utility connections served by the South Aztec distribution system and disrupt current services; and

WHEREAS: The City will continue to seek the necessary funding to improve the water delivery system in the South Aztec water service area; and

WHEREAS: The Aztec City Commission will lift any suspension on utility connections (water) for all or portions of the South Aztec water service area as soon as the water delivery infrastructure is improved to the point where the water delivery system can adequately provide water pressure and volume to existing and additional utility water connections in all or part of the South Aztec water service area; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Resolution 2020-nnn imposes a utility (water) connection suspension in the portions of the South Aztec water service area as shown in Exhibit 1.

PASSED, APPROVED, SIGNED AND ADOPTED THIS 13th day of October, 2020 by
the Aztec City Commission, City of Aztec, New Mexico.

Mayor Victor C. Snover

ATTEST:

Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

City Attorney

Advertised Date of Final Adoption: _____

Effective Date of Resolution: _____