



Albuquerque Bernalillo County Water Authority

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Legislation Details (With Text)

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ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. **R-18-14**

RESOLUTION

Adopting the County of Bernalillo Purchasing Ordinance for the Albuquerque Bernalillo County Water Utility Authority

WHEREAS, the Albuquerque Bernalillo County Water Utility Authority (Water Authority) regularly has the need to purchase services (including professional services), construction, and items of tangible personal property; and

WHEREAS, the Water Authority has been granted all powers to carry out and effectuate its public and corporate purposes, including providing its own procurement functions, as a local public body and political subdivision of the State of New Mexico; and

WHEREAS, the Water Authority employs in-house staff to perform all needed procurement functions; and

WHEREAS, paragraph B. (3) of the amended NMSA 1978, Section 72-1-10, authorizes the

Water Authority to use City or County procurement processes to further its public and corporate purposes; and

WHEREAS, the County of Bernalillo, in cooperation with Water Authority staff, has performed a comprehensive analysis of local procurement, drafted, proposed and adopted an up to date Home Rule Procurement Ordinance; and

WHEREAS, it is operationally and functionally beneficial to the Water Authority to adopt the County of Bernalillo Procurement Ordinance (the "Procurement Ordinance").

BE IT RESOLVED BY THE WATER AUTHORITY:

Section 1. That Resolution R-06-2, adopting the City of Albuquerque Purchasing Rules and Regulations is rescinded, effective July 1, 2018.

Section 2. That the County of Bernalillo Procurement Ordinance be adopted and implemented by the Water Authority, effective July 1, 2018.

Section 3. That all contracts and agreements and amendments thereto entered into prior to July 1, 2018 shall remain subject to the provisions of the Resolution R-06-2 until their expiration.

Section 4. That for all procurement, approval of contracts, and purchases by or for the Water Authority pursuant to the Procurement Ordinance, approval by the Water Authority Governing Board (the "Board") shall substitute for approval by the Bernalillo County Board of County Commissioners; approval by the Executive Director of the Water Authority shall substitute for approval by the County Manager; any requirements of, or rights reserved by, the County as provided in the Procurement Ordinance shall be deemed to be a requirement of, or right reserved by, the Water Authority; and any responsibility delegated to an officer or employee of the County as provided in the Procurement Ordinance shall be deemed to be a responsibility of a similar officer or employee of the Water Authority.

Section 5. That the Executive Director is authorized to enter into agreements of any type on behalf of the Water Authority following approval by the Board, if required. This includes, but is not limited to, contracts, capital acquisition, construction of capital projects, agreements with other public governmental agencies, and real property agreements. The Executive Director may delegate the authority to enter into such agreements by written instrument documenting the delegation.

Section 6. That the following contracts must be approved by the Board prior to execution by the Executive Director or his/her designee:

(A) Any Purchase Order, Contract, or total maximum dollar value of a Price Agreement used to purchase, lease or otherwise acquire services (including professional services),

construction, real property or items of tangible personal property in an amount exceeding \$500,000 (excluding NMGRT).

- (B) Any amendment to a Purchase Order, Contract or total maximum dollar value of a Price Agreement used to purchase, lease or otherwise acquire services (including professional services), construction, real property or items of tangible personal property which causes the aggregate amount of that purchase arrangement to exceed \$500,000 (excluding NMGRT), if the Purchase Order, Price Agreement or Contract was not previously approved by the Board.
- (C) Any supplement to increase a Purchase Order, Contract or total maximum dollar value of a Price Agreement will not require an additional approval by the Board if the original amount of the Purchase Order, Contract, or total maximum dollar value of a Price Agreement, and the amount of possible supplements were previously presented to and approved by the Board.
- (D) Any additional increase to a Purchase Order, Contract or total dollar value of a Price Agreement that exceeds 20% of the amounts previously approved by the Board (including the amounts of previously presented and approved supplements) shall require additional approval by the Board, unless said authority is otherwise delegated to the Executive Director with previous approvals of the contract.
- (E) When the Executive Director determines that urgent and compelling reasons require an emergency procurement of services (including professional services), construction or items of tangible personal property exceeding \$500,000 (excluding NMGRT), the Executive Director shall notify the Board, at its next regularly scheduled meeting, of the action and shall give a full description of the urgent and compelling reasons, the scope of work, the contract amount, and the name of the contractor.
- (F) All other purchases shall be approved by the Executive Director or his/her designee, or as otherwise provided by the Procurement Ordinance or administrative instructions promulgated by the Executive Director.
- (G) For the purposes of this Section, the following definitions shall apply:
 - (1) Contract means any agreement for the procurement of items of tangible personal property, services (including professional services) or construction;
 - (2) Price Agreement means an agreement between the Water Authority and an awarded contractor or contractors establishing the pricing, terms and conditions for providing an

indefinite quantity of items of tangible personal property, services (including professional services) or construction for a fixed time and awarded in accordance with the Procurement Ordinance, including those allowed for use by the Water Authority awarded by other government agencies;

- (3) Purchase Order means the document issued by the Central Purchasing Office that directs a contractor to deliver items of tangible personal property, services (including professional services) or construction.

Section 7. That the Executive Director shall name an ad hoc advisory committee to evaluate Water Authority initiated requests for proposals other than those requests for proposals subject to the Selection Advisory Committee requirements of the Procurement Ordinance.