

1 **Purchasing/Contract for Services**

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3 All purchases from District funds shall be carried out ~~in a manner most beneficial to the District and in~~
4 accordance with applicable laws and regulations, including the State Procurement Code and the
5 Governmental Conduct Act.

6
7 All procurements that entail bids and proposals, other than emergency procurements and change orders
8 on construction contracts that do not affect the contract price or do not exceed the project's contingency
9 fund, shall require Board review and approval prior to the award. Subsequent contract award
10 amendments, which exceed ten percent (10%) of the original contract award, shall also be submitted to
11 the Board for review and approval.

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13 Expenditures made in the cases of an emergency, as approved in writing by the superintendent, or his/her
14 designee, in compliance with applicable federal and state statute and regulation, shall be exempt from
15 prior Board of Education approval but shall be approved by the Board of Education at the next
16 appropriate Board of Education meeting.

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18 The Superintendent shall designate a Chief Procurement Agent for the District who shall be certified in
19 accordance with the New Mexico Procurement Code, manage a central purchasing function pursuant to
20 law, and promulgate District administrative procedures consistent with law and regulation.

21
22 While the Superintendent retains ultimate responsibility for such purchasing, t~~The Chief Procurement~~
23 ~~Agent shall be solely authorized to carry out the following procurement functions, including approval of~~
24 ~~procurements, pursuant to state law and District policy, except that persons using procurement cards may~~
25 ~~continue to issue purchase orders and authorize small purchases:~~issue purchase orders and authorize
26 small purchases, in accordance with state law and District policy.

27
28 In accordance with the state law, District policy and regulations, the Superintendent or designee may
29 procure:

- 30
31 1. services, construction or items of tangible personal property having a value not exceeding twenty
32 thousand dollars (\$20,000), excluding applicable state and local gross receipts taxes, by issuing a
33 direct purchase order to a contractor based upon the best obtainable price;
34
35 2. services, construction or items of tangible personal property professional services having a value
36 not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross
37 receipts taxes, except for the services of landscape architects or surveyors for state public works
38 projects or local public works projects; and

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40 Procurement requirements shall not be artificially divided so as to constitute a small purchase under this
41 policy. The Board of Education shall reserve the right to review, approve or reject any procurement
42 decision.

43
44 As set out in state law, the district shall not enter into a contract with a District public officer or
45 employee, a family member or business in which a District public officer, employee or family member

1 has a substantial interest (greater than 20 %) unless the officer or employee has disclosed any interest
2 through public notice and unless the contract is awarded pursuant to a competitive process.

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4 The district shall not enter a contract with, or take any action favorably affecting, any person or business
5 that is:

6
7 1. Represented personally in the matter by a person who has been a public officer or employee of
8 the state within the preceding year if the value of the contract or action is in excess of one
9 thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer
10 or employee; or,

11 2. Assisted in the transaction by a former public officer or employee of the state whose official
12 act, while in state employment, directly resulted in the agency's making that contract or taking
13 that action.

14
15 For a period of one year after leaving government service or employment, a former public officer or
16 employee of the district shall not represent a person for pay before the district.

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19 ~~———— (1) make determinations, including determinations regarding exemptions, pursuant to the~~
20 ~~———— Procurement Code;~~
21 ~~(2) issue purchase orders and authorize small purchases pursuant to the Procurement Code; and~~
22 ~~———— (3) approve procurement pursuant to the Procurement Code.~~

23
24 ~~The Superintendent shall designate a Purchasing Agent Chief Procurement Agent for the District who~~
25 ~~shall be certified in accordance with the New Mexico Procurement Code (NMSA 1978 Sections 13-1-1,~~
26 ~~et seq., as amended), manage a central purchasing function pursuant to law, and promulgate District~~
27 ~~administrative procedures consistent with law and regulation. The procedures shall indicate requirements~~
28 ~~relative to bids, proposals and small purchases as they apply to the procurement of all materials,~~
29 ~~equipment and services. All procurements that entail bids and proposals, other than emergency~~
30 ~~procurements and change orders on construction contracts that do not affect the contract price or do not~~
31 ~~exceed the project's contingency fund, that entails bids and proposals shall require Board review and~~
32 ~~approval prior to the award. Subsequent contract award amendments, which exceed ten percent (10%) of~~
33 ~~the original contract award, shall also be submitted to the Board for review and approval. Change orders~~
34 ~~on construction contracts so not require prior approval of the Board.~~

35
36 ~~The Chief Procurement Agent shall be solely authorized to carry out the following procurement~~
37 ~~functions, except that persons using procurement cards may continue to issue purchase orders and~~
38 ~~authorize small purchases:~~

39 ~~———— (1) make determinations, including determinations regarding exemptions, pursuant to the~~
40 ~~———— Procurement Code;~~
41 ~~(2) issue purchase orders and authorize small purchases pursuant to the Procurement Code; and~~
42 ~~———— (3) approve procurement pursuant to the Procurement Code.~~

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46 Legal References:

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§ 10-16-1 et. seq. NMSA 1978

§13-1-1 et. seq. NMSA 1978

NMAC 1.4.1 et. seq.