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**MINUTES OF A REGULAR MEETING  
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO  
HELD AT THE TOWN HALL  
May11, 2015**

The Governing Body of the Town of Bernalillo met in a regular session within the law and rules of the Town on May 11, 2015, at 6:30 P.M.

Upon Roll call the following members were found to be present:

**PRESENT:**

Councilor Jaramillo  
Councilor Dominguez  
Councilor Prairie  
Mayor Torres

**ALSO PRESENT:**

James Pike

**ABSENT:**

Councilor Sisneros

**Others Present Not Identified**

**APPROVAL OF AGENDA: 4a)**

Councilor Prairie moved to approve the agenda as presented. The motion was seconded by Councilor Dominguez and the motion carried unanimously.

**APPROVAL OF MINUTES:5a) Regular Meeting of April 27, 2015**

Mayor Torres stated that on page 3 line 10 strike "hiring of".

Councilor Jaramillo moved to approve the minutes of April 27, 2015 as amended. The motion was seconded by Councilor Dominguez and the motion carried unanimously.

**PERSONNEL: 6a) Coronado Camp Host. Presenter: Ida Fierro**

Ida Fierro stated that it was the recommendation of the hiring committee to hire Roger Felker as a Camp Host for the Town of Bernalillo Coronado Campground.

Councilor Prairie moved to approve the hiring of Roger Felker as a Camp Host for the Town of Bernalillo Coronado Campground. The motion was seconded by Councilor Jaramillo and the motion carried unanimously.

**PERSONNEL: 6b) Recreation Aides. Presenter: Ida Fierro**

Ida Fierro stated that it was the recommendation of the hiring committee to hire the following individuals as Recreation Aides for Camp Coronado for the Town of Bernalillo Recreation Department. The start date for the recreation Camp Coronado Aides is May 18, 2015.

47 Myra Chavez  
48 Alexandria Arriola  
49 Anselmo Plancarte  
50 Deanna Montano  
51 Joshua Gonzales  
52 Jovanna Gonzales  
53 Monique Rinaldi  
54 Mikayla Edmondson  
55

56 Councilor Prairie moved to approve the hiring of the Myra Chavez, Alexandria Arriola, Anselmo  
57 Plancarte, Deanna Montano, Joshua Gonzales, Jovanna Gonzales, Monique Rinaldi and Mikayla  
58 Edmondson as Coronado Camp Recreation Aides for the Town of Bernalillo Recreation  
59 Department. The motion was seconded by Councilor Jaramillo and the motion carried  
60 unanimously.  
61

62 **PERSONNEL: 6c) Head Life Guard and 4 Life Guards. Presenter: Ida Fierro**

63 Ida Fierro stated that it was the recommendation of the hiring committee to hire Brandon Saiz as  
64 a Head Life Guard for the Town of Bernalillo Recreation Department. Ida Fierro also request the  
65 permission to hire 4 Life Guards as they become available. Opening date for the pool is June 1,  
66 2015. By getting approval, candidates would be able to be hire immediately, provided they meet  
67 the necessary requirements to fill the position. The individuals names would them come before  
68 the Governing Body to ratify their hiring.  
69

70 Councilor Dominguez moved to approve the hiring of Brandon Saiz as Head Life Guard for the  
71 Town of Bernalillo Recreation Department and the permission to hire 4 Life Guards as they  
72 become available. The motion was seconded by Councilor Prairie and the motion carried  
73 unanimously.  
74  
75

76 **EXECUTIVE SESSION: 7a) Discussion of the Purchase of Real Property 10-15-1 H(8).**  
77

78 A motion was made to go into executive session under section 10-15-1H(8) Discussion of  
79 the Purchase of Real Property.  
80

81 Councilor Jaramillo moved to go into executive session at 6:37 P.M. The motion was seconded  
82 by Councilor Dominguez.  
83

84 Roll Call Vote  
85 Councilor Jaramillo Yea  
86 Councilor Prairie Yea

87 Councilor Dominguez Yea

88

89 Mayor Torres stated that no action was taken in executive session.

90

91 Councilor Dominguez moved to adjourn the Executive Session and go back into regular session  
92 at 7:20 P.M. The motion was seconded by Councilor Prairie and carried unanimously.

93

94

95 **NEW BUSINESS: 8a) Discussion, Consideration and Action on Approval of**  
96 **Agreement between the Bernalillo Public Schools and the Town of Bernalillo for purchase**  
97 **of the Roosevelt School Property. Presenter: Mayor Torres**

98

99 Mayor Torres entertained a motion.

100

101 Councilor Dominguez made a motion to table Agreement between the Bernalillo Public Schools  
102 and the Town of Bernalillo for purchase of the Roosevelt School Property. The motion was  
103 seconded by Councilor Jaramillo and the motion carried unanimously.

104

105 **NEW BUSINESS: 8b) Discussion, Consideration, Action on Adoption of**  
106 **Procurement for the Town of Bernalillo. Presenter: Juan Torres**

107

108 INTRODUCTION/POLICY

109 The application of the principles of integrity, transparency, accountability, fairness and  
110 efficiency to all decision making on public investments and purchases will minimize corruption  
111 and maximize the economic, financial, social, environmental and political benefits of public  
112 procurement. As public buyers expending public funds, the Town of Bernalillo fully supports  
113 these principles.

114 The Town of Bernalillo welcomes the opportunity to do business with interested vendors  
115 willing to supply quality goods and services at competitive prices, meet deadlines, and become  
116 an integral partner dedicated to serving the citizens of the Town of Bernalillo. Whenever  
117 possible, it is the preference of the Town of Bernalillo to procure goods and services locally.

118 The overall procurement objective of the Town of Bernalillo is to obtain quality goods and  
119 services at the lowest cost from qualified, responsive, and responsible vendors while ensuring  
120 that all purchases are made in accordance with local, state and federal laws, regulations and  
121 ordinances; are open, fair, and competitive; and are obtained at the best value maximizing the  
122 use of public funds.

123 This Purchasing Policy was prepared with the sincere hope that it will be helpful to all vendors  
124 engaged in selling supplies, materials, equipment and/or services and who would like to do  
125 business with the Town of Bernalillo. This Policy is also intended to serve as a guide for Town  
126 Officials and employees who participate in the procurement process on behalf of the Town of

127 Bernalillo.

128 LEGAL FRAMEWORK

129 The Town of Bernalillo adheres to the State of New Mexico Procurement Code (NMSA 1978  
130 Sections 13-1-28 through 13-1-199) which strictly governs the purchasing policies of  
131 governmental agencies. Any conflict between the Procurement code and this policy shall be  
132 resolved in favor of the Procurement Code. Purchases involving the expenditure of federal  
133 funds must be conducted in accordance with the mandatory applicable federal laws and  
134 regulations. Such laws and regulations will supersede the NM State Procurement Code where  
135 the Procurement code is inconsistent with the Federal laws and regulations. The Town of  
136 Bernalillo also adheres to the procurement regulations of the Governmental Conduct Act  
137 (NMSA 1978 Chapter 10, Article 16) and the New Mexico Administrative Code. To the extent  
138 any other law contains requirements concerning procurement applicable to The Town of  
139 Bernalillo, this policy shall be interpreted consistently with those requirements, and if it cannot  
140 be interpreted consistently with those requirements, the requirements of law will prevail.  
141 For any procurement funded in part or in fully by grants from the State of New Mexico, the  
142 Federal Government or other funding sources, the solicitation documents and contracts must  
143 conform to the terms and requirements of the grant agreement.

144 No political or other invidious prejudicial considerations governs the award of Town of  
145 Bernalillo contracts or orders: rather every purchase is made in the Town's best interest  
146 efficiently obtaining high quality goods, construction and services in a timely manner while  
147 providing qualified vendors a fair opportunity to compete. Consistent with the Procurement  
148 Code, it is the objective of the Town of Bernalillo to procure the necessary supplies, equipment  
149 and services at the lowest cost consistent with the quality and timeliness needed to meet  
150 departmental requirements and the principle that the taxpayer receives the maximum value  
151 for each dollar expended.

152 It is unlawful for any local public body employee, as defined in the State Procurement Code  
153 (NMSA 1978 Sections 13-1-28 through 13-1-199), to participate directly or indirectly in Town  
154 procurement when the employee knows that the employee or any member of the employee's  
155 immediate family (Spouse, parents, children or siblings) has a financial interest in the business  
156 seeking or obtaining a contract.

157 Persons knowingly violating the State Procurement Code, State Statutes, or this policy may be  
158 subjected to a fourth degree felony if the transaction involves more than \$50,000, a  
159 misdemeanor if the transaction is less than \$50,000 or less as per New Mexico Statutes. To be  
160 a violation, there must be a "willful" violation of the Code. In addition, persons violating this  
161 policy, State Statutes, or the State Procurement Code may be subject to disciplinary action up  
162 to and including termination of employment by the Town.

163 PURCHASING POLICY

164 PROCUREMENT METHODS

165 All formal and informal solicitations for goods, services or construction shall include a uniform,

166 detailed scope of work or set of specifications including a time line if applicable, detailing the  
167 requirements of the procurement. For Town procurement, a purchase order must be  
168 generated and (when applicable) issued to the vendor in which the construction, tangible  
169 goods or services are being provided.

170 A. INFORMAL PROCEDURE

171 The Town follows an Informal Procurement Procedure as permitted by the Procurement Code  
172 in the five situations listed below.

173 (1) Small Purchases

174 Small purchases, used when the Town is procuring construction, tangible goods, or services  
175 valued at less than \$60,000 or professional services (other than landscape architects and  
176 surveyors) valued at less than \$60,000. For landscape architects and surveyor services, the  
177 small purchase informal procedure is used for services valued at less than \$10,000. Except for  
178 extremely small purchases (\$3,000 or less, see below), for all small purchases, every effort shall  
179 be made to obtain three (3) quotations for the procurement of construction, tangible goods or  
180 services sought. Each solicitation should describe the scope of work in sufficient detail and any  
181 applicable timeline or deadline. It is strongly recommended that the three quotations be  
182 obtained from local small businesses when possible. If fewer than three responsible quotes are  
183 obtainable in this manner, the purchase may be made at the best obtainable price (and/or in  
184 the best interests of the Town) and a memo shall be written to the Town Finance Director  
185 describing the steps taken to obtain the quotes and determine the qualifications of the  
186 vendors and price. Such memo shall be retained as part of the procurement file. Award may be  
187 made only to the responsible offeror submitting the lowest responsive offer, except that for  
188 professional services, factors such as experience, references, and qualifications may carry  
189 weight equal to or greater than price.

190 a.) \$0.00 to \$3,000 Extremely Small Purchases

191 Services, construction, or items of tangible personal property having a value not exceeding  
192 \$3,000 may be procured by issuing a purchase order to a vendor based upon the best  
193 obtainable price (and/or in the best interests of the Town). The Town employee making the  
194 purchase should have sufficient knowledge or make reasonable efforts to assure that the  
195 goods are being purchased at the lowest reasonably available price.

196 b.) \$3,000.01 - \$20,000

197 Three (3) Oral or written quotes for the purchase of construction, goods or services. All quotes  
198 should be based on the description of the scope of work provided by the Town and must be  
199 written down and placed in the internal notes section on the requisition process.

200

201 c.) \$20,000.01 - \$60,000

202 A minimum of three (3) written quotes on company letterhead must be obtained based on the  
203 description of the scope of work provided by the Town. The written quotations must be  
204 attached to the purchase order and invoice for inclusion in the voucher.

205 d.) \$60,000.01 and above

206 Construction, tangible goods or services other than professional services, require competitive  
207 written bids or proposals responsive to an informal, written Invitation for Bid (IFB) or Request  
208 for Proposals (RFP). Sealed bids/proposals for construction, tangible goods or services must be  
209 coordinated through the Town's Procurement Officer.

210 e.) Professional Services up to \$60,000 (or Landscape Architect or Surveyor Services up to  
211 \$10,000)

212 The Town shall obtain reasonable number of responses for the procurement of professional  
213 services based on the same scope of work and taking into consideration such factors as the  
214 respondents' qualifications, experience, references, and price. If fewer than three qualified  
215 responses are obtainable using the procurement set forth above, the procurement may be  
216 made and a memo shall be written to the Town Finance Director describing the steps taken to  
217 obtain the responses. Such memo shall be retained as part of the procurement file.

218 (2) Sole Source Purchases

219 Sole Source Purchases require a determination issued by the Finance Director that there is only one  
220 source for the required goods, construction, or services. Before any determination will be issued, the  
221 department requesting the determination must submit a justification form to the Finance Department  
222 for review. Sole source purchases are not encouraged by the Finance Department because pricing and  
223 terms and conditions are difficult or impossible to negotiate. No open market exists to validate that  
224 pricing and conditions are reasonable (NMSA 1978 Section 13-1-126). At least thirty days before a sole  
225 source contract is awarded, the Town's Procurement Officer or designee of shall post notice of the intent  
226 to award a sole source contract on the Town's web site as well as the State's Sunshine Portal. The notice  
227 shall identify at a minimum: (1) the parties to the proposed contract; (2) the nature and quantity of the  
228 service, construction or item of tangible personal property being contracted for; and (3) the contract  
229 amount.

230  
231 Any qualified potential contractor who was not awarded a sole source contract may protest file a written  
232 protest with the Town Clerk, P.O. Box 638, Bernalillo, NM 87004 outlining the reason and merit for  
233 protest. The protest shall be submitted in writing within fifteen calendar days of the notice of intent to  
234 award a contract being posted. Any Sole Source Purchase will be published in accordance with law  
235 (NMSA 1978 Section 13-1-128).

236  
237 (3) Emergency Procurements

238  
239 Emergency Procurements require a determination issued by the Town Finance Director. An emergency  
240 situation exists when the public health, welfare, safety or property is threatened as may arise from  
241 floods, fires, epidemics, riots, acts of terrorism, equipment failure and similar events, requiring  
242 procurement under emergency conditions; providing that emergency procurements shall be made with  
243 such competition as is practicable under the circumstances. Purchase or lease of heavy road equipment  
244 is not included. (NMSA 1978 Section 13-1-127-A-B-C-D-E) Any Emergency Purchase will be published in  
245 accordance with law (NMSA 1978 Section 13-1-128).

246

247 (4) Existing Contracts

248 Existing Contracts regardless of the type of goods and/or services being sought, the Town may  
249 make purchases using contracts issued by the State of New Mexico State Purchasing Agent, or  
250 the federal General Services Administration (GSA) in the procurement process. (NMSA 1978  
251 Section 13-1-129) All purchase orders must include the contract number for the procurement.  
252 Whenever possible, every effort must be attempted to receive competitive bids.

253 (5) Cooperative Procurement

254 The Town may either participate in, sponsor or administer a cooperative procurement  
255 agreement for the procurement of any services, construction or items of tangible personal  
256 property with any other state agency, local public body or external procurement unit in  
257 accordance with an agreement entered into and approved by the governing authority as per  
258 (NMSA Section 13-1-135).

259 B. FORMAL PROCEDURE

260 1. Invitation for Bids (IFB) – The formal bid procedure is followed when the services,  
261 construction or items of tangible personal property to be purchased are valued at twenty  
262 thousand dollars (\$20,000) or more. This method requires a formal advertisement, sealed bid,  
263 public opening and in many cases proof of insurance, licensing, contractor registration, bid  
264 bonds, payment and performance bonding. All requirements and specifications for bids must  
265 be set forth in the IFB and/or accompanying bid documents. The Town is statutorily required to  
266 select the lowest responsive bid (that is the lowest bid meeting all requirements and  
267 specifications) submitted by a responsible bidder. (NMSA 13-1-108)

268 2. Requests for Proposals (RFP) – The formal proposal procedure is followed when the Town is  
269 soliciting professional services with a value exceeding sixty thousand dollars (\$60,000)  
270 excluding applicable state and local gross receipts taxes except for the services of landscape  
271 architects or surveyors which require the formal proposal process when the professional  
272 services being procured have a value exceeding ten thousand dollars (\$10,000) excluding  
273 applicable state and local gross receipt taxes. These methods require formal advertisement, a  
274 sealed proposal and in many cases, proof of insurance and bonding. All evaluation factors to be  
275 used in selecting a proposal must be stated in the RFP. The Town will select the responsible  
276 respondent whose proposal is most advantageous to the Town, using the evaluation factors  
277 stated in the RFP. (NMSA 1978 Section 13-1-117) For the formal procurement of the services  
278 of architects, engineers, landscape architects or surveyors (“qualifications based proposals”),  
279 price cannot be a factor in the selection but may be negotiated after the selection (NMSA 1978  
280 Section 13-1-112.C, 13-120.)

281 Obtaining information for Formal Bids and Proposals

282 Specific information pertaining to our invitations for bids (IFB), requests for proposals (RFP)  
283 and awards is available publicly and upon request. The Town works diligently to ensure  
284 vendors have equal access to this information. This information is available on the Town

285 website and at Town Hall. The Town accomplishes this by:

286 (1) Availability on Town Website and at Town Hall

287 The information is posted on our website <http://www.townofbernalillo.org/bids.htm>. Vendors  
288 may download Invitation for bids (IFB) and request for proposals (RFP) directly from this  
289 website. The IFB and RFP information can be obtained at the front desk of Town Hall. Some bid  
290 packets may require payment of a deposit related to the actual, direct cost of furnishing  
291 copies. If bidding documents require shipping, the respondent must prepay the cost of  
292 shipping with certified funds or provide a Fed-X or UPS account number. Costs associated with  
293 shipping are not refundable. The deposit shall be refunded if the documents for bids are  
294 returned in a usable condition within the time limits specified in the documents for bid. (NMSA  
295 1978 Section 1978 13-1-104 D)

296 To download IFB and RFP, go to our website, select the bid or proposal that interests  
297 you, and download it. These documents are in PDF format and require a PDF reader  
298 such as Acrobat Reader, which you may download free at  
299 <http://get.adobe.com/reader/>.

300 At times, only portions of a proposal/bid may be posted on our website due to technical  
301 or document size constraints, in which case, a copy may be obtained at Town Hall.

302 (2) Legal Advertising

303 The Town advertises formal IFB's valued at greater than \$60,000 for construction, tangible  
304 goods and services, and RFP's expected to cost more than \$60,000 for professional services  
305 and services of landscape architects or surveyors exceeding \$10,000 at least ten calendar days  
306 before the date set for opening of the bids or proposals in the legal section of a newspaper of  
307 general circulation in the area in which the Town of Bernalillo is located, or may use any other  
308 legally sufficient notice procedure.

309 (3) You may obtain copies of open IFB's and RFP's by visiting our offices during normal  
310 business hours.

311 If you wish to be notified of a particular solicitation please send your information to the  
312 Finance Department and you will be contacted when the IFB or RFP solicitation is advertised.

313 Importance of Submitting Timely and Complete Bids and Proposals

314 All bids and proposals submitted pursuant to formal IFB or RFP must be in sealed containers  
315 and received by the Town no later than the deadline time and date specified in the IFB or RFP  
316 (or an amendment to either). To be considered responsive, a bid or proposal must meet all  
317 material requirements and specifications set forth in the IFB or RFP. Failure to submit a timely  
318 and complete bid or proposal will result in rejection of the bid or proposal. The Town may  
319 waive technical irregularities in the form of a bid or proposal that do not alter the price, quality  
320 or quantity of the services, construction or items of personal property bid or offered. (NMSA  
321 1978 Section 13-1-132)

322 RECEIPT AND OPENING OF BIDS AND PROPOSALS – BIDDERS' RESPONSIBILITY (FORMAL  
323 PROCEDURES)



324 It is the bidders' responsibility to ensure timely delivery and that any bids submitted are sealed  
325 and identifiable prior to delivery to the Town. Either an envelope or a box may be used.  
326 If a bid is hand-delivered, it is the bidder's sole responsibility to ensure that a bid is time  
327 stamped and physically deposited with the Town prior to the date and time specified on the  
328 cover page of the IFB or RFP.

329 The official "Bid Due Time" for all bids and proposals is Mountain Standard Time or Mountain  
330 Daylight time, as applicable.

331 Bids received via U.S. Mail or other express mail services will be time stamped by the Town as  
332 they are received.

333 The sealed envelope or container must bear the official Bid or Proposal number, Title of Bid  
334 and the official Bid due time and date clearly marked on the cover of the Bid Document.

#### 335 BID AND PROPOSAL OPENING

336 Bid opening times are listed on the cover page of the IFB. The bidders and the public are  
337 invited, but not required, to attend the formal bid opening. Prices are read aloud at the bid  
338 opening. No decision is made relative to an award of a contract or purchase order at the bid  
339 opening.

340 Proposals submitted in response to an RFP are not publicly opened and no pricing or other  
341 information will be revealed until after the evaluation has been completed and an award has  
342 been made.

#### 343 Post Award

344 After analysis and award, all successful bids and tabulation sheets are kept by the Finance  
345 Department. After an award, the documents are available for inspection, subject to the  
346 Inspection of Public Records Act (see below). Bid tabs are available on the web page shortly  
347 after bid opening, or you may make an appointment with the Town Clerk to review bid results.  
348 Bids or Proposals received at any time AFTER the date/time deadline set forth on the cover will  
349 NOT be considered and will be returned unopened.

#### 350 PREVAILING WAGES (Public Works Projects)

351 Every contract or project in excess of sixty thousand dollars (\$60,000) that the Town of  
352 Bernalillo is a party to for construction, alteration, demolition or repair or any combination of  
353 these, including painting and decorating, of public buildings, public works, or public roads and  
354 that requires or involves the employment of mechanics, laborers or both shall contain a  
355 provision stating the minimum wages and fringe benefits to be paid to various classes of  
356 laborers and mechanics, which shall be based upon the wages that will be determined by the  
357 director of the Labor Relations Division of the Department of Workforce Solutions to be  
358 prevailing for the corresponding classes of laborers and mechanics employed on contract work  
359 of similar nature in the state or locality, and every contract or project shall contain a stipulation  
360 that the contractor, subcontractor, employer or a person acting as a contractor shall pay all  
361 mechanics and laborers employed on the site of the project, unconditionally and not less often  
362 than once a week and without subsequent payment computed at wage rates not less than

363 those stated in the minimum wage rates issued for the project. The specific wage and fringe  
364 benefits required to be paid to these categories of workers will be set forth in the IFB  
365 document. (NMSA 1978 Section 13-4-11)

366 **FEDERALLY FUNDED CONSTRUCTION PROJECTS**

367 If a public construction project is funded or assisted by the federal government and the project  
368 or contract is over \$2,000, pursuant to the Davis-Bacon Act, federal prevailing wage and fringe  
369 benefits must be paid to mechanics and laborers. See  
370 <http://www.dol.gov/compliance/laws/comp-dbra.htm>.

371 **REGISTRATION OF CONSTRUCTION CONTRACTORS AND SUBCONTRACTORS PURSUANT TO  
372 PUBLIC WORKS MINIMUM WAGE ACT**

373 In order to submit a bid valued at more than sixty thousand dollars(\$60,000) in order to  
374 respond to a RFP or to be considered for award of any portion of a public works project greater  
375 than (\$60,000) for a public works project that is subject to the Public Works Minimum Wage  
376 Act (NMSA 1978 Section 13-4-10) a contractor, serving as a prime contractor or not, shall be  
377 registered with the Labor Relations Division of the New Mexico Department of Workforce  
378 Solutions pursuant to 13-4-13.1. The registration number and copy of the official "Certificate of  
379 Public Works Registration" are required when submitting either a bid or proposal valued at  
380 over \$60,000 on a public works project. Failure of a bidder whose bid exceeds \$60,000 to  
381 obtain a Public Works Minimum Wage Act registration from the Labor Relations Division of the  
382 Department of Workforce Solutions will result in mandatory rejection of the bid. (NMSA 13-4-  
383 13.1A)

384 **AWARD POLICY – CRITERIA FOR AWARD**

385 With respect to an IFB, the award will be made to the lowest, responsive, responsible, qualified  
386 bidder that meets the specifications and other requirements of the solicitation. (See NMSA  
387 1978 Section 13-1-108)

388 With respect to RFP, the award shall be made to the responsible respondent whose proposal is  
389 most advantageous to the Town taking into consideration the evaluation factors set forth in  
390 the request for proposals (See NMSA 1978 Section 13-1-117). Qualifications-based proposals,  
391 applicable to engineers, architects, surveyors and landscape architects must be based on  
392 respondents' qualifications to perform the required work and may not be based on price.  
393 (NMSA 1978 Section 13-1-120.B.)

394 The Town will notify the successful bidder(s) in writing. It is the responsibility of the bidder to  
395 inquire about the award of INFORMAL bids or proposals.

396 **ENTERING INTO A WRITTEN CONTRACT**

397 Following award and before work commences or goods delivered, the Town and the Contractor  
398 must enter into a written contract signed by both parties. A purchase order must also be issued  
399 by the Town and accepted by the contractor. Contracts shall be based on the Town's contract  
400 templates except where special circumstances justify using a different form. All contracts must  
401 state that bribes, gratuities and kickbacks violate the criminal laws of New Mexico.

402 All contracts shall specify, either in the body or an attachment the detailed scope of work and  
403 the basis on which payment is to be calculated (hourly rate, price per unit, price per job, etc.).  
404 All contracts shall also state that the performance of the Town's obligation is contingent upon  
405 sufficient appropriations, availability of funds and legal authority. In addition, all contracts shall  
406 contain other standard clauses including but not limited to requirement that records be  
407 maintained for a minimum of three years (or longer if required by funding agencies or law); a  
408 non-discrimination clause; and a statement that the contractor has no conflict of interest with  
409 respect to the contract or its performance. Before the town executes any contract, the  
410 contractor must provide a completed and signed campaign contribution disclosure form.  
411 (NMSA 1978 Section 13-1-191.1)

412 No services, construction, or furnishing of goods is permitted before a written contract is  
413 signed by the town and the Contractor or after the contract terminates. Working without a  
414 contract may result in non-payment for such work.

415  
416

#### 417 PURCHASE ORDERS (POS)

418 POs are issued solely by the Finance Department. An official purchase order with an authorized  
419 signature and purchase order number is the only method for purchase of supplies, materials,  
420 equipment and/or services obligating the Town of Bernalillo. All purchase orders should clearly  
421 specify what types of goods or services are being obtained. A PO number should always be  
422 obtained by the vendor prior to conducting business with the Town. Vendors are cautioned to  
423 not sell materials, equipment and/or services without an official purchase order or purchase  
424 order number. Failure to obtain a PO number prior to delivery of goods or services could result  
425 in non-payment. Vendors should also identify the department and request the identity and  
426 departmental phone number of the person(s) purchasing for the Town. Questionable  
427 purchases should be referred to the Town Finance Director immediately at 505-771-7138.

#### 428 W-9 Forms

429 Prior to issuance of PO, vendors conducting business with the Town of Bernalillo must  
430 complete a W-9 Form (Request for Taxpayer Identification Number and Certification)

#### 431 Tax Exempt Certificates

432 Any vendor requesting a tax-exempt certificate (Nontaxable Transaction Certificate) from the  
433 Town must provide your State of New Mexico Combined Reporting System (CRS) identification  
434 number to the Finance Department.

#### 435 CONTRACT MODIFICATIONS:

436 Amendment – after a written contract is entered into, only a written instrument signed by all  
437 parties involved may modify it.

#### 438 CONSTRUCTION CONTRACTS

439 Change Order – A form of contract amendment for construction contracts that usually adds or  
440 deletes tasks or quantities of work and/or addresses changes in work that were not foreseen.

441 Change orders are limited to the amount of money needed to make the changes required or  
442 requested by the Town.

443 A change order shall describe changes in the work, time and/or compensation, and may  
444 require as appropriate, attachments of revised contract documents describing the change(s)  
445 and a full accounting of the adjustment to the contract sum and the contract time.

446 Field Order – is a directive issued by the project manager to the contractor for immediate  
447 action to be taken, the field order shall include costs and quantities and be made a part of the  
448 change order.

449 COST OR PRICING DATA FOR CHANGE ORDERS OR CONTRACT MODIFICATIONS. (NMSA 1978  
450 Section 13-1-140 through 144)

451 A. Any change order, or other amendment to a contract that has been previously  
452 approved by the Town Council, must be approved by both the Town Finance  
453 Director and Mayor provided the amount of the change order or contract  
454 amendment is not greater than \$25,000, and that sufficient monies are  
455 appropriated in the budget to accommodate the change order or amendment.

456 B. Any change order or amendment greater than \$25,000 will require the specific  
457 approval of the Town Council. If it is determined that an emergency or urgent  
458 situation exists that such delays will cause damage, increases in cost, or loss of  
459 construction time and it is in the best interest of the Town of Bernalillo, a  
460 determination may be issued by both The Town Finance Director and Mayor with  
461 detailed documentation which supports the determination and signed by the Town  
462 Finance Director, Mayor and the Project Manager/Department Head that the  
463 contract modification or change order over \$25,000 may be issued, subject to Town  
464 Council approval at the earliest date possible after the issuance.

465 C. For construction contracts, the contractor shall submit costs or pricing data prior  
466 to the execution of any change order or contract modification regardless of whether  
467 or not the pricing data was required in connection with the initial award of the  
468 contract if the change order or modification involves aggregate increases or  
469 decreases expected to exceed \$25,000.

470 D. Any change order or amendment that will exceed the amount in the  
471 appropriated budget will require the specific approval of the Town Council,  
472 regardless of the amount of the change order or amendment.

473 INSURANCE

474 The Town of Bernalillo may require vendors to obtain certain amounts and types of insurance  
475 coverage for goods, construction or services. Insurance coverage such as worker's

476 compensation, auto liability, general liability, and in some cases, builders risk or professional  
477 liability may also be required prior to conducting business within the Town. For further  
478 information regarding insurance requirements, please contact the Finance Department.

479 PAYMENT PROCEDURE

480 After delivery of goods, construction or services ordered, the vender must prepare and submit  
481 an invoice to the requesting department specified on the PO. The Town's payment terms are  
482 Net 30. Any questions should be directed to the Town of Bernalillo, Finance Department, P.O.  
483 Box 638, Bernalillo, NM 87004.

484 No payment may be made on any purchase of goods, construction or services unless the  
485 goods, construction or services have been received and meet specifications and requirements.  
486 (NMSA 1978 Section 13-1-158.A.) (Prepayment is not permitted except for types of goods and  
487 services excluded from the Procurement Code pursuant to NMSA 13-1-98.)

488 When goods, construction or services are received by the Town and an invoice for them is  
489 received, the Town will inspect the goods, construction or services in light of the relevant  
490 requirements and specifications. Within 30 days after receiving an invoice for goods,  
491 construction or services received, if the goods, services or construction are found acceptable  
492 and the invoice correct, the Town shall pay the invoice. If the goods, construction or services  
493 are found unacceptable the Town shall, within 30 days of receiving an invoice for them, issue a  
494 written notice of partial or complete rejection with letter of exception explaining what action  
495 the contractor must take to cure the deficiencies. The town shall pay the vendor within 30 days  
496 of receiving adequate, approved, properly invoiced goods, construction or service. The Town  
497 may extend payment beyond the 30-day period provided herein if unforeseen circumstances  
498 prevent timely payment, in which case, within 30 days after receiving an invoice for goods,  
499 construction or services received, the Town shall provide a written explanation to the  
500 contractor, stating also when payment can be expected. A provision to the effect of this  
501 paragraph shall be included in formal IFB and RFP and in contracts awarded pursuant to  
502 solicitations by the Town. (See NMSA 1978 Section 13-1-158.)

503 For projects lasting more than a month, the contractor shall invoice the Town monthly or at  
504 such other intervals as the parties agree.

505 PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES AND ALL CORRESPONDENCE

506 TOWN'S RIGHT TO CANCEL A PROCUREMENT AND REJECT BIDS OR PROPOSALS

507 The Town has the right under the Procurement Code to cancel any invitation for bids (IFB) or  
508 request for proposals (RFP), or to reject any or all bids or proposals, when it is in the best  
509 interest of the Town to do so. In such event, the Town must issue a written determination  
510 stating the reasons for the cancellation or rejection and the written determination must  
511 become a part of the procurement file. (NMSA 1978 Section 13-1-131.) If, prior to execution of  
512 a valid contract, the Town determines that a solicitation or a proposed award is in violation of  
513 law, the solicitation or proposal shall be cancelled. (NMSA 1978 Section 13-1-181.)

514 PROTESTS

515 Any Bidder or Respondent who is aggrieved in connection with a solicitation or award of a  
516 contract may file a written protest with the Town Clerk, P.O. Box 638, Bernalillo, NM 87004  
517 outlining the reason and merit for protest. The protest shall be submitted in writing fifteen  
518 calendar days after knowledge of the facts or occurrences giving rise to the protest. (NMSA  
519 1978 Section 13-1-172)

520 This is a formal process. The protestor must submit with the written protest any pertinent  
521 documentation and a description of relevant facts to support the claim. Once the protest is  
522 received an Acknowledgement of Receipt letter will be sent to the protestor. The Finance  
523 Department will then collect data and conduct an investigation. As part of the investigation the  
524 Finance department may request additional information from the protestor or other sources. A  
525 protestor's failure to respond in a timely and adequate manner to the Finance Department's  
526 request for additional information may result in denial of the protest. Based on the  
527 investigation a determination will be made and sent to the protestor informing him or her of  
528 the reasons for the determination. The determination shall inform the protestor of the reasons  
529 for the determination and of the protestor's right to judicial review under NMSA 13-1-183.  
530 (NMSA 1978 Section 13-1-175)

#### 531 INSPECTION OF PUBLIC DOCUMENTS:

532 Pursuant to the inspection of Public Records Act, NMSA 1978 Section 14-2-1, everyone has the  
533 right to inspect Town of Bernalillo public records including those records that reside with the  
534 Finance Department. Requests should be made in writing to the Town Clerk, P.O. Box 638,  
535 Bernalillo, NM 87004 using the Town's inspection of public records request form available on  
536 the Town's web site, <http://www.townofbernalillo.org/depts/recordsrequest.pdf> or by calling  
537 (505) 771-7128. Bids are not available for inspection until public bid opening. Proposals are not  
538 available for inspection until after contract award. (NMSA 1978 Section 13-1-116) Other  
539 restrictions on availability of documents may apply pursuant to the Inspection of Public  
540 Records Act. (NMSA 1978 Section 14-2-1)

#### 541 APPROVAL AND SIGNATURE AUTHORITY FOR CONTRACTS

542 The Town of Bernalillo Governing Body must approve any procurement over \$60,000 in value  
543 exclusive of Gross Receipts Tax. (NMSA 1978 Section 13-1-100) The Mayor has authority to  
544 approve any procurement of \$60,000 or less. The Mayor has authority to sign any properly  
545 authorized contract. Any Town Official with written permission by the Mayor may sign any  
546 properly authorized contract. This written permission must be included with the procurement  
547 file and/or attached to the contract.

548

549 Mayor Torres entertained a motion.

550

551 Councilor Jaramillo moved to adopt the Procurement Policy for the Town of Bernalillo. The  
552 motion was seconded by Councilor Prairie and the motion carried unanimously.

553

554 **NEW BUSINESS: 8c) Discussion, Consideration, Action and Approval for the**  
555 **School Resources Officer. Presenter: Chief Tom Romero**

556  
557 **MEMORANDUM OF UNDERSTANDING**  
558 **SCHOOL RESOURCE OFFICER PROGRAM**  
559 **2015**  
560

561  
562 This Agreement (MOU) is entered into this 11 day of May, 2015 by and between the Town of  
563 Bernalillo, New Mexico (hereinafter referred to as the "Town"), and the Bernalillo Public School  
564 District (hereinafter referred to as the "District") relating to the funding of a police officer  
565 (hereinafter referred to as "School Resource Officer (SRO)") to be assigned for duty at the Bernalillo  
566 High School (BHS).  
567

568 The respective agencies desired to bind each other for the accomplishment of these services to be  
569 mutually provided for each other, as hereinafter described:  
570

571 The District agrees to fund one (1) School Resource Officer (SRO) position for a period of 180  
572 school days, at eight (8) hours per day or 1/2 year, and the Town agrees to fund the SRO position for  
573 the remaining 1/2 year. The amount of funding to be divided between the Town and the District is:  
574

575 Total compensation for the SRO position is estimated at \$73,516 with the Town and District splitting  
576 the cost of salary and benefits equally each year in amount estimated at \$36,759 each.  
577

578 The SRO will work a flex time schedule to meet the needs of the Bernalillo High School (BHS). If  
579 the SRO assigned is required by the District to work in excess of forty (40) hours per week, the  
580 District will reimburse the Town such additional payments as the Town is required to pay the SRO  
581 time and a half.  
582

583 The Town will pay for one police vehicle and emergency equipment to meet emergency responder  
584 guidelines for police. Personal equipment will be shared equally each year in an amount of \$4,984  
585 each.  
586

587 Initially, the SRO will be selected from a list of officers who have attended training and who are  
588 certified as SROs. The SRO selected will be mutually agreed upon by the Town and District. The  
589 SRO selected will then be ratified by the Town's Governing Body. Provided however, that if an  
590 Officer is serving as SRO at the time of this MOU and is acceptable to the District's Superintendent  
591 and the Town's Chief of Police, no further selection or ratification process is necessary.  
592

593 The Bernalillo Police Department (BPD) shall maintain supervisory oversight of the School

594 Resource Officer and thus the SRO shall report to a BPD supervisor. The SRO assigned will be  
595 entitled to annual leave, sickness, required training, justifiable emergencies and other time agreed to  
596 by the BPD and BHS principal.

597  
598 The SRO assigned will be working directly for the BPD and subject to the Town of Bernalillo  
599 Personnel Rules and Regulations, BPD Policies and Procedures, BPD Directives or Standard  
600 Operating Procedures, and any lawful order given by a superior officer of the BPD.

601  
602 The School Resource Officer primary duties will be as follows:

- 603  
604 1. Abide by school board policies and shall consult with and coordinate activities through the  
605 school principal but shall remain fully responsive to the chain of command of the BPD in all  
606 matters relating to employment, supervision, and law enforcement activities.
- 607 2. Refrain completely from functioning as a school disciplinarian. The SRO is not to be  
608 involved in the enforcement of disciplinary infractions which do not constitute violations of  
609 the law. (Nothing herein is intended to preclude the SRO from being available and/or present  
610 during disciplinary matters properly conducted by BPS personnel.)
- 611 3. Serve as a member of the BHS Safety/Recommendation Committee and will be familiar with  
612 community agencies which offer assistance to youths and their families such as mental health  
613 clinics and drug treatment centers.
- 614 4. Confer with the school principal to develop plans and strategies to prevent and/or minimize  
615 dangerous situations on or near the campus or involving students at school-related activities.  
616 Perform duties as determined by the principal other than those regularly assigned to school  
617 personnel such as lunchroom or hall duty. (Nothing herein is intended to preclude the SRO  
618 from being available in areas where interaction with students is expected.)
- 619 5. Abide by school board policy and applicable law concerning interviews should it be  
620 necessary to conduct formal law enforcement interviews with students or staff.
- 621 6. Take law enforcement action as necessary and notify the principal of the school as soon as  
622 possible. Whenever practical advise the principal before requesting additional enforcement  
623 assistance on campus. Provided however, that the SRO shall conduct his or herself according  
624 to BPD policies and procedures, legal requirements, and exercise officer safety practices.
- 625 7. In order to assure the peaceful operation of school-related programs, the SRO will, whenever  
626 possible, participate in or attend school functions.
- 627 8. Reaffirm his/her role as law enforcement officer by wearing the department class A uniform,  
628 unless doing so would be inappropriate for scheduled school activities. (The uniform will  
629 also be worn at events where it will enhance the image of the officer and his/her ability to  
630 perform his/her duties.)
- 631 9. Coordinate with the principal and be responsible for law enforcement and security activity at  
632 extra-curricular events as determined by the principal.



- 633 10. Communicate and relay necessary information regarding school and SRO activities to  
634 designated BPD personnel.  
635 11. Respond as necessary to provide assistance to other BPS schools.  
636  
637

638 These job duties are not all inclusive and any recommendations for changes or addition to these  
639 duties will be at the discretion of the BPD with input from the District.  
640

641 The Town's Chief of Police or his designee and the District's Superintendent or BHS Principal or  
642 respective designee will meet on a regular basis to ensure proper communication, coordination, and  
643 cooperation of this MOU.  
644

645 During those times and periods that BHS is not in session the SRO will conduct duties and  
646 responsibilities as may be assigned by the BPD.  
647

648 This Memorandum of Understanding shall become effective on the date of last signatory and shall  
649 terminate in two (2) years. However, this agreement may be terminated by either party upon written  
650 notice at least ninety (90) days prior to the intended date of termination. By such termination, neither  
651 party may nullify obligations already incurred for performance or failure to perform prior to the date  
652 of termination.  
653

654 Mayor Torres entertained a motion.

655 Councilor Prairie moved to adopt the Procurement Policy for the Town of Bernalillo.. The  
656 motion was seconded by Councilor Jaramillo and the motion carried unanimously.  
657

658 **NEW BUSINESS: 8d) Discussion, Consideration, Action and Adoption of**  
659 **Resolution 05-11-15 2015-2016 Interim Budget Adoption 104<sup>th</sup> Fiscal Year. Presenter:**  
660 **Juan Torres**  
661

662 **STATE OF NEW MEXICO**  
663 **MUNICIPALITY OF TOWN OF BERNALILLO**  
664 **RESOLUTION NO. 5-11-15**  
665 **2015-2016 INTERIM BUDGET ADOPTION**  
666 **(104<sup>th</sup> FISCAL YEAR)**  
667

668 **WHEREAS**, the Governing Body in and for the Municipality of the Town of Bernalillo,  
669 State of New Mexico has developed a budget for fiscal year 2015-2016, and  
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671 **WHEREAS**, said budget was developed on the basis of need and through cooperation  
672 with all user departments, elected officials and other department supervisors, and

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**WHEREAS**, the official meetings for the review of said documents were duly  
Advertised in compliance with the State Open Meetings Act, and

**WHEREAS**, it is the majority opinion of this Board that the interim budget meets the requirements as  
currently determined for fiscal year 2015-2016, and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Governing Body of the  
Municipality of the Town of Bernalillo, State of New Mexico hereby adopts the budget hereinabove  
described and respectfully requests approval from the Local Government Division of the Department  
of Finance and Administration.

RESOLVED: In the Regular Board Session this 11<sup>th</sup> day of May, 2015.

**Budget Summary Attachment A**

Mayor Torres entertained a motion.

Councilor Prairie moved to adopt Resolution 05-11-15 2015-2016 Interim Budget Adoption  
104<sup>th</sup> Fiscal Year for the Town of Bernalillo. The motion was seconded by Councilor Jaramillo  
and the motion carried unanimously.

**FINANCIAL SECTION: 9a) Approval of Accounts Payable Voucher List.**

Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of  
\$210,565.68.

Councilor Jaramillo made a motion to approve the accounts payable voucher list in the amount of  
\$210,565.69. The motion was seconded by Councilor Prairie and the motion carried  
unanimously.

**MISCELLANEOUS SECTION: 10a) Public Comment.**

None

**MISCELLANEOUS SECTION: 10b) Announcements. Presenter: Mayor Torres**

Maria Rinaldi invited everyone for the 50<sup>th</sup> anniversary at the Martha Libert Liberty Saturday,  
May 16, 2015 from 3:00 p.m. to 6:00 p.m.

There being no further business, Councilor Dominguez moved to adjourn the meeting at  
7:39 P.M. The motion was seconded by Councilor Jaramillo and carried unanimously.

Minutes of the Town Council Meeting  
May 11, 2015  
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712  
713 Done this 11th day of May 2015.

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715

716 ATTEST:

717

718 \_\_\_\_\_  
Ida Fierro, Town Clerk

719 (seal)

\_\_\_\_\_  
Jack S. Torres, Mayor