

# CITY of ALBUQUERQUE

## TWENTIETH COUNCIL

COUNCIL BILL NO. O-12-43 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Ken Sanchez, by request

1                                   ORDINANCE  
2    AMENDING ORDINANCE 5-5-17 ROA 1994, OF THE CITY'S PURCHASING  
3    ORDINANCE BY PROVIDING FOR A VETERANS' PREFERENCE FOR  
4    PROCUREMENTS AS REQUIRED BY THE STATE OF NEW MEXICO AND  
5    ELIMINATING USE OF THE STATE RESIDENT BUSINESS PREFERENCE IF NO  
6    LOCAL PREFERENCE IS AVAILABLE.  
7    BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
8    ALBUQUERQUE:

9           Section 1.   Section 5-5-17 ROA 1994 is amended to read as follows:  
10   5-5-17 RESIDENT, LOCAL AND SMALL BUSINESS PREFERENCES.

11   (A) *Application of Preferences.* Prior to making a recommendation of award, the  
12   Central Purchasing Office shall apply the following preferences by applying the  
13   5% preference for each to the amount bid or quoted or the proposal score of all  
14   eligible offers.

15   (1) A local business preference shall be applied to a qualified bid, proposal or  
16   quote submitted in response to a competitive solicitation for the purchase of  
17   goods or services or for the award of a concession contract by a local business,  
18   as defined in this section.

19   (2) A small business preference shall be applied to a qualified bid, proposal or  
20   quote submitted in response to a competitive solicitation for the purchase of  
21   goods or services by a small business, as defined in this section.

22   (3) The state's resident contractor preference shall be applied to a qualified bid or  
23   quote submitted in response to a competitive solicitation for the purchase of  
24   construction, in accordance with state law.

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1 (4) The state’s Veterans preference shall be applied to a qualified bid or proposal  
2 submitted in response to a competitive solicitation by a state certified veterans  
3 business.

4 (5) A resident preference based on the state's resident business preference shall  
5 be applied to a request for bids or request for proposals for the purchase of  
6 goods or services, but only if no offers have been received in response to the  
7 solicitation from offerors eligible for the local preference.

8 (B) *Definitions.*

9 (1) *LOCAL BUSINESS* shall mean a business that maintains its principal office  
10 and place of business in the Greater Albuquerque Metropolitan Area, as defined  
11 in Section 3 of this Article.

12 (2) *PLACE OF BUSINESS* shall mean a business's location in the Greater  
13 Albuquerque Metropolitan Area which is staffed and open to the public on a  
14 regular basis.

15 (3) *RESIDENT CONTRACTOR PREFERENCE* shall mean the preference described  
16 in Section 13-4-2 NMSA 1978, as currently enacted or hereafter amended.

17 (4) *SMALL BUSINESS* shall mean a Local Business which employs an average of  
18 fewer than 50 full-time employees in a calendar year, which number can be  
19 verified on request by submittal of the business's quarterly IRS Form 941 or other  
20 documentation acceptable to the city.

21 (C) *Eligibility for Preferences.*

22 (1) To qualify for a local business or small business preference, the offeror must  
23 submit verifiable information in accordance with procedures established by the  
24 City Purchasing Officer.

25 (2) To qualify for the state's resident contractor preference, an offeror must  
26 submit a valid number issued by the State of New Mexico with its offer.

27 (3) To qualify for the state’s resident veterans preference, the offeror must submit  
28 with its offer the certification of resident veterans business issued by the State of  
29 New Mexico.

30 (4) If necessary the Central Purchasing Office may seek additional information or  
31 proof to verify the offeror's eligibility.

32 (5) Only the principal offeror or one of the principal offerors, not a subcontractor,  
33 may qualify an offer for a preference.

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1 (D) *Small Business Goal.* Each fiscal year the Central Purchasing Office shall  
2 strive to award to small businesses competed city purchases for goods and  
3 services processed through that office equivalent to 10% of the total value of  
4 such purchases for the prior fiscal year.

5 (E) *Limitation.* The total amount of all preferences awarded under this section for  
6 the purchase of goods and services in any single award shall not exceed 10% or  
7 \$50,000, whichever is less.

8 (F) *Applicability.* This section shall not apply to competitive solicitations where  
9 the cost to the city or revenues to the business will exceed \$5,000,000.

10 Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
11 clause, word or phrase of this ordinance is, for any reason, held to be invalid or  
12 unenforceable by any court of competent jurisdiction, such decision shall not  
13 affect the validity of the remaining provisions of this ordinance. The Council  
14 hereby declares that it would have passed this ordinance and each section,  
15 paragraph, sentence, clause word or phrase thereof irrespective of any provision  
16 being declared unconstitutional or otherwise invalid.

17 Section 3. COMPILATION. This Ordinance shall be incorporated and made  
18 a part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

19 Section 4. EFFECTIVE DATE. This ordinance shall take effect five days  
20 after publication by title and general summary.

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