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1 (b) An amendment to a social services contract causes the amount of  
2 that contract to exceed \$120,000; or any amendment to a social services  
3 contract exceeding \$120,000 that increases the amount of the contract by 20%  
4 or more; and

5 (c) Any social services with a single organization or agency where the  
6 total amount in a single fiscal year for social services contracts with the  
7 organization or agency exceeds \$120,000; and

8 (d) Except that City Council approval shall not be required if the goal,  
9 amount and contractor of any such contract or amendment is included in the  
10 City of Albuquerque annual performance plan or has been previously  
11 approved by the Council in an appropriating resolution; and

12 (e) The exception contained in § 5-5-19(A)(4)(d) shall not apply if a  
13 Councilor has requested a special report on a particular contract from the  
14 Mayor, which report shall be due within 30 days of the request, and a  
15 Councilor has requested approval of said contract by the full Council.

16 (5) Concession contracts expected to generate revenues to the contractor  
17 in excess of \$75,000 over a 12-month period.

18 (6) Sole source contracts for goods, services, or construction in excess  
19 of \$75,000 for a single project.

20 (7) If the City Council has previously approved a contract by approving  
21 the selection of the contractor, the contract amount and the services or  
22 subject matter of the contract, either through approval of a Performance Plan,  
23 a recommendation of award, or other similar approval process, the final  
24 contract will not require an additional approval pursuant to this section.

25 (8) Any supplements to a contract will not require an additional approval  
26 by the City Council if the original amount of the contract and the amount of  
27 possible supplements were previously presented to City Council for approval,  
28 and the increase to the contract is within 20% of the amounts previously  
29 identified.

30 (B) The following purchases must be approved by the Mayor rather than  
31 City Council:

32 (1) When the Mayor determines that urgent and compelling reasons  
33 require an emergency procurement of professional/technical services

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1 exceeding \$75,000 or social services exceeding \$120,000, the Mayor shall  
2 notify the City Council, at its next regularly scheduled meeting, of the action  
3 and shall give a full description of the urgent and compelling reasons, the  
4 scope of work, the contract amount, and the name of the contractor;

5 (2) Award or rejection of offers and the execution of contracts for the  
6 construction, demolition, alteration, improvement, or repair of public works;  
7 and

8 (3) Contracts with the New Mexico State Auditor, or other contracts  
9 required by law.

10 (C) All other purchases shall be approved by the City Purchasing Officer or  
11 designee, or as otherwise provided by ordinance.

12 (D) For all procurements and approval of contracts and purchases by or for  
13 the Water Utility Authority pursuant to this article approval by the Executive  
14 Director of the Water Utility Authority shall substitute for approval by the  
15 Mayor and approval by the Water Utility Authority Board shall substitute for  
16 approval by the City Council.”

17 “§ 5-5-23 PROTEST.

18 (A) Right to protest Competitive Solicitation. Any business may protest  
19 the specifications of a competitive solicitation issued by the Central  
20 Purchasing Office and any offeror may protest a recommendation of award  
21 resulting from a competitive solicitation. Such protests must be submitted  
22 within the time frame specified in the competitive solicitation or  
23 recommendation of award, but in no event more than 15 calendar days after  
24 knowledge of the facts or occurrences giving rise to the protest. Protests shall  
25 be made to the City Purchasing Officer.

26 (B) Right to Protest Sole Source Exceeding \$75,000 or Above. Any  
27 qualified potential contractor may protest an intent to award a Sole Source  
28 procurement exceeding \$75,000 within 30 calendar days after the Sole Source  
29 procurement is posted to the ABQ View Website. Protests shall be made to the  
30 City Purchasing Officer.

31 (C) Actions pending protest. In the event of a timely protest the Central  
32 Purchasing Office shall not proceed further with the procurement unless the

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1 Purchasing Officer makes a determination that the award of the contract is  
2 necessary to protect substantial interests of the City.

3 (D) Protest authority. The City Purchasing Officer shall have the authority  
4 to take any action reasonably necessary to resolve a protest of an aggrieved  
5 offeror. This authority shall be exercised in accordance with regulations  
6 promulgated by the City Purchasing Officer pursuant to its authority granted  
7 in § 5-5-6 of this article.

8 (E) Applicability. This section shall not apply to the procurements made  
9 pursuant to § 5-5-11, Capital Projects.”

10 “§ 5-5-32 SOLE SOURCE PURCHASES.

11 A contract may be awarded without a competitive solicitation regardless of  
12 the estimated cost when the City Purchasing Officer makes a determination,  
13 after conducting a good faith review of available sources and consulting the  
14 user department, that there is only one source for the required goods,  
15 services, or construction. The City Purchasing Officer or designee shall  
16 conduct negotiations, as appropriate, as to price, delivery and quantity in  
17 order to obtain the price most advantageous to the city. Any sole source  
18 contract that exceeds \$75,000 shall be subject to City Council approval.”

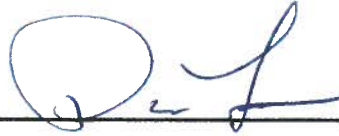
19 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph,  
20 sentence, clause, word or phrase of this ordinance is for any reason held to be  
21 invalid or unenforceable by any court of competent jurisdiction, such decision  
22 shall not affect the validity of the remaining provisions of this ordinance. The  
23 Council hereby declares that it would have passed this ordinance and each  
24 section, paragraph, sentence, clause, word or phrase thereof irrespective of  
25 any provisions being declared unconstitutional or otherwise invalid.

26 SECTION 3. COMPILATION. This ordinance shall be incorporated in and  
27 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

28 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
29 after publication by title and general summary.

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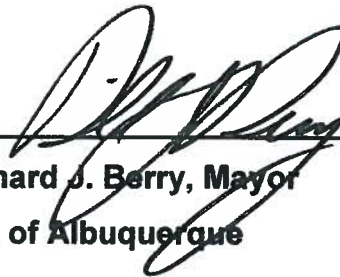
1 PASSED AND ADOPTED THIS 7<sup>th</sup> DAY OF March, 2016  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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7 Dan Lewis, President  
8 City Council

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12 APPROVED THIS 23<sup>RD</sup> DAY OF March, 2016

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15  
16 Bill No. C/S O-16-8

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19 \_\_\_\_\_  
20 Richard J. Berry, Mayor  
21 City of Albuquerque

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25  
26 ATTEST:

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28 \_\_\_\_\_  
29 Natalie Y. Howard, City Clerk

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