

CITY OF LAS VEGAS, NEW MEXICO
Ordinance No. 21-13

AN ORDINANCE TO AMEND the Code of the City of Las Vegas by adding a new Chapter 22, entitled "Finance and Budget Code Ordinance". This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

BE IT ENACTED by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas is hereby amended by adding thereto a new chapter, to be Chapter 22, Finance and Budget, to read as follows:

Section 1.	Short Title
Section 2.	Fiscal Year
Section 3.	Adoption of City's Procurement Code

§ 22-1. Short Title.

This ordinance shall be known and cited as the "Finance and Budget Ordinance" and referred to herein as the "Ordinance".

§ 22-2. Fiscal Year.

The fiscal year of the City shall begin on July 1 and end on June 30 of each consecutive year.

§ 22-3. Adoption of City's Procurement Code.

A. The City of Las Vegas hereby adopts the state of New Mexico Procurement Code (§§ 13-1-28 through 13-1-199 NMSA 1978) as the City of Las Vegas Procurement Code ("City Procurement Code"). Pursuant to its home-rule authority, and the City charter, the City may adopt rules specific to the City, which depart from state law. Any departures from the state law shall be adopted by ordinance.

B. Exemptions permitted by §§ 13-1-98 through 13-1-98.2 NMSA 1978 are hereby adopted, in addition to purchases of publicly provided utilities including but not limited to: gas, electricity, water, telecommunications, and cable television.

C. The purchasing officer shall be the "Chief Procurement Officer of the City" as defined by NMSA § 13-1-38.1.

D. Local Preferences. Local Business as defined below shall take precedence over the State preferences provided in NMSA 1978, § 13-1-21, and only one such preference shall be applied during the procurement process to any one bid or proposal. If it is determined that the Local Business as defined below applies to one or more offerors in any solicitation, the State

preferences provided in NMSA 1978, § 13-1-21 will not be applied to any offers. Notwithstanding, NMSA 1978, § 13-1-21, the City shall apply the following definitions and preferences, and require all offerors to submit a Local Preference Certification Form, which is substantially in the form of the Local Preference Certification Form as attached to City Ordinance 21-____, with each bid or proposal:

(1) "Local Business" or "Local Businesses" means a business that has a valid resident business certificate issued by the New Mexico taxation and revenue department pursuant to Section 13-1-22, and which shows that the Principal Office, and not only the mailing address, is physically located within the limits San Miguel County, New Mexico, and has been established no less than six months preceding application for certification. A subcontractor may not qualify for Local Business status on behalf of a prime contractor. Only the business, or if joint venture, one of the parties of the joint venture, which will actually be performing the services or providing the goods solicited and will be responsible under any resulting contract will qualify for Local Business preference.

(2) "Principal Office" means the main or home office of the business as identified on tax returns, business licenses and other official business documents. A Principal Office is the primary location where the business conducts its daily operations, for the general public, if applicable. A temporary location or movable property, or one that is established to oversee projects in the County of San Miguel, New Mexico does not qualify as a Principal Office.

(2) When the City makes a purchase using a formal bid process, the City shall deem a bid submitted by a Local Business to be three percent (3%) lower than the bid actually submitted. In addition, if the bid includes subcontractors who are also Local Businesses, the City shall deem a bid submitted by a Local Business with Local Business subcontractors to be six percent (6%) lower than the bid actually submitted. If a business which is not a Local Business hires all Local Business subcontractors, the City shall deem the bid to be three (3) percent lower than the bid actually submitted.

(3) When the City makes a purchase using a formal request for proposals process, not including contracts awarded on a point-based system, the City shall award an additional:

(a) Three percent (3%) of the total weight of all the factors used in evaluating the proposals to a Local Business; and

(b) Three percent (3%) of the total weight of all the factors used in evaluating the proposals to a business with all Local Business subcontractors.

(4) When the City makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the City shall award additional points equivalent to:

(a) Three percent (3%) of the total possible points to a Local Business; and

(b) Three percent (3%) of the total possible points to a business with all Local Business subcontractors.

(5) The maximum available local preference shall be six percent (6%).

F. Competitive sealed proposals valued in excess of one million dollars (\$1,000,000.00).

(1) If the bid or proposal includes subcontractors who are also Local Businesses, the City shall deem a bid or proposal submitted by a Local Business to be six percent (6%) lower than the bid actually submitted, if and only if at least fifty percent (50%) of the subcontracted services go to subcontractors who are Local Businesses.

(2) If a business, which is not a Local Business, hires Local Business subcontractors, the City shall deem the bid or proposal to be three percent (3%) percent lower than the bid actually submitted, if and only if at least fifty percent (50%) of the subcontracted services go to subcontractors who are Local Businesses.

G. City employees shall endeavor to procure local goods and services that qualify as "small purchases" as defined by NMSA § 13-1-125.

Section 2. Exhibit A. The Local Preference Certification Form is attached hereto and incorporated herein by reference as Exhibit A.

Section 3. Repeal and replace. City Resolution 14-18 is hereby repealed and replaced with this Finance and Budget Ordinance.

Section 4. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 5. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this _____ day of June, 2021.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorne

EXHIBIT A

INSTRUCTIONS RELATING TO LOCAL PREFERENCE CERTIFICATION FORM

1. All information must be timely provided or else your submissions shall be rejected. To qualify for this preference, an offeror must complete and submit the local preference certification form with its offer. If an offer is received without the form attached, completed, notarized, and signed or if the form is received without the required information, the preference will not be applied. The local preference form or a corrected form will not be accepted after the deadline for receipt of bids or proposals.

2. Local Preference precedence over State Preference: The Local Preference takes precedence over the State Resident Preference and only one such preference will be applied to any one bid or proposal. If it is determined that the local preference applies to one or more offerors in any solicitation, the State Resident Preference will not be applied to any offers.

3. Principal Office and location must be stated: To qualify for the local preference, the principal place of business of the enterprise must be physically located within the Santa Fe County Geographic Boundaries. The business location inserted on the Form must be a physical location, street address or such. DO NOT use a post office box or other postal address. Principal place of business must have been established no less than six months preceding application for certification.

4. Subcontractors do not qualify: Only the business, or if joint venture, one of the parties of the joint venture, which will actually be performing the services or providing the goods solicited by this request and will be responsible under any resulting contract will qualify for this preference. A subcontractor may not qualify on behalf of a prime contractor.

5. Definition: The following definition applies to this preference. A local business is an entity with its Principal Office and place of business located in San Miguel County, New Mexico. A Principal Office is defined as: The main or home office of the business as identified in tax returns, business licenses and other official business documents. A Principal Office is the primary location where the business conducts its daily operations, for the general public, if applicable. A temporary location or movable property, or one that is established to oversee a project in San Miguel County, New Mexico does not qualify as a Principal Office.

Additional Documentation: If requested a business will be required to provide, within 3 working days of the request, documentation to substantiate the information provided on the form. Any business which must be registered under state law must be able to show that it is a business entity in good standing if so requested.

LOCAL PREFERENCE CERTIFICATION FORM

RFP/RFBNO: _____

Business Name: _____

Principal Office: _____

Street Address City State Zip Code

City of Las Vegas Business License # _____ (Attach Copy to this Form)

Other Business License # _____

Name of entity issuing such other business license: _____

Date Principal Office was established: _____ (Established date must be six months before date of Publication of this RFP or RFB).

CERTIFICATION

I hereby certify under penalty of perjury that the business set out above is the principal offeror submitting this offer or is one of the principal offerors jointly submitting this offer (e.g. as a partnership, joint venture). I hereby certify that the information which I have provided on this form is true and correct, that I am authorized to sign on behalf of the business set out above and, if requested by the City of Las Vegas, will provide within 3 working days of receipt of notice, the necessary documents to substantiate the information provided on this form.

Signature of Authorized Individual: _____

Printed Name: _____

Title: _____ Date: _____

Subscribed and sworn before me by _____ this _____, day of _____.

My commission expires: _____

Signature of Public Notary

YOU MUST RETURN THIS FORM WITH YOU OFFER.