

## Procurement Policies and Procedures

**Purpose:** Raíces commits to observing NM state law with regard to all procurement policies as provide in state statutes and codes [13-1-95.2(E) NMSA & 1.4.1.94(F) NMAC].

**Policy:** On and after July 1, 2015, only certified chief procurement officers may do the following, except that persons using procurement cards may continue to issue purchase orders and authorize small purchases:

1. make determinations, including determinations regarding exemptions, pursuant to the Procurement Code;
2. issue purchase orders and authorize small purchases pursuant to the Procurement Code; and
3. approve procurement pursuant to the Procurement Code.

Raíces must avoid apparent and actual conflicts of interest when administering state and federal funds. The school must comply with conflict of interest provisions identified in the New Mexico Procurement Code, Section 13-1-128 et seq. NMSA 1978, the Prohibited Sales Act, Section 22-2-1 et seq. NMSA 1978, and Federal regulations 34 CFR 75.525(a).

### Procedures:

All procurement processes must allow for advertising of services or contracts, open bidding procedures or requests for proposals, arms-length bargaining, and other appropriate steps of the procurement process so that all entities or persons are afforded the same opportunity to provide contracts for goods or services. These procedures should be developed and approved by the governing body before it attempts to procure goods and services or hire personnel. The procurement procedures must satisfy state and federal law. (*See pages 9-13 of Internal Control Manual for the procedures that have been approved by the Raíces Governance Board.*)

The procedures must comply with the following policy regulations as mandated by NM state law:

- A. Except as otherwise provided in the Procurement Code [Sections 13-1-28 through 13-1-199 NMSA 1978], that code shall apply to every expenditure by state agencies and local public bodies for the procurement of items of tangible personal property, services and construction. That code also applies to concession contracts at the New Mexico state fair in excess of twenty thousand dollars (\$20,000), whether those concession contracts generate revenue and earnings or expand funds.
- B. When a procurement involves the expenditure of federal funds, the procurement shall be conducted in accordance with mandatory applicable federal law and regulations. When mandatory applicable federal law or regulations are inconsistent with the provisions of the Procurement Code, compliance with federal law or regulations shall be compliance with the Procurement Code.

## Some Exemptions

- A. procurement of items of tangible personal property or services by a state agency or a local public body from a state agency, a local public body or external procurement unit except as otherwise provided in Sections 13-1-135 through 13-1-137 NMSA 1978;
- B. printing and duplicating contracts involving materials that are required to be filed in connection with proceedings before administrative agencies or state or federal courts;
- C. purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;
- D. purchases of books, periodicals and training materials in printed or electronic format from the publishers or copyright holders thereof;
- E. travel or shipping by common carrier or by private conveyance or to meals and lodging;
- F. contracts with businesses for public school transportation services;
- G. purchases not exceeding ten thousand dollars (\$10,000) consisting of magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases where prepayments are required;
- H. contracts for retirement and other benefits pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;
- I. contracts and expenditures for legal subscription and research services and litigation expenses in connection with proceedings
- J. before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts;
- K. works of art for museums or for display in public buildings or places;
- L. purchases of advertising in all media, including radio, television, print and electronic;
- M. procurement by or through the public education department from the federal department of education relating to parent training and information centers designed to increase parent participation, projects and initiatives designed to improve outcomes for students with disabilities and other projects and initiatives relating to the administration of improvement strategy programs pursuant to the federal Individuals with Disabilities Education Act; provided that the exemption applies only to procurement of services not to exceed two hundred thousand dollars (\$200,000);
  - AA. purchases of products or services for eligible persons with disabilities pursuant to the federal Rehabilitation Act of 1973;
  - CC. contracts for investment advisory services, investment

management services or other investment-related services entered into by the educational retirement board, the state investment officer or the retirement board created pursuant to the Public Employees

Retirement

GG. procurement of services of commissioned advertising sales representatives for New Mexico magazine; and

HH. procurements exempt from the Procurement Code as otherwise provided by law.