



RIO ARRIBA COUNTY
PURCHASING
AND
PROCUREMENT POLICY AND PROCEDURES

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PURCHASING AND PROCUREMENT POLICY AND PROCEDURES

1. OBJECTIVE. The objective of this policy is to create County-wide rules, procedures and definitions that are specific to Rio Arriba County internal practices and consistent with New Mexico state law, federal law and any associated regulations for the following:
 - 1.1 The procurement and purchase of goods and/or services needed by the County in conducting its business.
 - 1.2 The use of County-issued credit cards by the limited personnel authorized to make purchases with them.
 - 1.3 The mileage and per diem rates for offsetting the cost of travel expenses for Elected Officials and County employees.
2. AUTHORITY. The Board of County Commissioners for Rio Arriba County hereby enacts this policy.
3. SCOPE. The procedures and provisions of this policy are intended to be consistent with all current and applicable provisions of the following:
 - 3.1 NMSA Chapter 13 - Public Purchases and Property;
 - 3.2 NMAC 1.4.1 Procurement Code Regulations;
 - 3.3 NMSA Section 10-8-1 through 10-8-8, otherwise known as the "Per Diem and Mileage Act";
 - 3.4 Any and all other applicable provisions of state or federal law.
 - 3.5 This policy shall apply to all departments and elected offices of Rio Arriba County government, all employees or other users authorized to make purchases, and all parties whose contracts subject them to these provisions to make purchases, expenditures or seek reimbursement or advance payment from public funds budgeted, controlled by, or under the supervision of Rio Arriba County government.
4. DURATION. Indefinite, or until formally abandoned, revised or amended.
5. ADMINISTRATION. The Finance Department shall be responsible for the administration of this policy. The County Manager, or in his/her absence, in successive order, the Deputy County Manager or County Attorney, shall be responsible for interpreting and enforcing the policy.
6. DEFINITIONS. The following definitions, in alphabetical order shall apply to this policy, unless otherwise noted:

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- 6.1 Authorized Purchase – a purchase that complies with all provisions of New Mexico laws and regulations and Rio Arriba County policy. There are two types of Authorized Purchases:
 - 6.1.1 Standard Purchase – a purchase that is systematic, planned, and necessary for the administration and operation of a project, division, and/or department, with adequate lead time to obtain quotes or bids as required. A Standard Purchase requires the issuance of a Purchase Order.
 - 6.1.2 Non-standard and/or Emergency Purchase – a procurement that includes purchases exempt from the Procurement Code, and/or any purchase requiring the use of a voucher, or during a declared emergency and/or a purchase that cannot comply with standard purchasing procedures for documented reasons. Per NMSA 13-1-127, emergency purchases may only be made in the event of serious threats to:
 - 6.1.2.1 the health and safety of any person;
 - 6.1.2.2 the preservation or protection of property; or
 - 6.1.2.3 the functioning of government.
- 6.2 Authorized Purchaser - a person who has attended mandatory training sessions and has a certificate for the position of a Chief Procurement Officer; and has been granted access to produce a purchase order for Rio Arriba County.
- 6.3 Authorized User – a person in a County department or elected office who has been given the authority by the County Manager, Elected Official or Department Director to prepare and issue a Requisition for Purchase to the Authorized Purchaser for goods or services.
- 6.4 Bid/Proposal - a binding, good-faith written quote, which details the goods, construction, and/or service, and the price of these items, which a vendor is willing to provide to Rio Arriba County. These are used for non-exempt large purchases (above the level set in NMSA 13-1-125).
 - 6.4.1 Bid - a pre-determined set of specifications to which a bidder must answer and/or comply;
 - 6.4.2 Proposal – an open-ended, substantially bidder-determined specifications for how the bidder will provide the item/s so the various aspects of the proposal can be assigned different weights for evaluation.
- 6.5 Contract - an agreement between Rio Arriba County and another party which binds both to provide services and/or goods in exchange for money or some other form of consideration.
- 6.6 Cooperative Purchasing, Statewide Price Agreements and Existing Contracts - Use of a qualified cooperative purchasing agreement, statewide price agreement or contract to execute a purchase without competitive pricing as per

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NMSA 13-1-129 and NMSA 13-1-135. These include approved federal, interstate, state, local government, or school district contracts.

- 6.7 Dollar Amounts - References to prices or costs shall be in U.S. dollars, and shall be exclusive of gross receipts taxes or other taxes.
- 6.8 Finance Director - term used to describe the individual or office with direct responsibility for establishing and insuring accountability procedures, and for retaining and maintaining all original documents relating to this policy.
- 6.9 Invoice or Bill- an itemized written demand from a vendor for payment for construction, goods, and/or services that have been purchased, and which shall include the Purchase Order number of the authorized purchase, invoice number, date, name and address.
- 6.10 Levels of Purchase - see Exhibit I.
- 6.11 MIS / Management Information System - the computer program system used to maintain financial data and transactions.
- 6.12 Open Purchase Order – a purchase order that is used for anticipated numerous or repeated purchases over an extended time period. An Open Purchase Order may be issued after the requesting department has submitted the necessary quotes and/or approved contract.
- 6.13 Preferred Vendor - a vendor who is certified and registered with the State Procurement Division, who then qualifies for a five percent (5%) preference in the bid process.
- 6.14 Procurement or Purchase – the process of obtaining or contracting to obtain tangible property (goods), construction, and/or intangibles (services) that require the expenditure of funds controlled by the Rio Arriba County government.
- 6.15 Professional Services - the services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, management and systems analysts, certified or registered public accountants, lawyers, psychologists, planners, researchers, construction managers and other persons or businesses providing similar professional services, which may be designated as such by a determination issued by the County's Authorized Purchaser.

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- 6.16 Purchase Order or PO - a binding legal document which has been appropriately approved before submission to a vendor, which authorizes the purchase or procurement of the items or services listed thereon.
 - 6.17 Chief Procurement Officer – that person or persons within the County who is responsible for the control of procurement of items of tangible personal property, services or construction. "Chief Procurement Officer" shall include the Authorized Purchaser in Section 6.2, above.
 - 6.18 Quote - a binding, good-faith written or oral itemized estimate of the price of goods and/or services which a vendor is willing to provide to Rio Arriba County. This is used for smaller purchases (see Exhibit I), and is documented on the Quotations Form.
 - 6.19 Requisition for Purchase - a request issued by an Authorized User to purchase necessary goods and/or services.
 - 6.20 Small Purchase - a single purchase as described in NMSA 13-1-125 (See Exhibit I). A large purchase shall not be artificially divided so as to constitute a small purchase.
 - 6.21 Sole Source - a one-time purchase made without competitive pricing from the only source reasonably available to the County, in compliance with NMSA 13-1-126, 13-1-126.1 and 13-1-128.
 - 6.22 Unauthorized Purchase – a purchase that is not legally or appropriately approved, is not within the County budget, or does not comply with New Mexico laws, regulations or Rio Arriba County policy.
 - 6.23 Vendor or Supplier - an individual or organization that has been approved by the Authorized Purchaser to sell construction, goods, and/or services to Rio Arriba County for remuneration, or to receive grant funding awarded by the County.
 - 6.24 Voucher - a document used to certify a purchase of goods or services that are not subject to the use of a PO.
7. INTERPRETATION OF POLICY AND SUPPLEMENTS. In any case where a provision of this policy is vague or unclear, those persons in the chain of administration in Section 5, above, shall provide a written clarification for review by the County Attorney. Once approved, said clarification shall be included as a supplemental part of this policy. In the event of ambiguity or conflict of a provision in this policy with the legal authority cited in Section 3, above, the provisions of this

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policy shall be read in such a way as to harmonize their provisions with said legal authority.

8. AMENDMENT. Amendments to this policy may be proposed by the Finance Director or his/her designee, with the County Manager's approval. The County Attorney shall certify legal sufficiency of any and all amendments to this policy before submitting them to the Board of County Commissioners for consideration.
9. PERSONAL USE PROHIBITED. No purchasing for private or personal use, nor use of the procurement process for such purpose, is permitted.
10. TRAINING, ENFORCEMENT, AND PENALTIES FOR VIOLATION - All officers, authorized users, and their supervisors are responsible for knowing, understanding, and adhering to the provisions of this policy.
 - 10.1 The Finance Department shall conduct mandatory training sessions for new users, and periodic training for all current authorized users.
 - 10.2 The Chief Procurement Officer shall review all procurement requests for accuracy and appropriateness.
 - 10.3 Any deviation from these provisions shall be reported to and reviewed by the County Manager to determine if a violation has occurred.
 - 10.4 Continuous or repeated minor violations of this policy can result in referral for disciplinary action.
 - 10.5 Criminal violations, as per NMSA 13-1-199 and penalties as per NMSA 13-1-198 may result in disciplinary action, up to and including termination.
11. EXEMPTIONS FROM THE PROCUREMENT CODE. All exemptions to the State of New Mexico Procurement Code, found either in the code or other New Mexico state statutes, shall be exemptions to the Rio Arriba County Procurement Policy and Procedures.
12. STANDARD PURCHASING. All standard purchasing shall require the issuance or an approved PO prior to executing the purchase. All PO's, without exception, shall require the approval signatures of both the Finance Director (or the Director's designee) and the Chief Procurement Officer to be valid. The following describes the process and procedures required to request routine, standard purchases:
 - 12.1 Initiating a Purchase - The authorized user/department determines a need for goods or services; the authorized user then reviews the budget sheet to ensure

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the funds are available in the appropriate budget line item for such a purchase. A Requisition for Purchase is then created, which must be approved by the Department Director/Elected Official.

- 12.1.1 The initiator provides the Chief Procurement Officer with the approved requisition form, a record of quotation form and all supporting documents with the requisition.
 - 12.1.2 The Chief Procurement Officer shall review the Requisition as soon as practicable for accuracy and appropriateness, and create a preliminary PO, except where a question or problem needs to be addressed by the submitter.
 - 12.1.3 The Chief Procurement Officer may make minor corrections to the Requisition.
 - 12.1.4 Requisitions pending with a question or problem for over 30 days may be deleted by the Chief Procurement Officer.
13. SOLE SOURCE PURCHASING. See Sec. 6.21 above. In addition to the requirements listed in the cited statutes, a justification for the purchase shall be attached to the preliminary PO as documentation for the purchase, signed by the Department Director/Elected Official and the Chief Procurement Officer, and may require additional approval based on level of purchase.
14. COOPERATIVE PROCUREMENT. Purchasing of all goods and/or services may be done without obtaining quotes or competitive bids when Rio Arriba County participates in, sponsors, or administers a cooperative purchase agreement with any qualifying procurement entity (see Sec. 6.6, above).
- 14.1. For routine purchases (e.g. office or cleaning supplies, mechanical parts, etc.), the contract source and number shall be written on the Requisition for Purchase form.
 - 14.2. For large or non-routine purchases, the contract or its relevant sections, or the qualifying quote, shall be attached to the Requisition as documentation.
15. USED ITEMS OR EQUIPMENT. Per NMSA 13-1-155, in addition to any applicable requirements in this policy, purchases of used items or equipment shall include:

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- 15.1 A written warranty for parts and labor valid for at least 90 days after the date of delivery.
- 15.2 Equipment purchases shall have attached a "Certificate of Working Order" by a qualified, independent appraiser.
16. CAPITAL ASSETS OF \$5,000 OR MORE. Any item of such value shall be flagged on the PO, and a copy of the final PO shall be routed to the Shipping and Receiving Department for inclusion on the capital assets inventory. Items of value of \$100 or more shall be tagged and listed in the non-GFA reports. All PO's of tangible goods and items of value of \$100 or more shall be sent to the Shipping and Receiving Department to initiate the order so that the items purchased may be inventoried and tagged (as applicable) when received.
17. INITIATING A CONTRACT. A signed contract shall be obtained before the issuance of a PO. The County Attorney shall review and approve the form of all contracts. The initiating department/elected office shall be responsible for assessing its contract needs, and to give the County Attorney adequate lead time to process all contract requests.
 - 17.1 The department/elected office shall submit a draft contract to the County Attorney for review, edits and signature.
 - 17.2 The County Attorney shall review, edit and finalize all contracts, including signing that the contract is approved as to form.
 - 17.3 The County Attorney shall forward the approved contract to the Grants and Contracts Office, who shall review and approve that it complies with procurement requirements.
 - 17.4 The Grants and Contracts Office shall forward the approved contract to the County Manager or his/her designee for final approval.
 - 17.5 The final contract shall be forwarded back to the department/elected office for signature by the contractor.
 - 17.6 The fully endorsed contract shall be forwarded to the Chief Procurement Officer with a Requisition so that a PO may be opened.
 - 17.7 Contractors shall be informed by the department/elected office that they may not begin work until a PO has been issued.

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18. AUTHORIZATION OF PO'S. All PO's, regardless of dollar amount, shall require the authorization signatures of both the Chief Procurement Officer and the Finance Director (or the Director's designee) to be valid, no exceptions. The County Manager shall reserve the discretion to review any proposed purchase as needed.
- 18.1 Documentation, Routing and Expiration of PO. After final approval has been obtained, a copy of the PO shall be routed back to the initiating department/elected office. The original shall be maintained by the Chief Procurement Officer, with all supporting documentation. The initiating department/elected office shall send the PO to the vendor unless the item(s) purchased are capital assets or non-GFA items, in which case the PO is routed to the Shipping and Receiving Department, who shall be responsible for ordering the item(s) and inventorying and tagging them (as applicable), once received.
- 18.2 Expiration of PO's. PO's shall only be valid in the fiscal year in which they are created. All PO's shall be terminated at the end of the fiscal year.
- 18.2.1 If a balance remains at the end of the fiscal year, a new Requisition must be submitted so that a new PO can be issued for the new fiscal year. The Requisition for the new PO must have all supporting documentation attached anew.
- 18.3 Ordering from a Vendor. A PO must be issued prior to executing the purchase. The original PO shall be retained by the County. A copy may be given to place the order, which may be sent by mail or electronic transmission. The authorized user shall inform the vendor that the PO number must be included on the invoice submitted for payment, and that all invoices must be mailed or transmitted to the County's Accounts Payable department.
- 18.4 Verifying Receipt of Goods and/or Services. Upon receiving the goods or services, the PO shall be compared to the invoice to verify correctness by the Authorized User. Any discrepancies shall be dealt with as follows:
- 18.4.1 Handling Discrepancies. A discrepancy occurs when there is a difference between what was ordered and what was received, the condition in which it was received, and/or an amount billed to the County is greater than was anticipated.
- 18.4.2 All discrepancies shall be noted on either the PO itself or on a form designed to memorialize the discrepancy, and attached to the PO and

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invoice. The documentation of the discrepancy shall be submitted to the initiating department/elected office and the Finance Department for further review. A copy of the documentation shall be sent to the vendor for a response within fifteen (15) days.

18.4.3 The initiating department/elected office and the Finance Director shall review the vendor's response, if any, and together decide whether the response is satisfactory to authorize payment.

18.4.4 Should the response from the vendor be unsatisfactory, the initiating department/elected office shall coordinate with the Accounts Payable staff person(s) to issue within 30 days a letter of exception explaining the defect or objection. No payment shall be issued unless the vendor satisfies the defect or objection. Should payment be denied, the vendor may appeal the decision to the County Manager.

18.4.5 Should the goods or services be otherwise acceptable, in the case of an incomplete order where the remainder is expected, a partial payment for what was received may be processed.

18.5 Regular Processing for Payment. The Finance Department shall be responsible for ensuring that payment is made timely to receive applicable discounts and to avoid late charges, or as required by contract. The processing for payment shall be as follows:

18.5.1 Pre-audit. Approval of all invoices shall be the responsibility of the Department Director/Elected Official or their designee. The initiating/receiving department shall attach the original invoice to the original PO with all necessary supporting documents and transmit it to the Department Director/Elected Official or their designee.

18.5.2 The invoice shall be verified as approved for payment, and the Department Director/Elected Official shall signify that approval by signing and dating it.

18.5.3 The signed and dated invoice shall be transmitted to the Accounts Payable department for processing.

18.5.4 Accounts Payable shall review or inputs the invoicing into the MIS, and prepare a summary of the payables.

18.5.5 A summary of the payment shall be routed to the Account Systems Coordinator to review for correctness. Once correctness has been

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verified, the Finance Director, County Manager, and Treasurer's Office shall ascertain that funds are available for processing payment for their approval for payment. No payment shall be made from any budget line item with a funding shortfall without approvals by the above.

18.5.6 Payment shall be remitted as soon as possible, and no later than 30 days after the date of the invoice verification.

18.5.7 Problematic Processing for Payment. Should a problem or question arise regarding a purchase, Accounts Payable shall withhold payment, attach a document or memorandum memorializing the problem or question, and transmit it back to the Authorized Purchaser for a written explanation. As necessary, the explanation may then be routed to the Finance Director and County Manager for approval.

18.6 Unauthorized Purchases. In the event of an unauthorized purchase, the Authorized User shall document in writing the justification for such purchase. The Finance Director and County Manager shall review the response and decide whether the unauthorized purchase is justified.

18.6.1 Rio Arriba County shall assume no responsibility for payment of unauthorized purchases that are declined.

18.6.2 Should Rio Arriba County decline payment, it shall become the Authorized User's responsibility to either return the goods or pay for them.

18.6.3 Making an unauthorized purchase may subject the Authorized User to disciplinary action, or a fine, or both, as determined by the County Manager.

19. INVITATION FOR BIDS (IFB) AND REQUEST FOR PROPOSALS (RFP). Large purchases shall comply with NMSA 13-1-100 through 13-1-124 and 13-1-130 through 13-1-176.

19.1 The County shall maintain strict confidentiality at all times in the IFB or RFP process. The procedures for processing bids or proposals shall be as follows:

19.1.1 The initiating department/elected office shall contact the Grants and Contracts Office to assist in developing a bid/proposal with the bid/proposal specifications and scope of work. The specifications

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shall not be written in such a way as to favor or exclude a vendor, and all specifications shall be considered as "equivalent or better."

- 19.1.2 The Grants and Contracts Coordinator shall prepare a draft IFB or RFP document and present it to the initiating department/elected office and the County Attorney for review and/or revision, and approval.
- 19.1.3 The Grants and Contracts Coordinator shall publish the RFP/ITB notice the RFP/ITB publication notice in the *Rio Grande Sun*, and send the RFP/ITB notice to any list of interested parties it has compiled.
- 19.1.4 The bid documents shall be mailed or transmitted electronically to interested parties. If sent via e-mail, the document should be write-protected to prevent alteration. Copying and shipping and handling fees may be charged for provision of these documents.
- 19.1.5 Clarifications or questions regarding the bid/proposal may be answered, and must be disseminated to all interested parties in the form of an addendum.
- 19.1.6 A pre-bid conference or a site walk-through for all interested parties may be scheduled as an alternative.
- 19.1.7 Bids/proposals received shall be date and time-stamped and initialed by the receiver, secured, and kept unopened until the deadline.
- 19.1.8 At the scheduled opening, a sign-in sheet shall be kept, with at least two County employees present along with any interested parties.
- 19.1.9 A review committee shall be established by the Grants and Contracts Coordinator or County administrators to review the proposals, prepare an abstract if necessary, and to make a written recommendation to the County Manager and County Commission.
- 19.1.10 Should the Commission accept a bid, a contract, if needed, shall be prepared by the County Attorney or the vendor, and a PO shall be subsequently issued with the contract attached.
 - 19.1.10.1 Pursuant to the Procurement Code, proposals cannot be accepted by the Commission. Upon the recommendation of the review committee in Section

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19.1.9, above, a negotiation process shall begin with the recommended vendor. If negotiations are successful, a Notice of Award shall be submitted to the vendor once a contract has been fully executed. All offerors who submitted responsive proposals shall receive a written response informing them that their proposal was not awarded upon the execution of the successful vendor's contract.

19.1.11 All documents related to the bid/proposal process shall be secured, and a logout record kept should any party wish to view them outside of the Grants and Contract Coordinator's presence and control.

19.1.12 In the event no bid/proposal is received, or the Commission rejects the bids/proposals received, the above-numbered steps shall be repeated.

19.1.13 In the event that again no bid/proposal is received, or the Commission rejects the bids/proposals received, a contract may then be awarded on a negotiated basis.

20. NON-STANDARD PURCHASING. The following describes the process and procedures required to execute certain non-standard purchases:

20.1 Periodic Billings (e.g. utilities, telephone, subscriptions) shall be routed directly to Accounts Payable for processing.

20.2 Fees/Dues/Tuition. A PO or Expense Voucher shall be created with the order forms attached, then routed to the appropriate individuals or departments for approval. In addition, for tuition, County Manager approval shall be required.

20.3 Conference Registration. Rio Arriba County recognizes the need and desirability of having employees go to training and development courses, and encourages attendance when appropriate. The registration shall not be submitted to the organization prior to obtaining the fully approved PO. No late registrations or additional fees will be approved without a memo of justification and approval by the County Manager. The following guidelines shall be used when processing a request to attend conferences:

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- 20.3.1 Supporting documents must be submitted and include the registration form and agenda, to include dates, location, cost, etc.
 - 20.3.2 Pre-approval. Supporting documents shall be presented to the Department Director/Elected Official (and the County Commission, if training is located out-of-state) for preapproval signatures.
 - 20.3.3 Requisitioning. A Requisition for Purchase shall be entered into the MIS, and attached supporting documents shall be routed to the Chief Purchasing Officer.
 - 20.3.4 Finance review. The Chief Procurement Officer shall conduct a review, and create a PO within three (3) working days if all information is provided.
21. EMERGENCY PURCHASES. A purchase that is justifiably urgent and/or cannot comply with standard purchasing procedures for documented reasons must still comply with NMSA 13-1-127 and 13-1-128. Emergency purchases shall only be made in the event of serious threats to the health or safety of any person, the preservation or protection of property, or the functioning of government. Procedures for these purchases are as follows:
- 21.1 A declaration of emergency must be made by the County Manager or County Commission.
 - 21.2 Emergency purchases shall be approved by the Department Director/Elected Official, and may then be made.
 - 21.3 A memorandum shall be prepared with written justification for each purchase, which shall be provided to the Finance Director within three working days following the purchase or at the end of the emergency, and shall be signed by the Department Director/Elected Official. The justification shall include:
 - 21.3.1 The vendor's name, address, and phone number.
 - 21.3.2 An itemized list of items and the cost of each.
 - 21.3.3 A satisfactory explanation for the choice of vendor and item/s purchased.

22. MILEAGE, PER DIEM AND OUT OF COUNTY TRAVEL. NMSA 1978, Sections 10-8-1 et. seq., hereinafter known as the “Per Diem and Mileage Act”, authorizes and establishes standard rates for travel for public officers and employees. Rio Arriba County follows the rates for per diem and mileage set by the New Mexico Department of Finance and Administration (DFA).

22.1 PRIOR APPROVAL REQUIRED FOR TRAVEL. Rio Arriba County has a limited budget for travel. All public officers and employees of Rio Arriba County shall obtain lodging at government rates to the greatest extent possible. “No-show” charges for reservations will not be paid by the County unless documentation is submitted demonstrating that a bonafide emergency exists. Prior approval shall be required for travel as follows:

22.1.1 Out-of-state travel shall require Board of County Commissioners approval, except for extradition of prisoners.

22.1.2 In-state travel for public employees shall require Department Director/Elected Official approval.

22.1.3 In-state travel for Department Director/Elected Officials shall require County Manager approval.

22.1.4 Emergency out-of-state travel may be approved by the County Manager and ratified by the Board of County Commissioners at its next scheduled meeting.

22.2 PER DIEM AND MILEAGE. Public officers and employees of Rio Arriba County may request per diem and mileage for out of county travel on a travel voucher form at least two (2) weeks prior to the dates of travel. Travel vouchers shall be accompanied by a proposed agenda or registration for the event requested. If approved, 80% of anticipated per diem and mileage expenses will be issued prior to travel. All requests for the 20% remainder per diem and mileage shall be submitted within ten (10) days from the date of return with documentation demonstrating attendance, i.e. conference badge, certificate of attendance, etc. Requests made after the time frames in this section may be denied. Public officers and employees shall remit a refund to the County of any excess advance payment within five (5) days from the date of return. Per diem and mileage requests shall only be processed during normal check runs.

The following rates for per diem and mileage apply to travel away from the County, outside of a 35-mile radius:

22.2.1 Overnight Travel In-State: \$155.00

- 22.2.2 Overnight Travel In-State in Santa Fe (Special Area): \$202.00
- 22.2.3 Overnight Travel Out-of-State: \$155.00
- 22.2.4 Partial Day/Return from Travel/Same Day: Minimum 2 hours, but less than 6 hours: \$20.00
- 22.2.5 Partial Day/Return from Travel/Same Day: Minimum 6 hours, but less than 12 hours \$42.00
- 22.1.6 Partial Day/Return from Travel/Same Day: Minimum 12 hours, but less than 24 hours \$59.00
- 22.1.7 Mileage rate for personal vehicle usage shall be the IRS Standard Mileage Rate set as of January 1st of the calendar year in which the travel is made.

22.2 ACTUAL EXPENSES. The Per Diem and Mileage Act allows for reimbursement of actual expenses when per diem rates are insufficient.

- 22.2.1 Rio Arriba Sheriff's Office deputies performing extraditions or transporting inmates shall be reimbursed for the actual expenses incurred for the care and feeding of those inmates in transit.
- 22.2.2 Reimbursement for actual meal expenses shall not exceed the following:
 - In-State per 24 hour period: \$59.00
 - Out-of-State per 24 hour period: \$59.00
- 22.2.3 Itemized meal receipts shall accompany travel voucher requests for actual meal expense reimbursements. Gratuities for meals will be capped at 20% per meal ticket. Under no circumstances may reimbursements be made for alcohol or alcoholic beverages.
- 22.2.4 Itemized lodging receipts shall accompany travel voucher requests for actual lodging expense reimbursements. Reimbursement for actual lodging expenses will require the signature of the County Manager on a travel voucher form prior to requesting reimbursement.
- 22.2.5 No reimbursements for actual meal or lodging expenses shall be issued without itemized receipts.

22.2.6 Mileage rate for personal vehicle usage shall not be actual expenses and shall be the IRS Standard Mileage Rate set as of January 1st of the calendar year in which the travel is made.

22.2.7 Miscellaneous actual expenses may be reimbursed without receipts in the amount of \$6.00 per day for the following expenses:

22.2.7.1 Taxis or other transportation fares at the destination

22.2.7.2 Gratuities to staff at the destination

22.2.7.3 Parking fees

22.2.8 The above-mentioned miscellaneous actual expenses may be reimbursed in full, not to exceed \$50 per day, if itemized receipts are provided.

22.2.8 Requests for actual expenses reimbursements shall only be processed during normal check runs.

23. CREDIT CARD POLICY.

23.1 PURPOSE. Credit cards are provided to approved staff, hereinafter "Cardholder(s)", in order to make purchases of specific items on behalf of Rio Arriba County. The purpose of this policy is to establish a method for use and clarify the limits of the use of County-issued credit cards.

23.2 PROCEDURE. The County Manager has appointed the following staff as the only approved staff authorized to use the County-issued credit cards:

23.2.1 Manager's Office Executive Assistant

23.2.2 Manager's Office Administrative Assistant

23.2.3 County Sheriff or his designee

23.2.4 The Director of the Finance Department

23.2.5 The Director of RACSTOP

23.3 The Finance Department shall maintain all records of credit card requests, approvals, limits and lost/stolen/destroyed information.

23.4 Each credit card shall have the Cardholder's name on it and shall be used only by the Cardholder, except for the card issued to the Sheriff, which may be used by his designee. The Cardholder may make transactions on behalf of others. At all times the Cardholder shall be responsible for all use of his/her card.

23.5 The credit cards shall be used primarily for travel and training expenditures for the County Commission, County Manager and Deputy County Manager, and other individuals who the Manager has given authorization for, and for prisoner extraditions done on behalf of the Sheriff's Office.

- 23.6 The County Manager shall retain the discretion to approve other purchases.
- 23.7 The credit card should primarily be used for the following types of purchases:
 - 23.7.1 Online or Telephonic Purchases of Training Programs, lodging arrangements, or travel arrangements to attend training programs.
 - 23.7.2 Deployment of Sheriff's Office personnel for travel and lodging for a prisoner extradition.
- 23.8 The credit card shall not be used for the following:
 - 23.8.1 Personal purchases or identification
 - 23.8.2 Cash advances
 - 23.8.3 Entertainment expenses (Exception: subject to prior approval by the County Manager, the Director of RACSTOP may use the credit card for entertainment and educational expenses for youth served by its programs)
- 23.9 Requisitions for purchase and purchase orders shall be required prior to using the credit card.
- 23.10 All credit card receipts must be turned in to the Finance Department to process the monthly payment.
- 23.11 No interest charges shall be incurred.
- 23.12 Any misuse of the County credit card or any use of that is not in accordance with policy and procedures may form the basis for disciplinary action.
- 23.13 Assigned Cardholders shall be issued a copy of this procedure and shall be required to sign a Cardholder Enrollment Form and Employee Agreement. The Agreement (attached) indicates that the Cardholder understands the procedure and the responsibilities of a Visa Cardholder. The enrollment form indicates all information needed to set the Cardholder up properly with the credit card system.
- 23.14 The County Manager shall maintain all records of credit card requests, limits, cardholder transfers and lost/stolen/destroyed card information. The County Finance Department shall maintain payment and auditing responsibility of all cardholder accounts.
- 23.15 The credit card that the Cardholder receives has his/her name embossed on it

and shall be used by the Cardholder. Rio Arriba County shall be embossed on the card under the Cardholder(s) name. The Cardholder may make transactions on behalf of others in their department. However, the cardholder shall be responsible for all use of his/her card.

23.16 AUTHORIZED CREDIT CARD USE. Use of the credit card shall be limited to the following conditions:

23.16.1 The total value of a transaction shall not exceed a Cardholder's single purchase limit.

23.16.2 Spending limits must be adhered to.

23.16.3 The Cardholder shall inform the vendor that the goods/services are to be tax exempt prior to being purchased.

23.17 UNAUTHORIZED CREDIT CARD USE. Credit cards SHALL NOT be used for the following:

23.17.1 Single purchase transactions exceeding the card's credit limit

23.17.2 Alarm/Security systems

23.17.3 Alcoholic beverages, drugs, or pharmaceuticals

23.17.4 Capital equipment

23.17.5 Non-County business/personal items/services

23.17.6 Consulting services

23.17.7 Tax reportable transactions

23.17.8 Legal services

23.17.9 Ammunition

23.17.10 Cash advances (ATM machines)

23.17.11 Furniture

23.17.12 Insurance

23.17.13 Temporary help/clerical/labor

23.17.14 Telephone calls/monthly services

23.17.15 Charges made on behalf of a spouse or guest of a Cardholder

23.17.16 Charges that would not normally be reimbursable by the County for travel, including but not limited to movies charged to a hotel room, alcoholic beverages on a meal bill, charges made on behalf of a spouse or guest of a Cardholder, etc. If these types of un-reimbursable charges are incurred, you must either have the hotel or restaurant separate the charges so you may pay only the appropriate County charges with your Card and pay the other charges either with cash or a personal credit card or you could pay the entire bill with cash or a personal credit card and submit a Travel Expense Voucher to request reimbursement for the authorized expenses.

23.18 CARDHOLDER RECORD KEEPING

23.18.1 Whenever a credit card purchase is made, either online or by telephone, documentation shall be retained as proof of the purchase. Such documentation (receipts, verbal confirmation numbers, names) will be used to verify the purchases listed on the Cardholder's monthly statement of account.

23.18.2 When making a purchase online or by telephone, the Cardholder shall document the transaction on the "Purchasing Log".

23.19 REVIEW OF MONTHLY STATEMENT

23.19.1 At the end of each billing cycle, the department shall receive from the Finance Department a copy of the monthly statement of account that will list the Cardholder's name and transaction for that period.

23.19.2 The Cardholder shall check each transaction listed against his/her purchasing log and receipts to verify the monthly statement.

23.19.3 The original sales documents, (invoice, receipts, etc.) for all items listed on the monthly statement MUST be neatly attached, in purchasing log sequence, to the statement. This data attached is critical to enable audit substantiation. If this routine is not adhered to, the credit card will be revoked. The careful matching of complete support documents to the log and then to the statement is vital to the successful use of this program.

23.19.4 After the review, the Cardholder shall sign the statement and present the monthly statement to his/her approving supervisor for approval and signature. The Cardholder shall then verify that the reviewed and approved statement is forwarded to the Finance Department.

23.19.5 The approving supervisor shall check the Cardholder's monthly statement and purchasing log and confirm with the Cardholder the following items as a minimum:

23.19.5.1 Receipts exist for each purchase.

23.19.5.2 The services or expenditures were performed, received or utilized.

23.19.5.3 The Cardholder has complied with applicable procedures, including this procedure.

23.19.6 The Cardholder shall review the monthly statements and secure his/her approving supervisor's approval within five (5) working days

of receipt. Approved monthly statements and appropriate logs and documents shall be forwarded immediately to the County Finance Department. The approving supervisor's signature/approval of a Cardholder's monthly statement indicates the Cardholder was authorized to make those purchases and those purchases were made in accordance with the applicable procedures.

23.19.7 If the Cardholder does not have documentation of a transaction listed on the monthly statement, he/she shall attach an explanation that includes a description of the item(s) purchased, date of purchase, vendor's name and reason for the lack of supporting documentation.

23.19.8 If the Cardholder is disputing a charge, he/she shall complete a dispute form and include it with the statement package.

23.19.9 If credits are not listed on the monthly statement, the appropriate transaction documentation shall be retained by the Cardholder until the next monthly statement. If the purchase or credit does not appear on the statement within 60 days after the date of purchase, the cardholder or approving supervisor shall notify the County Finance Department.

23.20 CARD SECURITY

23.20.1 It is the Cardholder's responsibility to safeguard the credit card and account number to the same degree that a Cardholder safeguards his/her personal credit information.

23.20.2 The Cardholder must not allow anyone to use his/her account number unless a letter of authorization is issued by the Cardholder. A letter of authorization must be approved by the employee's supervisor. A violation of this trust will result in that Cardholder having his/her card withdrawn and disciplinary action being considered.

23.20.3 If the card is lost or stolen, the Cardholder shall immediately notify the card bank. Representatives are available 24 hours a day. The representative will also verify the last transaction made before the card was lost or stolen. The County Manager must also be notified.

23.20.4 A new card shall be promptly issued to the Cardholder after the reported loss or theft. A card that is subsequently found by the Cardholder after being reported lost shall be returned to the County Manager where it will be destroyed.

- 23.21 CARDHOLDER SEPARATION. Prior to separation from the County, the Cardholder shall surrender the credit card and current credit card purchasing log to his/her approving supervisor. Upon its receipt, the approving supervisor will review, approve and forward to the County Finance Department the month end credit card statement and forward the credit card to the County Manager.
- 23.22 LATE PAYMENT/REPLACEMENT CARDS. Each account shall be subject to the following additional fees from the card bank.
- 23.22.1 \$35.00 late charge if any minimum payment is not paid in full or before the due date shown on the monthly statement issued immediately after the monthly statement on which the unpaid minimum payment first appears.
- 23.22.2 Reasonable charges according to the then current fee schedule for additional copies of monthly statements, drafts, and receipts requested. Fees imposed will be posted to the account.
- 23.22.3 All of the above fees will be charged to the appropriate department in which they occur. The account number that will be charged will be determined between the County Finance Department and the County Manager.

24. SUPERCESSION. This Purchasing and Procurement Policy supersedes and replaces any and all policies relating to these topics that were previously signed, adopted and approved.

SIGNED, ADOPTED AND APPROVED THIS 26th DAY OF JULY 2022.

BOARD OF COUNTY COMMISSIONERS FOR RIO ARRIBA COUNTY, NEW MEXICO

James J. Martinez, Chairman For/Against
Commissioner, District I

Christine A. Bustos For/Against
Commissioner, District II

Moises A. Morales, Jr. For/Against
Commissioner, District III

ATTEST: _____
Linda J. Padilla, Rio Arriba County Clerk

LEVELS OF PURCHASE

EXHIBIT 1

I. State Law (NMSA 13.1.125 - Small Purchases):

- A. A central purchasing office shall procure services, construction or items of tangible personal property having a value not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross receipts taxes, in accordance with the applicable small purchase rules adopted by the secretary, a local public body or a central purchasing office that has the authority to issue rules.
- B. Notwithstanding the requirements of Subsection A of this section, a central purchasing office may procure professional services having a value not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross receipts taxes, except for the services of landscape architects or surveyors for state public works projects or local public works projects, in accordance with professional services procurement rules promulgated by the department of finance and administration, the general services department or a central purchasing office with the authority to issue rules.
- C. Notwithstanding the requirements of Subsection A of this section, a state agency or a local public body may procure services, construction or items of tangible personal property having a value not exceeding twenty thousand dollars (\$20,000), excluding applicable state and local gross receipts taxes, by issuing a direct purchase order to a contractor based upon the best obtainable price.
- D. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

II. Federal Regulation (2 CFR § 200.320 Methods of procurement to be followed.):

When making expenditures using federal funding, the following small purchase regulations shall apply:

- (a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§ 200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- (b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If

small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

III. Rio Arriba County Policy:

A. Purchase Levels and Required Documentation.

1. Small Purchases. Small purchase levels shall apply to all purchases excluding the exceptions indicated below:

- i. Less than \$20,000.00. A small purchase of services, construction or goods may be made based upon immediate need, available budget, and upon approval from the Elected Official/Department Director. An itemized description of the item being purchased shall be required on the Requisition. A PO shall be issued based upon best obtainable price.
- ii. More than \$20,000.00 but not exceeding \$60,000.00. A small purchase of services, construction or goods may be made based upon immediate need, available budget, and upon approval from the Elected Official/Department Director. Any purchase falling within the range specified above shall be accompanied by three (3) quotations from three (3) separate businesses. These quotations shall be placed in the procurement file for this purchase. If three written quotes cannot be obtained, the agency shall document the reasons and include the document in the procurement file. Such notations as “does not carry” or “did not return my phone call” do not qualify as a valid quotation. If the lowest quotation is not acceptable, the Grants and Contracts Coordinator must issue a written determination as to the reasons for such a decision. These reasons must not be arbitrary or capricious.
- iii. More than \$60,000.00. Any purchase exceeding \$60,000.00 shall comply with the IFB/RFP process, unless an exemption to the Procurement Code exists. A written legal opinion from the County Attorney shall be solicited and provided to justify large purchases that claim a Procurement Code exemption. This legal opinion will be included in the procurement file for each purchase.
- iv. Professional Services Not to Exceed \$60,000.00. Any purchase of professional services that does not exceed \$60,000.00 may be made upon the negotiation of a fair and reasonable price to the County for services rendered.

B. Authorization Levels.

1. All purchases and the issuance of all PO's, regardless of dollar amount, shall require approval signatures of both the Chief Procurement Officer and the Finance Director (or the Director's designee) to be valid.