

STATE OF NEW MEXICO
CITY OF RIO COMMUNITIES

RESOLUTION NUMBER: 2015-52

PROCUREMENT POLICY AND PROCEDURES

- WHEREAS,** the Governing body in and for the City of Rio Communities, State of New Mexico has adopted a procurement policy and procedures manual, and
- WHEREAS,** said procurement policy and procedures manual was obtained in cooperation with all user departments, elected officials, and other department supervisors, and
- WHEREAS,** the official meetings for the review of said documents were duly advertised in compliance with the State Open Meetings act, and Resolution 2014-11,
- WHEREAS,** it is the majority opinion of this Board that the procurement policy and procedures manual meets the requirements as currently determined for the City,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Body of the City of Rio Communities, State of New Mexico hereby adopts the procurement policy and procedures manual hereinabove described.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF DECEMBER 2015.

City of Rio Communities Governing Body

Mark Gwinn, Mayor

Mary Lee Serna, Councilor Mayor Pro Tem

Robert Chavez, Councilor

Peggy Gutjahr, Councilor

Frank Stasi, Councilor

ATTEST:

Elizabeth (Lisa) Adair, Municipal Clerk



City of Rio Communities

Procurement Policies & Procedures Manual

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Resolution 2015-52

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CHAPTER I: GENERAL PROVISIONS

OBJECTIVE

These policies and procedures are developed to ensure consistent and effective procurement activities for the purchasing office, departments, personnel, individuals, or other users authorized to make purchases from public funds budgeted, controlled by, or otherwise under the supervision of the City of Rio Communities.

This Procurement Policies and Procedures Manual replaces (supersedes) any and all previous City of Rio Communities procurement policies whether written or oral. Should any provisions in this manual be found to be invalid and unenforceable, such findings do not invalidate the entire manual, but only that particular provision.

The purpose of this Procurement Policies and Procedures Manual is to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards in order to provide a procurement system of quality and integrity. (§ 13-1-29 NMSA 1978)

ADMINISTRATION

The responsibility for administration of the provisions of this policy shall be under the City Manager.

The Procurement Officer shall be responsible for having the knowledge to insure that all provisions of this policy and all other purchasing concerns and activities of the City of Rio Communities are appropriate and consistent with the most current generally accepted purchasing techniques and all provisions of the law.

SCOPE

Except for expenditures exempt from state statutes, this procurement policy applies to every expenditure by the City of Rio Communities for the procurement of items of tangible property, services, and construction (§13-1-28 to §13-1-199 NMSA 1978, 1997 Repl.).

CONSISTENCY WITH STATE PROCUREMENT CODE

The provisions of this policy are subject to change. Where this policy or any revision of this policy is inconsistent with the State Procurement Code or Statutes, the State Code and Statutes shall prevail.

DISTRIBUTION

All purchase users shall be given a copy of this policy and any revisions and notified of the effective date.

PURCHASING AGENT AND CENTRALIZED PURCHASING

The Purchasing Department is the general term for the individuals designated by the City Manager to fulfill the responsibility and functions of this policy. The primary objective of the Purchasing Department is to provide timely and responsive support to City Departments. The primary functions of the Purchasing Department are:

- To audit all purchase requisitions and issue purchase
- To provide guidance and training to user departments on procurement code.
- To formulate procedures and recommend policy changes concerning purchasing.

POLICY RESOLUTIONS

Any amendment of this policy shall be executed by resolution and approved by the City of Rio Communities Governing Body.

PERSONAL USE PROHIBITED

Employees are prohibited from making any purchases for the purpose of personal or private use.

CIVIL PENALTIES

Persons knowingly violating the State Procurement Code, State Statutes, or this policy may be subjected to a fourth degree felony if the transaction involves more \$50K, a misdemeanor if the transaction is \$50K or less as per New Mexico State Statutes. To be a violation, the must be a "willful" violation of the Code. In addition, persons violating this policy, State Statutes, or violation of the State Procurement Code may be subject to disciplinary action up to and including termination of employment by the City. (§13-1- 196 NMSA 1978)

UNLAWFUL PARTICIPATION

It is unlawful for any local public body employee, as defined in the Procurement Code (§13- 1- 28 to §13-1-199 NMSA 1978, 1997 Repl), to participate directly or indirectly in any procurement when the employee knows that the employee or any member of the employee’s immediate family has a financial interest in the business seeking or obtaining acontract.

It is also considered illegal for any local public body employee or government official to make known to anyone, a project or potential project being considered by the City before a scope of work in completed and a bid issued. Any potential bidder that receives information before the bid is issued will be considered ineligible to bid.

CHAPTER II: AUTHORITY TO PURCHASE

DEFINITION OF A PURCHASE

For the purpose of this policy, a purchase includes the execution of any expense to be made from City funds.

USER AUTHORITY AND RESPONSIBILITY

Purchasing authority is limited to individuals authorized by the City Manager to make purchases. A Department Authorization Signature Form (see Attachment 1) documenting all authorized users shall be submitted to the Purchasing Department. This form will provide the name and signature of all authorized users and will be approved by the City Manager. All authorized users shall receive and sign for a copy of this procurement policy, and such users shall thereby be responsible for the knowledge and appropriate compliance and application of the policy.

CHAPTER III: STANDARD PURCHASING METHODS

STANDARD PURCHASING

The provisions of this section apply to all standard purchases. "Standard Purchases" are described as systematic, planned, and necessary purchases for administration and operation of a project, division, and/or department.

There shall be no exception to these standard-purchasing methods except as provided in Non-Standard (Urgent or Emergency) Purchase Methods described in Chapter IV of this policy.

A. PURCHASE REQUISITION METHOD

All standard purchases with the exception of Credit/Check Card and routine monthly purchases require a Purchase Order to be completed and submitted to the Purchasing Department prior to making a purchase. User Departments shall not make an actual purchase until an approved Purchase Order Number has been issued from the Purchasing Office. Purchase Orders are processed daily by the Purchasing Department. The City hereby declares and establishes that it will assume no responsibility for payment of unauthorized purchases. Chapter V elaborates on this subject.

PURCHASE ORDER NUMBER

A purchase order number is an authorization to make a purchase. The purchaser prior to executing a purchase with the exception of credit/check card and routine monthly purchases must obtain a purchase order number. Purchases are not approved without a purchase order number.

Notes:

Purchase Order Number will not be issued without the proper documentation and no purchase can be made without a purchase order number.

It is the responsibility of the purchaser to inform the vendor that the purchase order number must be included on the invoice.

B. CREDIT/CHECK CARD METHOD

The City credit/check card allows the holders to make allowable purchases. An authorized purchase is a purchase that has budgeted funds at the time of purchase. Purchases can be completed with suppliers over the phone, internet, or in person, however, the purchaser is responsible for obtaining an itemized receipt from the business vendor.

Purchases made with the credit/check/check/check card do not require approval in advance.

The supplier is the vendor from whom a cardholder is making a purchase. All a supplier will need to do is give an itemized paid receipt to the cardholder.

When making a purchase, inform the merchant of the following information:

1. This purchase is New Mexico sales tax exempt. Our tax-exempt number is 03-272716-00-0. If the vendor is not a corporation and the purchase is greater than \$500, the vendor must also submit a W-9 to the purchasing department.
2. Give accurate delivery information. For telephone, fax, catalog or Internet orders, specify your name, department/and address. Never direct shipment to your home address. Do not allow COD deliveries. You must pay at the time of ordering or pick up by using the Credit/check Card.
3. Request itemized documentation showing description of cost of each item.
4. When placing a phone or fax order, request order number and a faxed copy of the invoice or order.
5. Ensure receipt of goods and materials are received.
6. Follow-up with the vendor to resolve any delivery problems, discrepancies and damaged goods.
7. It is illegal for the merchant to submit a credit/check card charge for payment unless you have received your order.
8. Inspect all goods immediately upon receiving.
9. If there is a problem with the order, contact the merchant immediately.
10. Keep notes on problems and resolution including names, dates, and conversations.

RETURNS AND/OR EXCHANGES:

If an item is received in error, damaged and/or defective, duplicated order, etc., the following steps should be followed:

Mail Orders: You must contact the vendor to obtain authorization to return the item(s). (Every vendor has different return policies – make sure your return meets their criteria). Determine if there is a restock fee. If so, it will be charged to your card. The item(s) to be returned must be repacked in original manufacturer's carton(s).

Local Orders: Take original receipt with the product in original manufacturer's carton back to the vendor. When an item has been returned you will receive a credit/check/check receipt that will be reflected on the current billing statement or the following month billing statement. If the vendor has not replaced or corrected the item by the statement cutoff date, then the purchase of that item will be considered in dispute. If you are disputing a charge, you must contact the credit/check card issuing company.

The card limit will be designated by the City Manager and based as follows:

- City Manager \$1500.00 a month
- Procurement Officer \$1500.00 a month
- **Card limits may be increased on a temporary basis upon approval of City Manager.**

CARDHOLDER ELIGIBILITY

Criteria to receive a purchasing card include:

- The applicant must be an employee of the City of Rio Communities.
- A written request must be submitted by the requestor's Department Director/Manager and approved by City Manager.
- Each individual cardholder must sign a Credit/check Card Agreement form provided by the Program Administrator (see Attachment 2).

RESPONSIBILITIES:

CARD ISSUER

- Issuing credit/check cards to approved City of Rio Communities employees
- Providing electronic transaction authorization
- Billing the City for all purchases made on the City's Credit/check Cards

CREDIT/CHECK CARD PROGRAM ADMINISTRATOR RESPONSIBILITIES

The Finance Director and/or the City Manager or their designee serves as the Credit/check Card Program Administrators. Administrative duties are delegated to the Finance Department and include:

- Serving as the main contact for the City of Rio Communities
- Having the cardholder sign a Credit/check Card Agreement (Attachment 2), signifying agreement with the terms of the credit/check card program
- Retaining signed Credit/check Card Agreements in a secure location
- Acting as the liaison with MyBank
- Acting as the intermediary for establishing and maintaining credit/check card management reports
- Coordinating all cardholder maintenance (adds, changes, and closures with the card issuer)
- Generating and issuing monthly purchasing card reports for review by Finance
- Reconciling the credit/check card statement
- Ensuring that lost or stolen cards have been blocked by the City
- Assisting cardholders with erroneous declines, unresolved supplier disputes, lost or stolen cards and fraudulent charges

CARDHOLDER

The cardholder is a City of Rio Communities employee who is approved by their Department Director/Manager to use the credit/check card to execute purchase transactions on behalf of the City of Rio Communities.

The guidelines are purchases must be budgeted and for a legitimate business purpose. If a purchase is not budgeted prior to the purchase the cardholder will ultimately be held responsible for the purchase.

The credit/check card will be issued in the employee's name with the City of Rio Communities' name clearly indicated on the card. The purchasing card is a corporate charge card which will not affect the cardholder's personal credit/check. However, it is the cardholder's responsibility to ensure that the card is used within the guidelines in the City of Rio Communities policies. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to management, and/or disciplinary measures up to and including termination.

CARDHOLDER RESPONSIBILITIES

- Immediately report a lost or stolen card to MyBank Visa at 1-800-367-7576. (24 hours a day, 365 days a year)
- Immediately notify the Program Administrator and City Manager of a lost or stolen Credit/check Card at the first opportunity during normal business hours
- Ensuring the credit/check card is used for legitimate business purposes only. If a purchase is not budgeted prior to the purchase the cardholder will ultimately be held responsible for the purchase
- Maintaining the purchasing card in a secure location at all times
- Never allow other individuals to use your purchasing card
- Adhering to the purchase limits and restrictions of the purchasing card and ensuring the total transaction amount of any single transaction does not exceed the limit set for the cardholder
- Obtaining an itemized receipt for all transactions
- Any small register tapes need to be taped on an 8 by 11 sheet of paper
- Attempt to resolve billing disputes directly with the supplier. If unable to resolve the dispute, the cardholder should contact the Credit/check Card Administrator or designee and fax the required dispute form to MyBank
- Ensuring that an appropriate credit/check for the reported disputed item or billing error appears on a subsequent cardholder statement
- Must not accept cash in lieu of a credit/check to the credit/check card account
- Return the credit/check card to the Department Director/Manager upon terminating employment or transferring departments within the City of Rio Communities
- Report erroneous declines or fraudulent charges to the City Manager and the Program Administrator during normal business hours

FINANCE RESPONSIBILITIES

- Ensuring the credit/check card is used for legitimate business purposes only
- Reconcile the card statements

CARDHOLDER ACCOUNT CLOSURE

Accounts may be closed under the direction of the Finance Director and/or City Manager for reasons including, but not limited to:

- The purchasing card is used for personal, unauthorized purchases, alcoholic beverages, or any substance, material, or service which violates the City of Rio Communities policy, law, or regulation.
- The cardholder allows the card to be used by another individual.
- Missing/Lost Receipts, the credit/check cardholder has the responsibility of doing due diligence to replace the receipt (request duplicate from vendor) in a timely manner.
- If the cardholder fails to provide receipts for all transactions, the cardholder will be in violation. If failure to submit itemized receipts within the specified time frame, this is considered an unauthorized purchase. The cardholder shall be held personally responsible to reimburse the City for the unauthorized purchase. This reimbursement can be paid directly to Finance or deducted from an employee's bi-weekly payroll. (Signed documents allowing this process are signed at the time of card issuance and maintained by Finance) The cardholder must submit receipts within 3 days of purchase to the Finance Director.

If cardholder fails to comply with the Credit/check Card Policy or does not adhere to the City of Rio Communities policies regarding procurement, it will result in the following actions:

- On the first violation, the cardholder will receive a verbal warning from their Supervisor based on information provided by Finance. The cardholder must reimburse the City immediately. The Finance Director or designee will contact the cardholder and discuss policy and procedures.
- If the violation occurs a second time, the cardholder will receive a written reprimand from their Supervisor based on information provided by Finance.
- A third violation will result in a written reprimand from their Supervisor and the permanent termination of the credit/check card.

Any other violations not listed above will be reviewed on a case by case basis by the Finance Director and City Manager. Depending on the severity of the Credit/check card violation, in and of itself, will be sufficient cause for immediate termination of Credit/check card privileges.

The purpose for using a Credit/check Card is for Emergency purchases; travel (see travel policy), internet purchases, or in situations when purchase orders are not accepted by a vendor.

PROHIBITED PURCHASES of the use of purchase card Examples are the

following:

- Capital Items (Expenses over \$5,000)
- Professional Services
- Personal Transactions
- Liquor/Tobacco

If there is any question as to whether a transaction is allowed or not, the cardholder should contact the Finance Department.

The purchasing card is to be used only for the purchase of goods. The spending limit will vary and will be established based on the needs of the user. Any exception must be approved by the cardholder's Department Director/Manager before requesting the Program Administrator to change the cardholder's profile with MyBank.

ERRONEOUS DECLINES

If the cardholder feels that a supplier has erroneously declined the credit/check card, the Program Administrator should be contacted for assistance. The Program Administrator will contact MyBank to determine the reason for the decline and will make appropriate changes to the cardholder's profile.

If a decline occurs outside of normal City of Rio Communities business hours, the employee must find an alternate payment method or terminate the purchase and contact the Program Administrator during normal business hours.

CREDIT/CHECKS

Suppliers should issue all credit/checks for returned merchandise or services to the individual purchasing card account for any item they have agreed to accept for return. **UNDER NO CIRCUMSTANCES SHOULD A CARDHOLDER ACCEPT CASH IN LIEU OF A CREDIT/CHECK TO THE CREDIT/CHECK CARD ACCOUNT.**

UNRESOLVED DISPUTES AND BILLING ERRORS

The cardholder is responsible for contacting the supplier to resolve any disputed charges or billing errors within 60 days of receiving a statement. If the matter cannot be resolved with the supplier, the cardholder should:

- Contact MyBank Visa at 1-800-367-7576 directly for assistance.
- Fax any requested documentation if directed to document the reason for the dispute.
- If the dispute is resolved in the cardholder's favor, a credit/check in the amount of the disputed transaction will appear on a subsequent cardholder statement
- Contact the Program Administrator for assistance if an acceptable resolution is not obtained

C. PETTY CASH METHOD

This procedure is established to make small purchases under \$25.00 without going through the purchase order process. The purpose is to grant flexibility for acquiring very small supplies when required immediately. See the Accounting Policy and Procedures for petty cash procedures.

D. BLANKET PURCHASE ORDERS

Blanket purchase orders are utilized for numerous and repeated purchases that expire on June 30 of the fiscal year. It allows the use of a single purchase requisition issued for a specific period of time, and is issued to a specific vendor from which the departments make routine and repeated purchases. Blanket purchase orders are approved by the Department Director.

To initiate a blanket purchase order, the user must submit a purchase requisition to Purchasing for the service or product and vendor. A purchase order number will be issued upon approval. The purchase order must be clearly marked "Blanket Purchase Order." That blanket purchase order will be valid for the remainder of that fiscal year. If services or products are to continue into a new fiscal year, a new blanket purchase order must be submitted to Purchasing.

Under no circumstances are blanket purchase orders to be used for the purchase of capital goods or equipment.

E. ROUTINE MONTHLY PURCHASES

Routine monthly purchases include utility bills or other service charges, memberships, subscription fees, registration fees, ads and publications, drug and alcohol screening, employment background checks, funds appropriated for support to other agencies, or other purchases requiring special purchase considerations. These purchases and services are not required to have an assigned Purchase Order. The Purchasing Agent shall assist departments in determining when this method is appropriate.

CHAPTER IV: EMERGENCY/URGENT PURCHASING METHODS

GENERAL PROVISIONS

The provisions of this section include all purchases that are considered urgent or emergency and cannot, therefore reasonably follow the standard purchasing procedures. Urgent or emergency purchases are normally due to insufficient time required for standard processing, but must follow the guidelines established in this section. It is the responsibility of the Procurement Officer with City Manager approval to insure that all purchases made under provisions of this section are immediate and unforeseen.

A. URGENT/EMERGENCY PURCHASE PROCEDURE

All urgent/emergency expenditures shall be approved by the completion of an Emergency/Urgent Purchase Memorandum. See attachment 4. This form includes a written justification for purchases and must be completed within 24 hours of the urgent situation. This memorandum must be attached as documentation for the expenditure.

An emergency purchase is only permissible when there is an existing condition which create a threat to public health, welfare, or safety of property such as may arise by reason of floods, fires, epidemics, riots, acts of terrorism, equipment failure, or similar events and includes the planning and preparing for an emergency response.

The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible property that cannot be met through normal procurement methods and the lack of which would seriously threaten the functioning of government; the preservation or protection of property; or the health or safety of any person. The central purchasing office shall use due diligence in determining the basis for the emergency procurement and for the selection of the particular contractor.

Emergency procurements shall not include the purchase of heavy road equipment. The determination shall be in writing and be included in the procurement file. (§13-1-127 NMSA 1978)

An emergency condition must be determined by the City Manager. The Finance Department shall maintain all emergency procurement records for a minimum of three years. Prior to award of an emergency procurement contract, the central purchasing office shall provide the information to the department of information technology for posting on the sunshine portal; and forward the same to the legislative finance committee. Within three business days of awarding an emergency procurement contract, the local public body central purchasing office shall post the information described on the local public body website. The record of such procurement shall be public record and shall contain, at a minimum:

- The contractor's name and address;
- The amount and term of the contract;
- A listing of the services, construction or items of tangible property procured

- under the contract;
- Whether the contract was a sole source or emergency procurement contract; and the justification for the procurement method. (§13-1-128 NMSA, 1978)

CHAPTER V: UNAUTHORIZED PURCHASES AND OVER EXPENDITURES

UNAUTHORIZED PURCHASES

Any purchase which is not allowable and appropriately approved within the City budget or by other City Council action, or which does not substantially comply with the provisions of the State Procurement Code, State Statutes, or the provisions of this policy shall be considered an unauthorized purchase, and thereby not subject to payment by the City.

All authorized purchases shall be budgeted or approved by resolution by the City of Rio Communities City Council and the DFA.

The City of Rio Communities hereby establishes that it will assume no responsibility for payment of unauthorized purchases. Furthermore, any individual initiating or otherwise executing any unauthorized purchase may be held personally responsible for payment.

All questionable purchases shall be submitted to the Finance Department for review. If Finance finds the purchase to be unauthorized or questionable under the provisions of this policy, the City Manager will be notified. The determination of the City Manager and Finance will be final and no other review may be requested. Questioned purchases will not be processed until a final determination concerning the allow ability is made.

OVER EXPENDITURES

The Procurement Officer is directly responsible to ensure that all purchases are made in accordance with the current budget. Further, the finance officer is responsible for ensuring that sufficient funds remain in the budget before requisitions are submitted. No purchases may be approved or processed in cases where the budget is overextended.

If budget changes are needed, the Finance Director should submit a budget change by resolution to the DFA.

The Finance Department shall provide sufficient information (data and reports) upon request, to keep the City Mangers and City Council properly updated on budget balances.

CHAPTER VI: COMPETITIVE PURCHASES

All employees making purchases shall attempt to insure that all purchases are made at the best obtainable prices. All purchases shall be made in accordance with the following provisions:

PURCHASING THRESHOLDS

- \$0.01 to \$5,000.00: Purchases do not require a price quote but is recommended. All purchases shall be made at the best obtainable price. (§13-1-125 NMSA 1978)
- \$5000.00 to \$20,000: Purchases of tangible personal property, construction and non-professional services require specifications or scope of work quotes from at least 3 businesses but absolutely no fewer than 2. Quotes may be verbal but preferably written.
- \$20,000.01 to \$60,000.00: Purchases require at least 3 written quotes (including fax or internet) from different vendors. The quotes need to be entered on the detailed description section of the requisition form and the quotes obtained need to be attached to purchase order and filed in the department for Auditor review if requested.
- \$60,000.01 and above: All purchases exceeding \$60,000.00 (except professional services and state or federal purchasing contracts and cooperative bids) require formal bid procedures as specified by State regulations (§13-1-102 NMSA 1978) and must have an approved budgeted line item. The department shall provide the specifications to the Purchasing Agent who shall approve a purchase method and execute the required process.
- All professional services, having a value not exceeding sixty thousand dollars (\$60,000), will be procured at the best negotiated price through informal competitive proposals. Any professional services over \$60,000.00 will be procured by Formal Sealed Competitive Proposals and will be approved by the City Council as a regular agenda item. See Section E below for more information on procurement of professional services.

COUNCIL APPROVAL OF PROCUREMENT ACTIONS

If the purchase was originally planned and is in the department budget for the appropriate fiscal year, the purchase has already been approved by the Council. If not, the following items must be approved by the City Council and the procurement will be presented as a consent item on the Council agenda:

- Proposals of \$60,000.00 or greater.
- Bids \$60,000.00 or greater.
- Professional services \$60,000.00 or greater.

City Council approval is not required on purchases under \$60,000.00.

BID SPECIFICATIONS

Specifications should be written by the user department to address the needs of the City for a specific item to perform a specific function. Specifications written for purchases shall not be "closed or exclusive", or otherwise written in such a way as to intentionally favor or exclude a vendor. Reference to specific types or quality shall be followed by the wording "or equal" and all specifications regardless of wording shall be considered as "or equal." It shall be the user department's responsibility to provide and ensure that all specialized technical aspects of specifications are correct and appropriate, and to point out any questionable, unusual, or inappropriate specifications to the Purchasing Agent prior to processing. The bidding process may be waived after review of the Purchasing Agent in cases that a vendor has a State or Federal Purchasing Contract. In all cases, a purchase order must be obtained prior to the use of a contract.

As per §13-1-164 NMSA 1978, all specifications shall be drafted to ensure maximum practicable competition and fulfill the requirements of state agencies and local public bodies.

COMPETITIVE BID METHODS

A. WRITTEN QUOTES

Written quotes may be in a variety of formats, including printouts from internet sites, e-mails from vendors, or hand written quotes from vendors, but must contain the following information:

- Vendor (new vendors need W9s, refer to New Vendor Form (Attachment 3))
- Item to be purchased
- Quantity
- Price
- In the event there are not three known vendors that have materials/services available, less than three quotes are permissible. **See Section C below on Sole Source Purchase.**

When the vendor has a State or Federal Purchasing Contract, or if a vendor has an agreement or contract with the City to provide materials or services, multiple quotes are not required.

B. STATE OR FEDERAL PURCHASING CONTRACTS AND COOPERATIVE BIDS

State or Federal Purchasing Contracts and Cooperative Bid Exceptions: Direct purchases may be made in cases that a vendor has a State or Federal Purchasing Contract recorded in the Purchasing Office. Also, the City may purchase items cooperatively through another public body's bid process consistent with State Codes.

In all cases, a purchase order number must be obtained prior to the use of a contract. A copy of the current purchasing agreement must be attached with the requisition (§13-1-129 NMSA 1978).

The State list can be found at www.generalservices.state.nm.us. The Federal list can be found at www.gsa.gov. If any assistance is needed in locating these sites, contact the Purchasing Office.

C. SOLE SOURCE PURCHASE

A sole source purchase is permissible when there is only one vendor in the overall geographical region that can provide the required service, construction, or item of tangible property. (§13-1-126 NMSA 1978,) A Sole Source Certification Form (See attachment 5) must be completed for any procurement determined to be sole source. **The Procurement Officer shall certify that a good faith effort has been made to contact other vendors in the general overall geographical region that the sole source has been located, and that the item or service is the only source found to be available in the region. The service, construction or item of tangible personal property is unique and this uniqueness is substantially related the intended purpose of the contract and that other similar services construction or items of tangible personal property cannot meet the intended purpose of the contract.** The Procurement Officer shall certify that every effort has been made to determine if there is a Federal Purchasing or State contract for the item or services requested and that negotiations, as appropriate, have been conducted with the sole source vendor to determine that it is the best obtainable price. The Purchasing Office shall maintain for a minimum of three years records of all sole source procurement. The record of such procurement shall be public record and shall contain:

- The Vendor's name and address;
- The amount and item of the contract;
- A listing of the services, construction or items of tangible property procured under the contract; and
- The justification for the procurement method.

D. PROPOSALS –REQUEST FOR PROPOSAL (RFP), COMPETITIVE SEALED PROPOSALS

A request for proposal (RFP) is used to solicit the procurement of professional services or tangible property over \$60,000.00. In addition, a RFP may be used when it is determined that the use of bids is either not practical or advantageous. Proposals are mostly criteria based, and not on a cost only basis.

User departments are required to develop the detailed scope of work, the evaluation criteria, and the scoring of each criteria. This information should be submitted to the purchasing office and used in the development of the RFP to be released.

"Request for Proposal" means all documents, including those attached or incorporated by reference, used for soliciting proposals. (§13-1-81 NMSA 1978).

The RFP shall include the following:

- The specifications for the service(s) to be procured;
- All contractual terms and conditions applicable to the procurement;
- Instructions and information to offerers, including the date, time and place where proposals are to be received and reviewed;
- All the evaluation criteria including the relative weights to be given to each criteria.

Public notices must be published at least ten days prior to the deadline for submission (§13-1-104 NMSA 1978, 1997 Repl.). All legal notices must be published in at least three (3) regional markets in addition to the local area. Proposals will not be opened prior to the scheduled deadline for submission. Proposals are not publicly opened.

After the deadline for submission, proposals will be evaluated based on the evaluation criteria set forth in the proposal document (§13-1-114 NMSA 1978), by an evaluation committee consisting of no less than three members and no more than seven members. This committee shall include the Department Director/Manager originating the proposal or designee and a City Councilor. The Councilors would be chosen on a rotating basis in alphabetical order.

Negotiations may be conducted with responsible offerers who submit proposals found to be reasonably likely to be selected for award (§13-1-115 NMSA, 1978). The contents of any proposal shall not be disclosed so as to be available to competing offerer during the negotiation process (§13-1-116 NMSA, 1978)

The committee's recommendation will be forwarded to the City Manager and/or City Council, as appropriate, for award approval. If bids received and awarded are less than \$60,000.00, no Council approval is needed. Awards over \$60,000.00 will need approval by Council.

After award, all proposals are subject to the "Inspection of Public Records Act" (§14-2-1 through 14-2-12 NMSA 1997). Individual rating sheets from the evaluation committee will be destroyed as these are not public information.

Proposals that are rejected and never awarded are not subject to the "Inspection of Public Records Act." In addition to the requirements above, proposals for the services of architects, engineers, landscape architects and surveyors must also comply with §13-1-120 through 13-1-124 NMSA 1978. (§13-1-115 NMSA 1978)

There shall be a check list attached to each proposal file to insure compliance with all required "terms and conditions" such as completing the "Campaign Contribution Disclosure Form", and submittal of a W-9 form.

E. BIDS (INVITATION FOR FORMAL BID, REQUEST FOR BID, COMPETITIVE SEALED BIDS)

A request for formal bid is used to purchase tangible property over \$60,000.00. Bids, unlike proposals, are primarily cost based.

"Invitation for Bids/Request for Bids" means all documents, including those attached or incorporated by reference, utilized for soliciting sealed bids. (§13-1-64 NMSA 1978). An invitation for bids shall include the specifications for the services, construction, or items of tangible personal property to be purchased, all contractual terms and conditions applicable to the procurement, the location where the bids are to be received and the date, time, and place of the bid opening. (§13-1-103 NMSA 1978, 1997 Repl.)

The user department shall develop the technical specifications, which shall clearly describe the

items the user department intends to purchase.

The request for bid shall include the following:

- The specifications for services, construction, or items of tangible personal property requested;
- The contractual terms and conditions applicable to the procurement;
- The terms of the contract and conditions of renewal or extension;
- Instructions and information to bidders, including the date, time, and place, where bids are to be received.

When the City of Rio Communities requires sealed bids, the entire bid document must be reviewed by the Department Director/Manager originating the bid or designee.

Additional staff may be required to review the bid document.

- The invitation for bids shall include the location where the bids are received and the date, time and place of the bid opening.
- Public Notice must be published at least ten calendar days prior to the scheduled bid opening. (§13-1-104 NMSA 1978, 1997 Repl.) All legal notices must be published in at least three (3) regional markets in addition to the local area. Bids are time stamped when received but not opened and shall be stored in a secure place until the time and date set for opening. Bids will not be opened prior to the scheduled bid opening. All bids shall be opened publicly in the presence of one or more witnesses. (§13-1-107 NMSA 1978).
- Award shall be made to the lowest responsible bidder, as approved by the City Council. However, the City reserves the right to waive technicalities and accept the bid deemed to be in the best interest of the City of Rio Communities. If bids received and awarded are less than \$60,000.00, no Council approval is needed.

Awards over \$60,000.00 will need approval by Council.

- Price negotiations can be conducted if the lowest bid was up to 10% higher than budgeted project funds in order to avoid rejection of all bids only if the lowest responsible bid has otherwise qualified, and if there is no change in the original terms and conditions. (§13-1-105 NMSA 1978, 1997 Repl.)
- All bids are subject to the "Inspection of Public Records Act." (§14-2-1 through 14-2-12 NMSA 1978)
- There shall be a check list attached to each bid file to insure compliance with all required "terms and conditions" such as completing the "Campaign Contribution Disclosure Form", submittal of a W-9 form or Application for a City of Rio Communities business license.

PROCUREMENT OF PROFESSIONAL SERVICES

Professional Services means the services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, management and systems analysts, certified 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 state purchasing agent or a central purchasing office (§13-1-76 NMSA,

1978). Characteristics of "Professional Services" include:

- Services are professional or technical or specialized needs. Work is predominately intellectual and varied.
- Work is independent from the day-to-day control of the City; consultant maintains control of work methods.
- Work requires regular exercise in judgment, direction, and decision-making; involves providing advice, opinion, or recommendations; may have policy- implications for City; often addresses management-level issues.
- May require advanced or specialized knowledge; or expertise gained over an extensive period of time in a specialized field of experience.
- Work may be original and creative in character in a recognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination, or talent.

All professional services, having a value not exceeding sixty thousand dollars (\$60,000.00) will be procured at the best negotiated price through an informal process. Any professional services over \$60,000.00 will be procured by Formal Sealed Competitive Proposals. Awards over \$60,000.00 will be approved by the Council as a regular agenda item. The award shall be made to the responsible offeror(s) whose proposal is most advantageous to the local public body or legislative agency, taking into consideration the evaluation factors set forth in the request for proposals. (§13-1-117.1 NMSA 1978)

PROCUREMENT OF USED ITEMS

As per §13-1-155 NMSA 1978, the procurement of used items; appraisal required, county road equipment, except for auctions, the following will apply:

- A central purchasing office, when procuring used items of tangible personal property the estimated cost of which exceeds \$5,000, shall request bids as though the items were new, adding specifications that permit used items under conditions to be outlined in the bid specifications, including but not limited to requiring a written warranty for at least 90 days after date of delivery and an independent "certificate of working order" by a qualified mechanic or appraiser.
- Notwithstanding the provisions of Subsection A of this section, the purchasing office for a county may purchase, at public or private auctions conducted by established, recognized commercial auction companies, used heavy equipment, having an estimated cost that exceeds \$5,000, for use in construction and maintenance of municipal streets, roads and highways, subject to the following provisions:
 - (1) The commercial auction company shall have been in business for at least three years preceding the date of purchase and shall conduct at least five auctions annually;
 - (2) The value of each piece of equipment shall be appraised prior to the auction by a qualified disinterested appraiser retained and paid by the municipality, who shall make a written appraisal report stating the basis for the appraisal, including the age, condition and comparable sales, and stating that the appraiser has exercised his independent judgment without prior understanding or agreement with any person

- as to a target value or range of value;
- (3) An independent "certificate of working condition" shall be obtained prior to the auction from a qualified mechanic who shall have made a detailed inspection of each major working or major functional part and certified the working condition of each; and
 - (4) The price paid, including all auction fees and buyer's surcharges, shall not exceed the appraised value.

REJECTION OR CANCELLATION OF BID OR PROPOSAL

An invitation for bids, a request for proposal, or any other solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part when it is in the best interest of the City. A determination containing the reasons for cancellation shall be made part of the procurement file. If no bids are received or if all bids received are rejected and if the invitation for bid was for any tangible personal property, construction or service, then new invitations for bids shall be requested. If upon rebidding the tangible personal property, construction or services, the bids received are unacceptable, or if no bids are secured, the purchasing office may purchase the tangible personal property, construction, or services in the open market at the best obtainable price (§13-1-131, NMSA 1978).

The City of Rio Communities reserves the right to reject any bid from a bidder who previously failed to perform properly or complete on time contracts of a similar nature or to reject the bid of a bidder who is not in a position to perform such a contract satisfactorily.

All such rejections are at the discretion of the City and must be approved by the City Manager.

PREFERENCES

Preferences for purchases must be made in accordance with statutes on the application of preferences. (§13-1-21 NMSA 1978)

When bids are received by non-New Mexico businesses and a New Mexico resident business, a preference may be given to the New Mexico resident business. If the New Mexico resident business is not the low bid, the bid may still be awarded to the New Mexico resident business if the bid is within 5% of the lowest bid.

This section shall not apply when the expenditure of federal funds designated for a specific purchase is involved or for any bid price greater than \$5,000,000.00.

Definitions:

- > "New Mexico resident business" means a business that is authorized to do and is doing business under the laws of this state and:
- That maintains its principal place of business in the state
 - Has staffed an office and has paid applicable state taxes for two years prior to the awarding of the bid and has five or more employees who are residents of the state; or

- Is an affiliate of a business that meets the requirements of Subparagraph (a) or (b) of this paragraph. As used in this section, "affiliate" means an entity that directly or indirectly through one or more intermediaries controls, is controlled by or is under common control with the qualifying business through ownership of voting securities representing a majority of the total voting power of the entity;

PROTESTS

All protests for procurement must be in accordance with the State Code (§13-1-172 through 13-1-176 NMSA 1978, 1997 Repl.) and New Mexico State Procurement Regulations §1.4.1.80 through 1.4.1.93.

Any bidder or offerer who is aggrieved in connection with a solicitation or award of a contract may protest. The protest shall be submitted in writing within 15 calendar days after knowledge of the facts or occurrences giving rise to the protest.

In the event of a timely protest under §13-1-172 NMSA 1978, 1997 Repl. of the Procurement Code, the purchasing office shall not proceed further with the procurement unless a determination has been made that the award of the contract is necessary to protect substantial interests of the City.

However, procurement shall not be halted after a contract has been awarded merely because a protest has been filed. After a contract has been awarded, the City may halt procurement in exceptional circumstances or for good cause shown.

The City shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved bidder or offeror. The City shall promptly (within ten calendar days) issue a determination relating to the protest. The determination shall state the reasons for the action taken.

All protests for procurement for the City of Rio Communities will be accepted and reviewed by the City Manager

CHAPTER VII: PAYMENTS

INVOICES

An invoice is an itemized statement submitted by the vendor to the City for payment of material or services delivered to the City. It is the responsibility of the vendor to ensure that a purchase order is provided prior to issuing materials or services and the vendor shall include the purchase order number on the invoice submitted to the City for payment. A copy of the policy shall be sent to the vendor with a notice that if improper invoicing procedures continue to occur, the Purchasing Agent may exclude the vendor from the City Vendor List. Also, the City may refuse payment in any case that there is an unauthorized purchase. The Purchasing Office will refuse delivery or shipment if there is not a PO number assigned to the shipping label/packing slip. The packing slip must contain an itemized detail of products delivered.

PROCESSING FOR PAYMENT

It shall be the responsibility of the Finance Department to insure that all invoices received are appropriately authorized prior to payment and that the purchase order numbers are on the invoices. The Finance Director shall be responsible for ensuring that appropriate procedures are established and used for payment after invoices are received to include that payment is made timely, and to ensure that discounts are received and late charges avoided. ***All invoices must be paid within thirty (30) days of the date of invoice to avoid late charges. (§13-1-158 NMSA 1978, 1997 Rep/.)***

VERIFICATION OF INVOICES

All invoices shall be signed by authorized personnel prior to payment to ensure materials and services have been received and to verify it is authorized for payment.

PACKING SLIPS

All original packing slips are required to be submitted into Accounts Payable upon receipt of delivery. (To include: Aggregate deliveries, Fed Ex, Air Bills) These packing slips must be signed and purchase order number referenced. Packing slips will be matched with invoices received in mail and expedited for payment processing.

CHAPTER VIII: SPECIAL END OF THE YEAR PROCEDURES

Special purchasing procedures shall be followed to ensure effective fiscal closeouts can be accomplished. Department Directors/Managers are responsible for anticipating the department needs and procuring all goods and services prior to the end of the fiscal year. Provisions are as follows:

60 days Prior to Year Ending

60 days prior to the end of the fiscal year, the Purchasing Agent will send out a report listing the outstanding purchase orders to each department. The department will review and report their findings to the Purchasing Agent.

60 days prior to the end of the fiscal year, purchase order numbers will be issued only for purchases in which invoices will be received within an estimated thirty (30) days, except as otherwise specifically approved by the Finance Department/Purchasing Office.

30 Days Prior to Year Ending

There shall be no purchases requiring a purchase order, or purchase order numbers issued within 30 days prior to the end of the fiscal year. Any exception must be approved by the City Manager or Deputy City Manager(s) Credit Card Administrator.

7 Days Prior to Year End closing there will be no use of the Credit/check Card

There shall be no purchasing on the City Credit/check Card. Any exception must be approved by the City Manager or Finance Director.

ATTACHMENT 1

Department Authorization Signature Form

The Purchasing Department is required to keep on file signatures of all Department Directors/Managers and alternates authorized to sign on purchases.

Please sign on the lines provided below and also print your name under your signature. If your signature is illegible on any invoice, it will be considered an unauthorized purchase.

DEPARTMENT: _____

PRINT DEPARTMENT DIRECTOR NAME: _____

SIGNATURE: _____

PRINT DEPARTMENT MANAGER _____

SIGNATURE _____

PRINT DEPARTMENT ALTERNATE _____

SIGNATURE: _____

Special notes:

(Use this area for special conditions, such as authorization limited to certain \$ amounts, etc)

ATTACHMENT 2

PURCHASING CARD AGREEMENT

AGREEMENT TO ACCEPT City of Rio Communities CREDIT/CHECK CARD

The City of Rio Communities is pleased to offer you the MyBank Credit/check Card. It represents the City's trust in you and your empowerment as a responsible agent to safeguard the City's assets.

I, _____ hereby acknowledge receipt of the City of Rio Communities Credit/check Card Program Policies and Procedures and confirm that I have read and understand its terms. As a cardholder, I agree to comply with said document and understand that the City of Rio Communities is liable to MyBank for all Organization approved purchases.

I agree to use the Credit/check Card for Organization approved purchases and agree not to charge personal purchases. I understand that the City will audit the use of the card and report any discrepancies.

I further understand that improper use of the card will result in a security investigation that may lead to disciplinary action, up to and including prosecution and termination of employment. Should I fail to use the card properly, I authorize the City of Rio Communities to deduct such amount from my salary equal to the total amount of unaccountable expenditures. I also agree to allow the City to collect any amounts owed by me even if I am no longer employed by the City of Rio Communities.

In the event that the Purchasing Card is not used as herein stated, I hereby authorize the City to release my last known address and any information relating to my use of the card to MyBank.

I understand that the City of Rio Communities may terminate my right to use the card at any time for any reason. I also agree to return the card to the City immediately upon request or upon termination of employment.

CARDHOLDER

Signature _____ Date _____

Signed before me this day, _____ this month ____ of this year 20____

Notary Public, My commission expires: _____

PROGRAM ADMINISTRATOR

I acknowledge that the above cardholder has been issued a City of Rio Communities Credit/check Card account number: _____

Signature: _____ Date: _____

ATTACHMENT 3

City of Rio Communities
New Vendor Information

Please provide the following information along with your W-9:

Name of Business: _____

Physical Address: _____

Remittance Address: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

Terms/Net Due: _____

Contact Person: _____

This information needs to be
provided to: Accounts Payable
Clerk

Fax: 505-861-6804

Phone: 505-861-6803

ATTACHMENT 4

City of Rio Communities EMERGENCY/URGENT PURCHASE MEMORANDUM

This form **MUST** be completed for **ALL** Emergency Purchases made by any department. The Purchase **MUST BE** either an **EMERGENCY OR URGENT PURCHASE** as defined in Chapter V of the Purchasing Procurement Procedure Manual and as defined herein:

"An emergency purchase is permissible when there is an existing condition which creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for procurement of items or services or construction methods and the lack of which would seriously threaten the functioning of government; the preservation or protection of property; or the health or safety of any person."

This memorandum must be completed in its entirety, and then delivered to the City Manager. The City Manager will obtain Finance approval, and notify Purchasing. **UNTIL THESE STEPS ARE FOLLOWED, any purchase made is UNAUTHORIZED.**

Item to be purchased		
Approximate Cost:		
Line Item Code:		
REASON FOR EMERGENCY PURCHASE:		
Department Director		Date
AUTHORIZED SIGNATURES		
	City Manager	Date
	Finance Officer	Date
	Purchasing	Date

ATTACHMENT 5

CITY OF RIO COMMUNITIES SOLE SOURCE CERTIFICATION

A sole source purchase is permissible when there is only one vendor in the overall geographical region that can provide an item or service. (§13-1-126 NMSA 1978, 1997 Repl.) The Department Director, Purchasing Agent or representative shall certify that a good faith effort has been made to contact other vendors in the general overall geographical region that the sole source has been located, and that the item or service is the only source found to be available in the region. The City Manager must give final approval for sole source purchases.

The Purchasing Agent shall certify that every effort has been made to determine if there is a Federal Purchasing or State contract for the item or services requested and that negotiations, as appropriate, have been conducted with the sole source vendor to determine that it is the best obtainable price.

If there is a GSA or State Contract for the item or service, a Sole Source Certification is not required. If another vendor has the item or service needed and has been contacted, a Sole Source Certification is not permissible.

For clarification of these Sole Source issues please refer to Procurement Procedures or contact your Purchasing Department.

Full Description of item or service:

Additional Justification Information:

Name/Contact Person of Sole Source Vendor: _____

Address/Telephone# of Sole Source Vendor: _____

Price of Sole Source Items or Services: _____

CERTIFICATION BY DEPARTMENT:

I hereby certify that a good faith effort has been made to contact other vendors in the general overall geographical region in which the sole source has been located, and that there is only one source for the required service or item of tangible personal property.

Department Head: _____ Date: _____

CERTIFICATION OF PURCHASING AGENT:

I hereby certify that there is not a GSA or State Contract for the item or service requested and those negotiations, as appropriate, have been conducted with the sole source vendor to determine this is the best price obtainable.

Purchasing Agent: _____ Date: _____

City Manager: _____ Date: _____

ATTACHMENT 6
City of Rio Communities
INTERIM BUDGET PURCHASE MEMORANDUM

This form **MUST** be completed for **ALL** Purchases made by any department prior to the Budget being approved by the New Mexico Department of Finance. The Purchase **MUST BE** either an **EMERGENCY OR URGENT PURCHASE** as defined in 13-1-127 & 13-1-128 of the New Mexico State Statutes and also in Chapter V of the City of Rio Communities' Procurement policies. Only purchase those items or services that are absolutely necessary and **confirm** that funds are allocated in the Preliminary Budget prior to submitting the form for approval.

"An emergency purchase is only permissible when there is an existing condition which creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for procurement of items or services or construction methods and the lack of which would seriously threaten the functioning of government; the preservation or protection of property; or the health or safety of any person." (§13-1-127, NMSA 1978)

This memorandum must be completed in its entirety, and then delivered to the City Manager.
UNTIL THESE STEPS ARE FOLLOWED, any purchase made is UNAUTHORIZED.

Item to be purchased	Cash Receipt For Various Dept.	
Approximate Cost:		
Line Item Code:		
REASON FOR EMERGENCY PURCHASE:		
Department Director Signature:		
AUTHORIZED SIGNATURES		
	City Manager	Date:
	Finance Manager	Date:
	Purchasing Agent	Date:

Attachment 7

Lost Receipt Declaration Form

Receipts must be provided where possible. This form is for exceptional circumstances and must be submitted where a receipt or duplicate cannot be produced.

Employee Name:	
Date of Claim:	
<ol style="list-style-type: none"> 1. This form is to be completed when the original receipt has been lost or destroyed and only where a replacement cannot be obtained. 2. Attach this form to your expense claim or Credit-Card Log. 3. Claim or transactions will not be approved without being supported by declaration form. 	
Type of Claim:	<p style="text-align: center;">Out of Pocket Expense Claim</p> <p style="text-align: center;">Credit/check Transaction</p>
Description of Goods or Services Purchased:	
Amount:	\$
Supplier Name:	
Date of Expense:	
Circumstances of loss and any additional information	
<p>I hereby declare that I have lost or accidentally destroyed the original receipt and have made every effort to obtain a replacement but have not been able to obtain one. I further declare that I have not and will not use this receipt (if found) to claim reimbursement from any other source, or to support any claim in the future.</p>	
Employee's Signature:	Date:
Department Director:	Date:
City Manager	Date: