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3 All purchases from District funds shall be carried out in accordance with applicable laws and regulations,
4 including the State Procurement Code and the Governmental Conduct Act.

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6 All procurements that entail bids and proposals, other than emergency procurements and change orders
7 on construction contracts that do not affect the contract price or do not exceed the project's contingency
8 fund, shall require Board review and approval prior to the award. Subsequent contract award
9 amendments, which exceed ten percent (10%) of the original contract award, shall also be submitted to
10 the Board for review and approval.

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12 Expenditures made in the cases of an emergency, as approved in writing by the superintendent, or his/her
13 designee, in compliance with applicable federal and state statute and regulation, shall be exempt from
14 prior Board of Education approval but shall be approved by the Board of Education at the next
15 appropriate Board of Education meeting.

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17 The Superintendent shall designate a Chief Procurement Agent for the District who shall be certified in
18 accordance with the New Mexico Procurement Code, manage a central purchasing function pursuant to
19 law, and promulgate District administrative procedures consistent with law and regulation.

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21 While the Superintendent retains ultimate responsibility for such purchasing, the Chief Procurement
22 Agent shall be authorized to carry out procurement functions, including approval of procurements,
23 pursuant to state law and District policy, issue purchase orders and authorize small purchases, in
24 accordance with state law and District policy.

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26 In accordance with the state law, District policy and regulations, the Superintendent or designee may
27 procure:

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- 29 1. services, construction or items of tangible personal property having a value not exceeding twenty
30 thousand dollars (\$20,000), excluding applicable state and local gross receipts taxes, by issuing a
31 direct purchase order to a contractor based upon the best obtainable price;
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33 2. services, construction or items of tangible personal property professional services having a value
34 not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross
35 receipts taxes, except for the services of landscape architects or surveyors for state public works
36 projects or local public works projects; and

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38 Procurement requirements shall not be artificially divided so as to constitute a small purchase under this
39 policy. The Board of Education shall reserve the right to review, approve or reject any procurement
40 decision.

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42 As set out in state law, the district shall not enter into a contract with a District public officer or
43 employee, a family member or business in which a District public officer, employee or family member
44 has a substantial interest (greater than 20 %) unless the officer or employee has disclosed any interest
45 through public notice and unless the contract is awarded pursuant to a competitive process.

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47 The district shall not enter a contract with, or take any action favorably affecting, any person or business
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- 1. Represented personally in the matter by a person who has been a public officer or employee of the state within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer or employee; or,
- 2. Assisted in the transaction by a former public officer or employee of the state whose official act, while in state employment, directly resulted in the agency's making that contract or taking that action.

For a period of one year after leaving government service or employment, a former public officer or employee of the district shall not represent a person for pay before the district.

Legal References:

- § 10-16-1 *et. seq.* NMSA 1978
- §13-1-1 *et. seq.* NMSA 1978
- NMAC 1.4.1 *et. seq.*