

Administrative	Amended and Restated Procurement Policy	Original Effective Date: 5/26/2016 Current Version: [8/24/2023]
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NEW MEXICO  
**FINANCE AUTHORITY**

**PROCUREMENT POLICY**

*This Policy was adopted on August 24, 2023 by the Board of Directors of the New Mexico Finance Authority, a public body politic and corporate, separate and apart from the State of New Mexico constituting a governmental instrumentality, created by the New Mexico Finance Authority Act, Section 6-21-1 et. seq., NMSA 1978.*

**I. PURPOSE**

- A. The Purpose of this Policy is to facilitate the New Mexico Finance Authority’s (NMFA) mission through the efficient, effective purchase of goods and services. The Policy is rooted in the tenants of transparency and competitiveness, balanced against the requirement that the NMFA procure goods and services most advantageous to the fulfillment of its mission.
- B. The Policy outlines the requirements and authority levels guiding the procurement of all goods and services purchased by the NMFA.

**II. DEFINITIONS**

- A. Determination. A written determination executed by the authorized NMFA staff members as outlined in this Policy, that documents the need for the good or service, purchase amount and the reason for selecting the vendor chosen.
- B. Existing Contract Procurement. A procurement at a price equal to or less than the vendor’s price outlined in a current federal, state, local public body, or political subdivision’s contract, so long as that contract was the result of a competitive procurement.
- C. Emergency Procurement. A procurement under certain conditions which are deemed to create an immediate threat to the functioning of the NMFA or to the success of the NMFA.
- D. Financial Services. Include, but are not limited to, goods and services related to banking, bonds, insurance, and trade execution.

- E. Office Supplies. Items purchased for administrative or office use, including, but not limited to, paper, envelopes, ink cartridges, staples, tape, paper clips, writing utensils, office furniture, office equipment but does not include computer or electronic equipment or peripherals. Office Supplies may only be purchased as authorized by the Chief Administrative Officer.
- F. Purchase Order. A document that is generated by the NMFA and may be issued to a vendor when purchasing goods, services or commodities. This document is also used internally to control the procurement process to ensure that all the required procedures have been followed before anything is ordered. The document provides the details on the items that are to be purchased, such as the relevant type or class, quantity, delivery and payment terms, and price.
- G. Request for Proposal (“RFP”). A publicly posted document that announces the potential purchase of goods and services, competitively seeks bids from qualified offerors, and, among other things, sets out the bidding and selection process.
- H. Request for Quotation/Qualifications (“RFQ”). An RFQ is similar to an RFP but is designed to be a truncated competitive process wherein a set of potential qualified vendors are asked to submit their price quotations or service qualifications for specific goods or services.
- I. Software License Procurement. A procurement of the rights to use a particular software program from the developer or other authorized third-party reseller.
- J. Sole Source Procurement. A procurement under certain conditions wherein, after a good faith review of the NMFA’s requirements and the readily available resources, there is either i) only one available vendor for the goods or services or item of tangible personal property, or ii) it would be unduly burdensome, inefficient, costly or unreasonable to solicit additional offers.
- K. Technology Equipment. Technology and electronic peripherals including, but not limited to, computers, servers, general computer equipment, audio-visual equipment, printers, monitors, hard drives, memory, storage devices, and headphones. Technology Equipment may only be purchased as authorized by the Chief Technology Officer.

### III. GENERAL

- A. Implementation. The NMFA’s Chief Administrative Officer is responsible for the implementation of the requirements of this Policy.
- B. Mainstreet. The NMFA shall utilize best efforts to solicit, procure and purchase goods from qualified local vendors. Local vendors are defined as New Mexico businesses serving New Mexicans and other New Mexico businesses.

- C. Requirements. An NMFA staff member may not order or authorize delivery of goods or services, or otherwise commit the NMFA to any obligation, without proper authority and required documentation. The key requirements below provide the framework for such approval and documentation.
1. Budget. All purchases must be supported by the NMFA’s approved budget.
  2. Authorization. Goods or services may only be purchased after receiving the appropriate approval as outlined in this Policy.
  3. Selection Process. No goods or services may be purchased without first following the vendor selection process outlined in this Policy.
  4. Documentation. No goods or services may be purchased without adequate documentation of the vendor selection process, as required in this Policy.
  5. Term. Except for goods or services involving Financial Services, no contract for goods or services shall exceed a term of 4 years.
  6. Contract. For any purchase of goods or services that utilizes a contract, the contract must be reviewed and approved by the Chief Legal Officer or designee prior to the completion of any purchase.

#### IV. PROCUREMENT REQUIREMENTS

NMFA staff is responsible for ensuring that requirements outlined below are met for all goods or services purchased by the NMFA. The purchase amount is the total amount of the goods or services, per fiscal year, excluding taxes and reimbursement of any travel or administrative expenses.

Purchase Amount/Service	Selection Process	Authorization Required	Documentation Required
Micro: \$0 to \$5,000	Any	C-Level	Purchase Order or Receipt
Minor: \$5,000 to \$15,000	3 quotes	C-Level	Purchase Order
Small: \$15,001 to \$75,000	3 written quotes	CEO or Designee	Determination and Purchase Order
Medium: \$75,001 to \$250,000	RFQ or RFP	CEO and Finance and Disclosure Committee	Determination and Purchase Order
Large: \$250,001 and up	RFQ or RFP	CEO and Board of Directors	Determination and Purchase Order
External & Internal Auditor	RFP	CEO and Board of Directors	Determination and Purchase Order

## V. EXCEPTIONS

The following categories of purchases of goods and services are exempt from the requirements outlined in Section IV, but must comply with the requirements outlined below. The purchase amount is the total amount of the goods or services, per fiscal year, excluding taxes and reimbursement of any travel or administrative expenses.

Purchase Type	Purchase Amount	Authorization Required	Documentation Required	Reporting Required
Office Supplies	\$0 to \$5,000	CAO or designee	Purchase Order or Receipt	None
Technology Equipment	\$0 to \$5,000	CTO or designee	Purchase Order or Receipt	None
Software License	\$0 to 75,000	Chief Technology Officer	Determination and Purchase Order	None
Existing Contract Procurement	\$0 to \$5,000	Manager	Determination and Purchase Order	None
	\$5,000 to \$15,000	C-Level	Determination and Purchase Order	None
	\$15,001 to \$75,000	CEO or designee	Determination and Purchase Order	None
	\$75,001 and Up	CEO or designee	Determination and Purchase Order	Finance and Disclosure Committee
Sole Source	Any	CEO	Determination and Purchase Order	Finance and Disclosure Committee
Emergency	Any	CEO	Determination and Purchase Order	Finance and Disclosure Committee

## VI. RFP REQUIREMENTS

Any RFP issued by the NMFA must include language addressing the following elements:

### A. General.

1. Description. A description of the tangible personal property, services or professional services sought by the NMFA.
2. Minimum Requirements. The terms and conditions applicable to the procurement.

3. Evaluation Factors. The relative weight to be given to the factors used in evaluating the proposals.
  4. The date, time and location or email addresses where the proposals are to be received by the NMFA.
  5. Timetable for selection.
  6. Expected delivery and invoice payment terms.
- B. Public Notice. The RFP shall be made available by the NMFA on its website upon issuance, and best efforts will be made to distribute the RFP to local providers who the NMFA believes, in its sole discretion, may be qualified to provide the requested goods or services.
- C. Evaluation Committee. Proposals will be evaluated by an evaluation committee, comprised of NMFA staff and a member of the Finance and Disclosure Committee (if desired), or other NMFA Board Committee (if desired), as well as any consultants deemed necessary or appropriate by the NMFA, in its sole discretion. Evaluations of proposals will be conducted in accordance with the evaluation criteria stated within the applicable RFP, and any amendments thereto.
- D. Negotiations After Submission of Proposals. Respondents may, in the sole discretion of the NMFA, be afforded an opportunity for discussion and revision of proposals. Revisions may be permitted after submissions of proposals and prior to award for the purpose of obtaining best and final offers
- E. Award. Contracts will be awarded to the respondent or respondents whose proposals i) conform in all material respects to the requirements set forth in the RFP, and ii) are determined to be the most advantageous to the NMFA taking into consideration the evaluation factors set forth in the RFP and the purpose of the RFP. No one factor, including price, shall be determinative.
- F. Rejection or Cancellation of RFPs. At any time prior to the execution of a contract or purchase, an RFP may be canceled or any or all proposals may be rejected in whole or in part when it is determined by the NMFA, in its sole discretion, to be in the best interests of the NMFA. A written determination by the NMFA Chief Executive Officer containing the reasons for cancellation or rejection of the RFP or the proposals shall be maintained in the procurement file.
- G. Performance Bonds and Additional Requirements. Performance bonds or other security may be required for contracts involving items of tangible personal property, services or professional services, if the NMFA deems it necessary to protect the interests of the NMFA.

- H. Terms of Contracts. The terms of contracts will be for a period that is mutually agreed upon by the NMFA and the contractor. Except for goods or services involving Financial Services, no contract entered into by the NMFA can exceed a period of four (4) years.
- I. Protest.
1. Any bidder who is aggrieved in connection with the award of a contract by the NMFA may protest the award of the contract. The protest must be submitted in writing to the Chief Administrative Officer for the RFP within fifteen (15) calendar days of an award. The written protest shall state with particularity the basis for the protest and the facts upon which the protestant relies in protesting the award.
  2. The NMFA will not proceed further with the procurement until review and resolution of the protest has been completed, unless the Chief Executive Officer determines in writing that the award is necessary to protect substantial interests of the NMFA.
  3. The Finance and Disclosure Committee shall have the authority to take any action it deems reasonably necessary to resolve a protest, pursuant to such procedures as may be established by the NMFA Board, but not including the authority to award money damages or attorney's fees to any party to the protest.
  4. The Finance and Disclosure Committee will issue a notice of determination relating to the protest within a reasonable time after receipt of the protest and the determination by the Finance and Disclosure Committee will be final. The notice of determination shall state the Finance and Disclosure Committee's findings and reasons for any actions taken.
  5. If after the execution and approval of a contract by all parties the NMFA determines that the award of the contract was in violation of the law or the procedures set forth in this Procurement Policy and if it is determined that the entity awarded the contract did not act fraudulently or in bad faith, the contract may be ratified, affirmed and revised to comply with the law, provided that the NMFA determines such action to be in the best interests of the NMFA. Alternatively, the NMFA may elect to terminate the contract.

## **VII. REPORTING**

On a quarterly basis, the NMFA shall provide a report of all Small, Sole Source and Emergency procurements to the Finance and Disclosure Committee.

## VIII. CONFLICTS

- A. Conflicts. No employee, Board Member, or agent of the NMFA shall participate in the selection, award, or administration of a contract or purchase order if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of their immediate family, their partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the entity selected for an award.
  
- B. Disclosure. In the case of an employee or agent of the NMFA, any conflict must be disclosed to the Chief Administrative Officer, or in the case the Chief Administrative Officer has a conflict, to the Chief Executive Officer. Members of the Board of Directors with a conflict are prohibited from taking any action and must disclose the conflict to the Chief Executive Officer.