



Village of Ruidoso

Procurement Policies & Procedures Manual

May 12, 2020

Resolution 2020-19

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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 Village of Ruidoso (the Village).

This Procurement Policies and Procedures Manual replaces (supersedes) any and all previous Village 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 Finance Director.

The Purchasing Agent shall be responsible for having the knowledge to ensure that all provisions of this policy and all other purchasing concerns and activities of the Village are appropriate and consistent with the most current generally accepted purchasing techniques and all provisions of the law. In addition, the purchasing agent shall be registered with the New Mexico General Services Department as the Certified Procurement Officer (CPO).

SCOPE

Except for expenditures exempt from state statutes (i.e., utilities, books and periodicals, travel, advertising, etc.), this procurement policy applies to every expenditure by the Village 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 Village 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 Village Departments.

The primary functions of the Purchasing Department are:

- > Audit all purchase requisitions and issue purchase orders.
- > Provide guidance and training to user departments on procurement code.
- > Formulate procedures and recommend policy changes concerning purchasing.

POLICY RESOLUTIONS

Any amendment of this policy shall be executed by resolution and approved by the Village's 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 (§13-1-199 NMSA 1978). To be a violation, there 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 Village (§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 a 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 a contract (§13-1-190 NMSA 1978).

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 Village funds.

USER AUTHORITY AND RESPONSIBILITY

Purchasing authority is limited to individuals authorized by the Department Director and/or Manager. Individuals will obtain purchase requisition rights from the Finance Director and will be restricted to general ledger accounts managed by the Department Director and/or Manager. However, ultimate responsibility for any expenditure lies with the Department Director and/or Manager. All authorized users shall receive a copy of this policy and such users are responsible for compliance 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 begin with a Village of Ruidoso Purchase Requisition. Each department designee is required to input the purchase information into the requisition that is forwarded to the Department Director and/or Manager for review and approval, it is then forwarded to both the Purchasing Department and Village Manager for review and approval, in order for a Purchase Order to be generated. User Departments shall not make an actual purchase until an approved Purchase Order has been generated by the Purchasing Department. Purchase requisitions are processed daily by the Purchasing Department. The Village hereby declares and establishes that it will assume no responsibility for payment of unauthorized purchases. Chapter V elaborates on this subject.

It should be noted that purchase requisitions under \$10,000 are individually approved by the Department Director and/or Manager and automatically approved by the Village Manager and Purchasing Agent. Requisitions over \$10,000 are individually approved by the Department Director and/or Manager, the Village Manager, and the Purchasing Agent. In addition, the computer systems will not allow a purchase requisition to be generated if the corresponding account number does not have sufficient budgeted dollars.

It is the user's responsibility to verify that the Village has a current certificate of insurance (COI) and IRS form W-9 or sub W-9 on file prior to requisition. If not it is the user's responsibility to obtain these documents and provide to Finance before a requisition is entered.

A purchase order (PO) is both a binding contract and an authorization to make a purchase. A purchase order must be obtained by the purchaser prior to executing a purchase with the exception of P-Card and routine monthly purchases. Purchases are not approved without a purchase order. Each purchase order generated is identified with a unique, sequential, eight (8) digit number. Numbers begin with the two (2) digit fiscal year followed by a hyphen and end with the five digit (5) sequential number. Each year purchase order numbers begin at 00001. Purchase orders that lapse fiscal years have an additional R1 designation after the purchase order number to inform the user that this is a roll over. Unless communicated with the Finance Department purchase orders do not automatically roll. In addition, operating budget does not follow.

A PO cannot be issued without a requisition that is then approved by the Department Director/Manager.

B. PROCUREMENT CARD/PURCHASING CARD METHOD

The purchasing card program is a purchasing tool which provides an extremely efficient and effective method of purchasing for the Village. The purchasing card works like a personal credit card and will enable cardholders to make allowable purchases. An authorized purchase is a purchase which 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 vendor.

Built-in card features make the program easy to control and reduces processing costs by minimizing the number of procurement related invoices and checks. Purchases made with the purchase card do not require approval in advance. The only exception to this is any IT related purchases of hardware or software must have IT approval.

The supplier is the vendor from whom a cardholder is making a purchase. The purchasing card is welcomed by over 15 million suppliers worldwide. When accepting the card for business purchases, suppliers need not send invoices since they will receive payment directly from Bank of America (via the card association) within 48 hours. 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:

This purchase is New Mexico gross receipts tax exempt. Our tax exempt number is 01404291006. The Village is not exempt from gross receipts taxes on construction or services.

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 Purchasing Card. Request itemized documentation showing description of cost of each item. When placing a phone or fax order, request order number, and a faxed copy of the invoice or order. Ensure receipt of goods and materials are received. Follow-up with the vendor to resolve any delivery problems, discrepancies and damaged goods. It is illegal for the merchant to submit a VISA charge for payment unless you have received your order.

1. Inspect all goods immediately upon receiving.
2. If there is a problem with the order, contact the merchant immediately.
3. Keep notes on problems and resolutions including names, dates, and a synopsis of 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 receipt which 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 complete a Disputed Charge Report (Attachment 6) and include with the expense report.

The card limit will be designated by the Finance Director and/or the Village Manager and based as follows:

Department Director/Manager and Senior Staff	\$5,000.00 a month
Middle Management	\$3,000.00 a month
Field Staff/Support Staff	\$3,000.00 a month

Card limits may be increased on a temporary basis upon approval of Village Manager.

CARDHOLDER ELIGIBILITY

Criteria to receive a purchasing card include:

- 1) The applicant must be an employee of the Village of Ruidoso.
- 2) A written request must be submitted by the requestor's Department Director/Manager and approved by Finance Director and/or Village Manager
- 3) Each individual cardholder must sign a Purchasing Card Agreement form provided by the Program Administrator (see Attachment 2).

RESPONSIBILITIES CARDISSUER (BankofAmerica)

- Issuing purchasing cards to approved Village of Ruidoso employees
- Providing electronic transaction authorization
- Billing the Village for all purchases made on the Village's Purchasing Cards

PURCHASING CARD PROGRAM ADMINISTRATOR RESPONSIBILITIES

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

- Serving as the main contact for the Village of Ruidoso
- Providing training materials to cardholders before issuing a purchasing card
- Obtaining a signed Purchasing Card Agreement (Attachment 2), signifying agreement with the terms of the purchasing card program
- Retaining signed Purchasing Card Agreements in a secure location
- Acting as the liaison with Bank of America
- Acting as the intermediary for establishing and maintaining purchasing card management reports
- Coordinating all cardholder maintenance (adds, changes, and closures with the card issuer)
- Reconciling the Bank of America statement with the electronic file
- Ensuring that lost or stolen cards have been blocked by the Village
- Assisting cardholders with erroneous declines, unresolved supplier disputes, lost or stolen cards and fraudulent charges

CARDHOLDER

The cardholder is a Village of Ruidoso employee who is approved by their Department Director/Manager to use the purchasing card to execute purchase transactions on behalf of the Village of Ruidoso.

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 purchasing card will be issued in the employee's name with the Village of Ruidoso's name clearly indicated on the card. The purchasing card is a corporate charge card which will not affect the cardholder's personal credit. However, it is the cardholder's responsibility to ensure that the card is used within the guidelines in the Village of Ruidoso 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 Bank of America at 1-800-538-8788 (24 hours a day, 365 days a year)
- Immediately notify the Program Administrator and Department Director/Manager of a lost or stolen Purchasing Card at the first opportunity during normal business hours
- Ensuring the purchasing 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
- Inputting line items on each transaction for each department. Each card holder will receive notification from Bank of America frequently which will require the entry of the account codes used for their purchases.
- All coding must be completed by the 25th of the month
- Obtaining an itemized receipt for all transactions
- Submit the signed Bank of America statement with sequential receipts attached to the Finance Department. Any small register tapes need to be taped on an 8-½ “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 Purchasing Card Administrator or designee and fax the required dispute form to Bank of America
- Ensuring that an appropriate credit for the reported disputed item or billing error appears on a subsequent cardholder statement
- Must not accept cash in lieu of a credit to the purchasing card account
- Return the purchasing card to the Department Director/Manager upon terminating employment or transferring departments within the Village of Ruidoso
- Report erroneous declines or fraudulent charges to the Department Director/Manager and the Program Administrator during normal business hours
- Each card holder is responsible to code and reconcile (verify budgeted amount) each purchase with the account line item that will be used for each purchase.

DEPARTMENT DIRECTOR/MANAGER RESPONSIBILITIES

- Ensuring the purchasing card is used for legitimate business purposes only
- Responsible for the opening of a Purchase Order for monthly charges.
- Ensuring that all purchases are recorded on the Bank of America statement with receipts attached.
- The Bank of America statement will be turned in to Finance after reviewing for accuracy and signing.
- Informing Finance when cardholders have any changes that affect their status.

Failure to comply will result in disciplinary action as follows:

1. First Instance = Warning if misuse was justified.
2. Second Instance = A minimum of one (1) year suspension of cardholder P-Card privileges.
3. Third Instance = Termination of P-Card use for cardholder and six months suspension of Department Director/ Manager P-Card use.
4. Card suspended indefinitely.

FINANCE RESPONSIBILITIES

Audit the Bank of America paper and/or electronic reports to review the purchasing card program

CARDHOLDER ACCOUNT CLOSURE

Accounts may be closed under the direction of the Finance Director and/or Village 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 Village of Ruidoso policy, law, or regulation.
- The cardholder allows the card to be used by another individual.
- Missing/Lost Receipts, the purchasing card holder 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 Village 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 P-Card logs, cardholder statement, itemized receipts, and license plate numbers on any gas purchases, to Finance by the 25th of each month.

The purpose for using a Purchase Card is for Emergency purchases; travel (see travel policy), internet purchases, or in situations when purchase orders are not accepted by a vendor. The intent of the purchase card is not to circumvent the procurement process. It is up to the user to inquire if the vendor accepts a purchase order and/or check. If the vendor does, the user must not use the purchase card to complete the transaction. In addition, the user's ultimate responsibility is to obtain the best price.

PROHIBITED PURCHASES

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.

SUPPLIER BLOCKING

Transactions will be blocked at the point of sale for the types of suppliers included on the Blocked Merchant Category Classification Code Listing. Changes to the blocking list can be made as demonstrated by business need. A cardholder should obtain approval from their Department Director/Manager before asking the Program Administrator to change the blocking list associated with the cardholder's profile at Bank of America.

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 Bank of America.

ERRONEOUS DECLINES

If the cardholder feels that the purchasing card has been erroneously declined by a supplier, the Program Administrator should be contacted for assistance. The Program Administrator will contact Bank of America to determine the reason for the decline and will make appropriate changes to the cardholder's profile.

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

CREDITS

Suppliers should issue all credits 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 TO THE PURCHASING 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 Bank of America at 1-800-538-8788 directly for assistance
- Fax a signed Bank of America Dispute Form to Bank of America (1-800-253-5846) to document the reason for the dispute
- If the dispute is resolved in the cardholder's favor, a credit 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 enable departments to make small purchases under \$25.00 without going through the purchase order process. The purpose is to grant flexibility to departments for acquiring very small supplies when required immediately. The use of a petty cash fund shall be restricted to those departments whose historical expenditure records justify such utilization as determined by the Director of Finance. See the Financial Management Manual for petty cash procedures. The Department is responsible for reconciling and replenishing the petty cash fund on a monthly basis or as needed. In addition, the Finance Department will audit the funds on an annual basis or as deemed necessary.

D. BLANKET PURCHASE ORDERS

Blanket purchase orders are utilized for numerous and repeated daily purchases which are anticipated through the fiscal year. All blanket purchase orders expire on June 30th 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. A blanket purchase order is submitted through a purchase requisition to the Purchasing Department for the service or product. A purchase order 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. In addition, department's must ensure that the Village is not making any purchases that would have required a solicitation through RFP or IFB.

E. ROUTINE MONTHLY PURCHASES

Purchases including utility bills and travel are not required to have an assigned Purchase Order. However, if a Purchase Order can be used it is the preferred.

CHAPTER IV: EMERGENCY/URGENT PURCHASING METHODS

GENERAL PROVISIONS

The provisions of this section include all purchases which 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 Department Director with Village Manager approval to ensure that all purchases made under provisions of this section are immediate and unforeseen.

A. URGENT/EMERGENCY PURCHASE

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 or 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 included in the procurement file. (§13-1-127 NMSA 1978)

An emergency condition must be determined by the Village Manager and/or a Deputy Village 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

GENERAL PROVISIONS

Any purchase which is not allowable and appropriately approved within the Village budget or by other Village 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 Village. All authorized purchases shall be budgeted or approved within an appropriate fund or agency account, or within an appropriate line item as approved by the Village of Ruidoso Village Council.

The Village of Ruidoso 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 Finance for review. If Finance finds the purchase to be unauthorized or questionable under the provisions of this policy, the Department Director/Manager will be informed. The Department Director/Manager may request further review by the Village Manager and/or Finance. The determination of the Village Manager and/or Finance will be final and no other review may be requested. Questioned purchases will not be processed until a final determination concerning validity is made.

A. OVEREXPENDITURES

The Department Director/Manager is directly responsible to ensure that all purchases are made in accordance with the current budget. Further, the Department Director/manger 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 Department Director/Manager should submit a budget adjustment to the Finance Department. The Finance Department shall provide sufficient information (data and reports) upon request, to keep Department Directors/Mangers properly updated on budget balances.

CHAPTER VI: COMPETITIVE PURCHASES

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

A. PURCHASING THRESHOLDS

> **\$0.01 to \$10,000.00:** Purchases do not require a price quote. All purchases shall be made at the best obtainable price. (§13-1-125 NMSA 1978) All purchases are automatically approved by the Village Manager and the Purchasing Agent. The Department Director and/or Manager is the only approval needed. The department must make sure that the best obtainable price is secured.

> **\$10,000.01 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. All purchases are approved by the Village Manager, the Purchasing Agent, and the Department Director and/or Manager.

> **\$60,000.01:** All purchases (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 an informal process. Any professional services over \$60,000.00 will be procured by Formal Sealed Competitive Proposals and will be approved by the Village Council as a regular agenda item. See Section E below for more information on procurement of professional services.

COUNCIL APPROVAL OF PROCUREMENT ACTIONS

The following items must be approved by the Village Council.

- > Request for Proposals of \$60,000.00 or greater.
- > Request for Bids of \$60,000.00 or greater.
- > Request for Proposals for Professional Services of \$60,000.01 or greater.
- > Any contract obtained from a third-party (i.e., Cooperative Educational Services (CES), Houston Galveston Area Council (HGAC), State-wide Pricing Agreement over \$60,000.

Village Council approval is not required on purchases under \$60,000.00, only Village Manager approval. However, at the Village Manager's discretion, any of these agreements may be forward to Village Council as a consent agenda.

B. BID SPECIFICATIONS

Specifications should be written by the user department to address the needs of the Village 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.

C. COMPETITIVE BID METHODS

1. 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 refer to New Vendor Form (Attachment 3))
Item to be purchased
Quantity
Price

In the event there are not three known vendors which have materials/services available, less than three quotes are permissible. However, documentation that a third quote was attempted must be provided. 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 village to provide materials or services, multiple quotes are not required.

2. 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 Village 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.

3. SOLESOURCE 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 Village Manager or Deputy Village Manager 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 to 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 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. 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.

4. REQUEST FOR PROPOSAL (RFP) AND 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, an 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. RFP includes all documents, including those attached or incorporated by reference, used for soliciting proposals. (§13-1-81 NMSA 1978).

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. 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 offerors, 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. The Purchasing Agent and the Department Director/Manager originating the proposal will coordinate the selection of the committee.

Negotiations may be conducted with responsible offerors who submits proposals found to be reasonably likely to be selected for award (§13-1-115 NMSA, 1978). The Village Manager or designee along with the Department Director/Manager involved will be responsible for conducting reasonable negotiations. A recommendation for award will be submitted to Village Council for consideration and approval.

The contents of any proposal shall not be disclosed so as to be available to competing offeror during the negotiation process (§13-1-116 NMSA, 1978). All contracts/agreements must be approved by Village Council either as a consent agenda item (less than \$60,000) or as a regular agenda item (greater than \$60,000).

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. (§13-115 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", submittal of a W-9 form, or Application for a Village of Ruidoso business license.

5. 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 includes 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 Village of Ruidoso 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. If the procurement is to be procured without electronic submission, the invitation for bids shall include the location where the bids are received and the date, time and place of the bid opening. If the procurement is to be a sealed bid with part or all of the bid to be submitted electronically, the invitation for bids shall comply with the requirements of Section 13-1-95.1 NMSA 1978, 1997 Repl.

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 will not be opened prior to the scheduled bid opening. All bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. (§13-1-107 NMSA 1978). Award shall be made to the lowest responsible bidder, as approved by the Village Council. However, the Village reserves the right to waive technicalities and accept the bid deemed to be in the best interest of the Village of Ruidoso. All awards will need approval by Village 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 Village of Ruidoso business license.

6. 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 Village; 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 Village; 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 \$60,000 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 and approved by the Village Manager. 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).

Professional services under \$60,000 can be approved and contracted by the Village Manager.

7. 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 county streets, roads and highways, subject to the following provisions:

- 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;
- the value of each piece of equipment shall be appraised prior to the auction by a qualified disinterested appraiser retained and paid by the county, 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;
- 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
- the price paid, including all auction fees and buyer's surcharges, shall not exceed the appraised value.

8. 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 Village. 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 Village of Ruidoso 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 Village and must be approved by the Village Manager or the Director of General Services.

9. 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.

"NewMexicoresidentbusiness" means a business that is authorized to do and is doing business under the laws of this state, maintains its principal place of business in the state, has staffed an office and has paid applicable state taxes for three 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 definition. 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;

10. 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 offeror 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 Village. 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 Village may halt procurement in exceptional circumstances or for good cause shown.

The Village shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved bidder or offeror. The Village 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 Village of Ruidoso will be accepted and reviewed by the Village Manager and the Director of General Services.

CHAPTER VII: PAYMENTS

INVOICES

An invoice is an itemized statement submitted by the vendor to the Village for payment of material or services delivered to the Village. 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 Village for payment.

If a vendor does not comply, a notice shall be sent to the vendor stating that if improper invoicing procedures continue to occur, the Purchasing Agent may exclude the vendor from the Village Vendor List. Also, the Village 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 ensure 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 Repl.)

Finance will ensure that the Village has a current COI and W-9 on file prior to payment.

VERIFICATION OF INVOICES

All invoices shall be signed by the Department Director and/or Manager 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 (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.

60days 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 to the Purchasing Agent those purchase orders that will not be closed out prior to fiscal year-end and will need to be rolled over to the subsequent fiscal year. In addition, 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.

30Days Prior to Year Ending

There shall be no purchases requiring a purchase order issued within 30 days prior to the end of the fiscal year. Any exception must be approved by the Village Manager and the Finance Director.

Purchase Card

Purchase Card usage can continue through the fiscal year end, provided that the purchase complies to the policies in Chapter 3. B. of this policy. Purchases after the 20th of June will be reported in the subsequent month.

ATTACHMENT 1

PURCHASING CARD AGREEMENT

AGREEMENT TO ACCEPT Village of Ruidoso PURCHASING CARD

The Village of Ruidoso is pleased to offer you the Bank of America Purchasing Card. It represents the Village's trust in you and your empowerment as a responsible agent to safeguard the Village's assets.

I, _____ hereby acknowledge receipt of the Village of Ruidoso Purchasing 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 Village of Ruidoso is liable to Bank of America for all Organization approved purchases.

I agree to use the Purchasing Card for Organization approved purchases and agree not to charge personal purchases. I understand that the Village 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 which 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 Village of Ruidoso to deduct such amount from my salary equal to the total amount of unaccountable expenditures. I also agree to allow the Village to collect any amounts owed by me even if I am no longer employed by the Village of Ruidoso.

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

I understand that the Village of Ruidoso may terminate my right to use the card at any time for any reason. I also agree to return the card to the Village 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 Village of Ruidoso Purchasing Card account number: _____

Signature _____ Date _____

ATTACHMENT 2

Village of Ruidoso
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: 575-258-3017
Phone: 575-258-4343

ATTACHMENT 3

Village of Ruidoso
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 a Deputy Village Manager. The Deputy Village Manager will obtain Finance approval and notify Purchasing. Purchasing will obtain the Village Manager’s approval. 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		
	Village Manager	Date:
	Deputy Manager	Date
	Finance Officer	Date:
	Purchasing	Date:

ATTACHMENT 4

VILLAGE OF RUIDOSO 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 Village Manager or Deputy Village 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: _____

Management Approval

Village Manager/Deputy Manager: _____ Date: _____

ATTACHMENT 5

Bank of America Purchasing Card Dispute Form
Bank of America must receive transaction dispute
within 60 days of
Posting to your account. Attn:
Dispute & Loss Specialist

Date:

Company Name: Village of Ruidoso

Account Number:

Transaction Date:

Amount:

Merchant Description:

Please check the appropriate statement that validates your dispute. Attach supporting documentation that validates your dispute, such as: credit memos, letter to merchants, sales slips or proof of payments.

I certify that the transaction disputed was not made by me, nor were the goods or services represented by this transaction received by myself or a person authorized by me.

Although I did engage in the above transaction, I am disputing the entire charge, or a portion in the amount of \$_____. I have contacted the merchant and requested a credit to my account for the reason explained in the attached letter.

The enclosed sales slip for \$_____ appeared on my statement as \$_____.

The enclosed credit memo for \$_____ has not posted to my account OR was listed as a purchase on my statement/activity report.

I did not receive the service and/or merchandise. I have contacted the merchant and they have not resolved my dispute. I expected to receive the merchandise/services on ____ / ____ / ____.

Card Holder Signature

Date

Phone#



Lost Receipt Declaration Form

Attachment 6

Receipts must be provided at all times. This form is for exceptional circumstances and must be submitted where a receipt or duplicate cannot be produced, but accompanied by justification..

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 P-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;">P-Card Transaction</p> <p style="text-align: center;">Travel Card 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: