



City of Santa Fe, New Mexico

Memorandum



DATE: June 30th, 2025

TO: Mark Scott, City Manager MS

VIA: Eric Candelaria, ITT Department EC
Director

FROM: Joshua Chandler, Contract Administrator

SUBJECT: Retro-Active approval for Info Tech Research Group, Inc Amendment #2

ITEM & ISSUE:

Request for Approval of a Retro-Active Term (Per Page 31 of the Purchasing Manual) for Info Tech Research Group, Inc Amendment #2 to Professional Services Agreement Item #24-0257 which expired on June 25th, 2025.

XX. Retroactive Approval for a Contract or Contract Amendment

The Procurement Code requires that all non-exempt procurement by the City shall be achieved by competitive sealed bids or competitive sealed proposals except for small purchases, sole source procurements, emergency procurements, and existing contracts.

Failure of retroactive approval for contracts and contract amendments that fulfill all of the requirements of this manual and the Procurement Code, the City will approve the date requested in writing by the Requesting Department on the memo accompanying the request as long as the requested approval date is within thirty (30) days of the expiration of the contract.

For retroactive approval of contracts and contract amendments apart from the approval given pursuant to the provisions of this manual, the City may grant additional retroactive approval to a contract or contract amendment, based upon exceptional circumstances, where all the following conditions are met:

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- A. the services performed without the City's prior approval of the contract did not occur as the result of repeated mistakes or willful misconduct of the Requesting Department;
- B. the failure to obtain the City's retroactive approval will prevent the Requesting Department from fulfilling its obligations;
- C. the Requesting Department provides to the City Manager a written, factual, explanation of the matters described in Paragraphs (1) and (2) signed by the department director;
- D. the Requesting Department requested, through a public officer or employee with authority to make such a request, the contractor to perform services that were then actually performed by the contractor in good faith reliance that it would be paid for those services;

The Procurement Code, NMSA 1978 §13-1-182, as amended, governs situations in which the City has denied a request for retroactive approval of a contract or contract amendment due to the department's failure to meet the requirements of this rule.

Mark Scott
Mark Scott (Jul 2, 2025 14:50 MDT)

Mark Scott, City Manager

Eric Candelaria
Eric Candelaria (Jul 2, 2025 10:00 MDT)

Eric Candelaria, ITT Director