Subject: Contracts and Joint Powers Agreements		Policy Number: ADM: 33
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1) PURPOSE

a) The purpose of this policy is to establish procedures for processing Professional Services Contracts and Joint Powers Agreements between private or governmental entities.

2) POLICY

a) This policy is required in order to:
   i) Provide awareness and information to individuals sharing in the responsibility of professional services contracts (PSCs) and joint powers agreements (JPAs).
   ii) Ensure funds are available in situations where the Agency is the payer in the relationship.
   iii) Establish a process to ensure reimbursement of funds where the Agency is the payee in the relationship; and
   iv) Ensure professional services contracts and joint powers agreements are created in accordance with law and are consistent with Department of Public Safety strategic goals and objectives.

3) APPLICABILITY

a) This policy is applicable to all employees who are fiscally and/or programmatically responsible for the development, implementation, administration, monitoring, and reporting of any PSC or JPA.

4) REFERENCES

a) Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, as amended.
b) Joint Powers Agreement Act, Section 11-1-1 et. seq., NMSA 1978, as amended.
c) Professional Service Contracts Procedures Manual, January, 2005
d) Department of Public Safety Strategic Plan. E. General Services Procedures Manual.

5) DEFINITIONS

a) **Contract** - An agreement between a public agency and a (usually) private party (the Vendor or Contractor) undertaken so that the public agency can receive desired professional or construction services from the private party.

b) **Joint Powers Agreement** - An agreement between two or more public agencies to exercise a statutory power common to both the contracting parties as provided for in the Joint Power Agreement Act (Section 11-1-1 et. seq. NMSA 1978).

c) **Contract Specialist** - The employee of the Administrative Services Division assigned to write the Professional Services Contract and Joint Powers Agreement at the Agreement Originator's request and according to the Agreement Originator's criteria; facilitate passage through the various required stages of execution to the fully executed stage, and follow up with payment of approved invoices and tracking of funds spent on the agreement.

d) **Agreement Originator** - Lead person assigned to complete request for PSC and/or JPA; to identify funding source (cost center and/or line item); to implement and oversee the execution of the instrument, and to approve payments or track receivables as necessary.

e) **Outside Funded Program** - Any program or project funded or potentially funded by an award of money from a source other than the Department's general fund (which funds constitute internal funds).

f) **Central Repository** - The General Services Bureau will serve as the central repository for the Department for PSCs. Copies of all such completed, fully-executed documents will be maintained in the Central Repository files.

g) **PSC/JPA Request** - The internal form (attachment D) used by the Agreement Originator to begin the process to obtain a PSC, JPA. (Generally referred to as the Contract Request Form.)

h) **OLA** - Department of Public Safety Office of Legal Affairs.

6) OPERATIONAL PROCEDURES

a) **Contracts:**

i) **Agreement Originator**

(1) Notifies Division Director, in writing, of potential contractual agreement and requests approval for allocation of budget to purchase services.

ii) **Division Director**

(1) Approves or disapproves request to enter into contract.
(2) If disapproved, process stops.
(3) If approved, Division Director signs approval on the Contract Request Form (see Attachment A) and submits to the Budget & Planning Bureau.

iii) **Budget & Planning Bureau**
(1) Approves or disapproves the request depending on availability of budget.
(2) If disapproved, returns the Contract Request Form to Agreement Originator. Process stops.
(3) If approved, signs the appropriate line on the Contract Request Form and submits the form to the Contract Specialist to write the contract.
(4) At this point, the Contract Request Form shall contain:
(a) Cost center, line item, legally sufficient scope of work, and termination date.
(b) A memo/letter of justification (justifying why a professional services contract is necessary for these particular services).
(c) Any necessary backup information (for example: syllabi for training courses, payment schedules where applicable, sole source documentation, etc.).

iv) **Contract Specialist**
(1) Writes contract according to specifications of the Contract Request Form.
(2) Delivers contract to Legal for review.

v) **Office of Legal Affairs**
(1) OLA reviews the document for compliance with State and Federal Law, rules and regulations.
(2) If OLA finds any need for correction, the contract is returned to the Contract Specialist who makes the corrections and returns to OLA for additional review.
(3) If OLA finds a need for any renegotiation of contractual terms, the information is forwarded to the Contract Specialist who will either perform such negotiations where warranted, or inform the Agreement Originator of the necessity of such negotiations.
(4) Once the PSC is considered to be in the correct and legally sufficient condition, OLA signs the contract in the appropriate signature block and returns to the Contract Specialist for further processing.

vi) **Contract Specialist**

(1) Obtains signature of Contractor in the appropriate signature block.

(2) Once the PSC is returned with Contractor's signature, the Contract Specialist puts together the entire PSC packet and submits to the General Services Bureau Chief for signature.

vii) **General Services Bureau Chief**

(1) Approves or disapproves the Request based on compliance with policies and procedures of DFA/State Purchasing/etc.

(2) If disapproved, returns the Contract Request Form to the Contract Specialist who informs the Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and returns the packet to the Contract Specialist who then submits the packet to the ASD Director.

viii) **ASD Director**

(1) Reviews the Contract Request Form to ensure it complies with Departmental needs and budget.

(2) If disapproved, returns the packet to the Contract Specialist who informs the Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and returns the packet to the Contract Specialist. The Contract Specialist then submits the packet to the appropriate Program Deputy Secretary.

ix) **Program Deputy Secretary**

(1) Approves or disapproves the Request in accordance with Department needs and budget.

(2) If disapproved, returns the packet to the Contract Specialist who informs the Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and returns the packet to the Contract Specialist who submits the packet to the Deputy Secretary for Administration.

x) **Deputy Secretary for Administration**

(1) Approves or disapproves the Request in accordance with Department needs and budget.

(2) If disapproved, returns the packet to the Contract Specialist who informs the Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and submits the packet to the Departmental Secretary.

xi) **Secretary**
(1) Approves or disapproves the Request in accordance with Department needs and budget.
(2) If disapproved, returns the packet to the Contract Specialist who informs the Agreement Originator. Process stops.
(3) If approved, signs the PSC or JPA in the appropriate places throughout the packet and returns the entire packet to the Contract Specialist for final processing.

xii) **Contract Specialist**
(1) Transmits document electronically.
(2) Transmits entire packet to Tax & Rev for signature.
(3) Transmits entire packet to DFA for approval.
(4) Sets up folder with approved documents.
(5) Sends one copy of approved Contract to the Agreement Originator.
(6) Sends one copy of approved Contract to Contractor.

xiii) **Agreement Originator**
(1) The Agreement Originator contacts the Contractor to begin execution of the Agreement. The Agreement Originator implements and oversees the execution of the Agreement.
(2) All invoices should come directly to the Contract Specialist/Purchasing. The Contract Specialist will contact the Agreement Originator who then approves payments to the contracting party as necessary.

xiv) **Contract Specialist**
(1) Processes payments approved by the Agreement Originator where necessary.
(2) Obtains appropriate signatures on the Contract Signature Form:
(a) Division Director if under $1500.00
(b) Deputy Secretary if between $1500.00 and $5000.00
(c) Secretary if over $5000.00
(3) Submits documents to Financial Management Bureau for payment.

xv) **Financial Management Bureau**
(1) Processes payments forwarded by Contract Specialist.

b) **Joint Powers Agreements Originating Within DPS**
i) **Agreement Originator**

(1) Notifies Program Director, in writing, of potential inter-governmental agreement and requests approval for allocation of budget, or receipt of funds from governmental entity.

ii) **Program Director**

(1) Approves or disapproves request to enter into inter-governmental agreement.

(2) If disapproved, process stops.

(3) If approved, signs approval on Contract Request Form (see Attachment) making clear whether funds are being spent or received and submits the Form to Contract Specialist for submission to Budget & Planning Bureau.

iii) **Budget & Planning Bureau**

(1) Approves or disapproves the request depending on availability of budget if DPS funds are being used. Alternatively, where no DPS funds are being used, signs on Request Form to show knowledge of notice of the agreement and that a cost center is established into which the funds can be received. Budget & Planning will act in concert with Finance Management Bureau and Agreement Originator to set up a cost center to receive funds when they arrive.

(2) If disapproved, returns Request Form to Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and submits the form to the Contract Specialist for further processing.

iv) **Contract Specialist**

(1) At this point, the Request Form shall contain:

(a) All the required information including a legally sufficient scope of work, termination date for the JPA, etc.

(b) Any necessary backup information.

(2) Writes JPA according to specifications of the Contract Request Form and in accordance with the Agency's JPA templates.

(3) Delivers JPA to General Services Bureau Chief for review.

v) **General Services Bureau Chief**

(1) Approves or disapproves the Request based on compliance with policies and procedures of DFA, etc. Signs appropriate approval line on the Contract Request Form if approved.

(2) If disapproved, returns Contract Request Form to Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Request Form and delivers the form to the Contract Specialist who then delivers the package of the Contract Request Form and the JPA to OLA for review.

vi) **Office of Legal Affairs**

(1) OLA reviews the document for compliance with State law, rules and regulations.

(2) If OLA finds any need for correction, the contract is returned to the Contract Specialist who makes the corrections and returns to OLA for additional review.

(3) If OLA finds a need for any renegotiation of contractual terms, the information is forwarded to the Contract Specialist who will either perform such negotiations where warranted, or inform the Agreement Originator of the necessity of such negotiations.

(4) Once the JPA is considered to be in the correct and legally sufficient condition, OLA signs the document in the appropriate signature block as well as signing the appropriate signature block on the Contract Request Form and returns to the Contract Specialist for further processing.

vii) **Contract Specialist**

(1) Produces other necessary paperwork:

(a) If JPA; JPA Brief in format approved by DFA.

(b) If Agency is payer; Purchase Document.

(c) If Agency is payee; copy to Finance and informs Agreement Originator to arrange with Finance and to receive funds, invoicing as necessary.

(2) Submits JPA and Contract Request Form to Secretary for signature.

viii) **ASD Director**

(1) Reviews the Contract Request Form to ensure it complies with Departmental needs and budget.

(2) If disapproved, returns the packet to the Contract Specialist who informs the Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and returns the packet to the Contract Specialist. The Contract Specialist then submits the packet to the Program Deputy Secretary.

ix) **Program Deputy Secretary**

(1) Approves or disapproves the Request in accordance with Department needs and budget.

(2) If disapproved, returns the packet to the Contract Specialist who informs the Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and returns the packet to the Contract Specialist who submits the packet to the Deputy Secretary for Administration.

x) **Deputy Secretary for Administration**

(1) Approves or disapproves the Request in accordance with Department needs and budget.

(2) If disapproved, returns the packet to the Contract Specialist who informs the Agreement Originator. Process stops.

(3) If approved, signs the appropriate line on the Contract Request Form and submits the packet to the Departmental Secretary.

xi) **Secretary**

(1) Approves or disapproves the Request in accordance with Department needs and budget.

(2) If disapproved, returns Request Form to Agreement Originator. Process stops.

(3) If approved, signs the appropriate places on the JPA and the Contract Request Form and the JPA Brief, if applicable, and returns the documents to the Contract Specialist for final processing.

xii) **Contract Specialist**

(1) Transmits purchase document electronically if Agency is payer

(2) If a JPA, sends JPA with JPA Brief to DFA Secretary's office for approval. Once DFA has signed off on the JPA and the Contract Specialist receives it back, the Contract Specialist sets up folder with approved documents as the Central Repository for all PSCs and JPAs.

(3) Sends one copy of approved JPA to the Agreement Originator. d. Sends one copy of approved JPA to other party.

xiii) **Agreement Originator**

(1) The Agreement Originator contacts the other party to the Agreement to begin execution of the Agreement. The Agreement Originator implements and oversees the execution of the Agreement.

(2) If DPS is the payer, the Agreement Originator ensures that all invoices come directly to the Contract Specialist/Purchasing. Upon receipt of the invoice, the Contract Specialist contacts the Agreement Originator who approves payments to the other party as necessary.

(3) The Agreement Originator submits approved payments to the Contract Specialist for further processing.

(4) If DPS is the payee on the Agreement, the Agreement Originator sets up a receivables cost center with the Budget Bureau and the Financial Management Bureau in order to take in funds from the other party to the Agreement. Funds should be received by the Financial Management Bureau directly. If necessary, the Agreement Originator should make arrangements with the Financial Management Bureau in order to invoice the other party for payments due, etc.

(5) The Agreement Originator makes sure that all funds received are assigned to the proper cost center for the Agency (working in concert with the Financial Management Bureau).

xiv) **Contract Specialist**

(1) Processes payments approved by the Agreement Originator where necessary.

(2) Obtains appropriate signatures on the Contract Signature Form:
(a) Division Director if under $1500.00
(b) Deputy Secretary if between $1500.00 and $5000.00
(c) Secretary if over $5000.00

(3) Submits documents to Financial Management Bureau for payment.

xv) **Financial Management Bureau**

(1) Where Agency is payer, processes payments forwarded by Contract Specialist as necessary.

(2) Where Agency is payee, tracks received funds into proper cost center as necessary.

c) **Joint Powers Agreements Originating Outside DPS**

i) On occasion, JPAs will be originated by parties outside DPS. These parties will want DPS to become a party to the JPA. In such cases, the following steps should be observed.

ii) If the JPA entails the payment of funds by DPS or the receipt of funds by DPS, the Division whose budget will be affected by the funds must take ownership of the JPA at this end and will follow the process as outlined in 5.0.B. The Agreement Originator shall make it known to the outside party that DPS prefers to use its own template and any document that the other entity sends us will be transferred to our template if at all possible. Further, the Agreement Originator should let the other party know that

documents should not be sent to DPS already signed by the other party. This will only cause further impediments to processing of the documents, as changes/corrections might need to be made.

iii) If the JPA involves no funds whatsoever, the following procedure should be followed:

(1) The document should be routed to the Contract Specialist in the General Services Bureau to keep track of the JPA as the Central Repository for such documents. A Contract Request Form must accompany the document signed by the appropriate division director and by the Budget and Planning Bureau (this signature acknowledges the Bureau's awareness of the agreement despite there being no funds involved).

(2) The Contract Specialist will route the document to the General Services Bureau Chief who will sign the Contract Request Form in the appropriate signature block and then return to the Contract Specialist for forwarding to the OLA for review.

(3) OLA will make a decision regarding the document's legal status. If OLA disapproves, the JPA is returned to the Agreement Originator to arrange for the changes with the outside Agency.

(4) If OLA approves of the document, they will sign the proper signature block on the Contract Request Form and the appropriate signature block on the documents themselves if there is one. If there is not one on the documents themselves, OLA will add one in order to sign. **NOTE: the Secretary will not sign any agreement that does not have a signature from OLA attesting to the document's legal sufficiency under state laws and regulations**. OLA will then return he documents to the Contract Specialist who will route the documents to the Program Deputy Secretary.

(5) The Program Deputy Secretary will review the document and make a decision whether or not the obligations outlined in the document comport with the mission and goals of the Agency. If the Program Deputy Secretary disapproves the document, then the JPA is returned to the Agreement Originator to make the corrections/changes/etc., with the outside Agency or the document may be rejected completely.

(6) If the Program Deputy Secretary approves the document, then the Deputy Secretary will return the document to the Contract Specialist who will forward it to the Deputy Secretary for Administration.

(7) The Deputy Secretary for Administration will review the document and make a decision whether or not the obligations outlined in the document comport with the mission and goals of the Agency. If the Deputy Secretary for Administration disapproves the document, then the JPA is returned to the Agreement Originator to make the corrections/changes/etc., with the outside Agency or the document may be rejected completely.

(8) If the Deputy Secretary for Administration approves the document, then the Deputy Secretary for Administration will forward the document to the Secretary of the Agency.

(9) The Secretary will review the document and make a decision whether or not the obligations outlined in the document comport with the mission and goals of the Agency. If the Secretary disapproves the document, then the JPA is returned to the Agreement Originator to make the corrections/changes/etc., with the outside Agency; or the document may be rejected completely.

(10) If the Secretary approves the document, then the Secretary will forward the document to the Contract Specialist for further processing.

(11) The Contract Specialist will forward a copy of the agreement to the Agreement Originator who will make arrangements with the outside Agency for return of a fully executed copy of the JPA. The Contract Specialist will keep copies of the document on file as the Central Repository for such documents in DPS.

(12) The Contract Specialist will send copies of the JPA to any party within DPS who is affected by the document, as necessary.

d) **Task Force**

i) Members of The New Mexico State Police may participate in investigative task forces providing that the Task Force agreement must contains the following points:

(1) The Purpose
(2) Supervision
(3) Evaluating results and the need for continuing operations
(4) Staffing, equipment and resource requirements
(5) Officer safety information

(6) Identification procedures for task force participants, (whether they will be identified as a task force member of keep their ID as NSMP agents/officers)

(7) All DPS officer/agent will still follow Department of Public Safety Policies and Procedures when conducting task force operations.

7) ATTACHMENTS

a) **Contract Request Form**

b) **Joint Powers Agreement Template**

8) APPROVAL

APPROVED BY: _____ **DATE:** 11/17/25

DPS Cabinet Secretary