

1 SENATE BILL 624

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO PROCUREMENT; ALLOWING ELECTRONIC INVITATIONS FOR
12 COMPETITIVE SEALED BIDS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 13-1-104 NMSA 1978 (being Laws 1984,
16 Chapter 65, Section 77, as amended) is amended to read:

17 "13-1-104. COMPETITIVE SEALED BIDS--PUBLIC NOTICE.--

18 A. An invitation for bids or a notice thereof shall
19 be published not less than ten calendar days prior to the date
20 set forth for the opening of bids as follows:

21 (1) in the case of purchases made by the state
22 purchasing agent, the invitation or notice shall be published:

23 (a) at least once in at least three
24 newspapers of general circulation in this state [~~in addition,~~
25 ~~an invitation or notice may be published~~]; or

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1 **(b)** electronically on the state
2 purchasing agent's web site that is maintained for that
3 purpose; and

4 **(2)** in the case of purchases made by other
5 central purchasing offices, the invitation or notice shall be
6 published:

7 **(a)** at least once in a newspaper of
8 general circulation in the area in which the central purchasing
9 office is located [~~These~~]; or

10 **(b)** electronically on the central
11 purchasing office's web site.

12 B. The requirements of publication are in addition
13 to any other procedures that may be adopted by central
14 purchasing offices to notify prospective bidders that bids will
15 be received, including publication in a trade journal, if
16 available.

17 C. If there is no newspaper of general circulation
18 in the area in which the central purchasing office is located,
19 such other printed notice may be given as is commercially
20 reasonable.

21 [~~B-~~] D. Central purchasing offices shall send
22 copies of the notice or invitation for bids involving the
23 expenditure of more than twenty thousand dollars (\$20,000) to
24 those businesses that have signified in writing an interest in
25 submitting bids for particular categories of items of tangible

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1 personal property, construction and services and that have paid
2 any required fees. A central purchasing office may set
3 different registration fees for different categories of
4 services, construction or items of tangible personal property,
5 but such fees shall be related to the actual, direct cost of
6 furnishing copies of the notice or invitation for bids to the
7 prospective bidders. The fees shall be used exclusively for
8 the purpose of furnishing copies of the notice or invitation
9 for bids of proposed procurements to prospective bidders.

10 ~~[G.]~~ E. A central purchasing office may satisfy the
11 requirement of sending copies of a notice or invitation for
12 bids by distributing the documents to prospective bidders
13 through electronic media. ~~[Central purchasing offices shall~~
14 ~~not require that prospective bidders receive a notice or~~
15 ~~invitation for bids through electronic media.~~

16 ~~D.]~~ F. As used in this section, "prospective
17 bidders" includes persons considering submission of a bid as a
18 general contractor for the construction contract and persons
19 who may submit bids to a general contractor for work to be
20 subcontracted pursuant to the construction contract. Central
21 purchasing offices shall make copies of invitations for bids
22 for construction contracts available to prospective bidders. A
23 central purchasing office may require prospective bidders who
24 have requested documents for bid on a construction contract to
25 pay a deposit for a copy of the documents for bid. The deposit

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1 shall equal the full cost of reproduction and delivery of the
2 documents for bid. The deposit, less delivery charges, shall
3 be refunded if the documents for bid are returned in usable
4 condition within the time limits specified in the documents for
5 bid, which time limits shall be no less than ten calendar days
6 from the date of the bid opening. All forfeited deposits shall
7 be credited to the funds of the applicable central purchasing
8 office."

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