

1 SENATE BILL 497

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 David M. Gallegos

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10 AN ACT

11 RELATING TO PROCUREMENT; INCREASING THE TOTAL AMOUNT LIMIT ON  
12 CONTRACTS FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING  
13 SERVICES AND CONSTRUCTION THAT STATE AGENCIES AND LOCAL PUBLIC  
14 BODIES MAY ENTER INTO AND FOR PURCHASE ORDERS UNDER THOSE  
15 CONTRACTS; PROVIDING FOR AN ANNUAL INFLATION ADJUSTMENT TO THE  
16 TOTAL AMOUNT LIMIT ON CONTRACTS FOR PROCUREMENT OF  
17 ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION AND FOR  
18 PURCHASE ORDERS UNDER THOSE CONTRACTS.

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

21 SECTION 1. Section 13-1-154.1 NMSA 1978 (being Laws 2007,  
22 Chapter 312, Section 1, as amended) is amended to read:

23 "13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND  
24 ENGINEERING SERVICES CONTRACTS--INDEFINITE QUANTITY  
25 CONSTRUCTION CONTRACTS.--

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1           A. A state agency or local public body may procure  
2 multiple architectural or engineering services contracts for  
3 multiple projects under a single qualifications-based request  
4 for proposals; provided that the total amount of multiple  
5 contracts and all renewals for a single contractor does not  
6 exceed [~~seven million five hundred thousand dollars~~  
7 ~~(\$7,500,000)~~] fourteen million dollars (\$14,000,000), as  
8 adjusted pursuant to Subsection G of this section, over four  
9 years and that a single contract, including any renewals, does  
10 not exceed [~~six hundred fifty thousand dollars (\$650,000)~~] one  
11 million three hundred thousand dollars (\$1,300,000), as  
12 adjusted pursuant to Subsection G of this section.

13           B. A state agency or local public body may procure  
14 multiple indefinite quantity construction contracts pursuant to  
15 a price agreement for multiple projects under a single request  
16 for proposals; provided that the total amount of a contract and  
17 all renewals does not exceed [~~twelve million five hundred~~  
18 ~~thousand dollars (\$12,500,000)~~] eighty million dollars  
19 (\$80,000,000), as adjusted pursuant to Subsection G of this  
20 section, over three years and the contract provides that any  
21 one purchase order under the contract may not exceed [~~four~~  
22 ~~million dollars (\$4,000,000)~~] twenty million dollars  
23 (\$20,000,000), as adjusted pursuant to Subsection G of this  
24 section.

25           C. A state agency or local public body may make

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1 procurements in accordance with the provisions of Subsection A  
2 or B of this section if:

3 (1) the advertisement and request for  
4 proposals states that multiple contracts may or will be  
5 awarded, states the number of contracts that may or will be  
6 awarded and describes the services or construction to be  
7 performed under each contract;

8 (2) there is a single selection process for  
9 all of the multiple contracts, except that for each contract  
10 there may be a separate final list and a separate negotiation  
11 of contract terms; and

12 (3) each of the multiple contracts for  
13 architectural or engineering services has a term not exceeding  
14 four years, or for construction, has a term not exceeding three  
15 years, each including all extensions and renewals.

16 D. A contract to be awarded pursuant to this  
17 section to a firm that is currently performing under a contract  
18 issued pursuant to this section shall not cause the total  
19 amount of all contracts issued pursuant to this section to that  
20 firm to exceed:

21 (1) [~~seven million five hundred thousand~~  
22 ~~dollars (\$7,500,000)] fourteen million dollars (\$14,000,000),  
23 as adjusted pursuant to Subsection G of this section, in any  
24 four-year period for architectural or engineering services; or~~

25 (2) [~~twelve million five hundred thousand~~

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1 ~~dollars (\$12,500,000)]~~ eighty million dollars (\$80,000,000), as  
2 adjusted pursuant to Subsection G of this section, in any  
3 three-year period for construction.

4 E. Procurement pursuant to this section is subject  
5 to the limitations of Sections 13-1-150 through 13-1-154 NMSA  
6 1978.

7 F. A state agency and a local public body, not  
8 including an agency of the legislative or judicial branch of  
9 state government, shall report to the legislative finance  
10 committee on an annual basis and to the purchasing division of  
11 the general services department on, at minimum, a quarterly  
12 basis the aggregate amount of contracts for each contractor and  
13 the corresponding amounts to be spent under each multiple  
14 source contract pursuant to this section. The general services  
15 department may promulgate rules regarding reporting to the  
16 department pursuant to this subsection.

17 G. On July 1, 2024 and July 1 of each successive  
18 year, the total amounts for multiple contracts and all  
19 renewals, a single contract and any renewals, any one purchase  
20 order under a contract and the total amount of all contracts  
21 provided in Subsections A, B and D of this section shall be  
22 adjusted by multiplying each of the total amounts in  
23 Subsections A, B and D of this section as of July 1, 2023 by a  
24 fraction, the numerator of which is the consumer price index  
25 ending in December of the previous year and the denominator of

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1 which is the consumer price index ending in December 2022.

2 H. As used in this section, "consumer price index"  
3 means the consumer price index, not seasonally adjusted, for  
4 all urban consumers, United States city average for all items,  
5 or its successor index, as published by the United States  
6 department of labor for a twelve-month period ending December  
7 31."

8 SECTION 2. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2023.

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