

AN ACT

RELATING TO PROCUREMENT; AMENDING AND ENACTING SECTIONS OF THE  
PROCUREMENT CODE; EXPANDING THE APPLICABILITY OF COMPETITIVE  
PROPOSAL CONTRACTING; PROVIDING FOR AN ADVISORY COMMITTEE.

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

Section 1. Section 13-1-67 NMSA 1978 (being Laws 1984, Chapter 65,  
Section 40, as amended) is amended to read:

"13-1-67. DEFINITION--LOCAL PUBLIC BODY.--"Local public body" means  
every political subdivision of the state and the agencies, instrumentalities and  
institutions thereof, including two-year post-secondary educational institutions, school  
districts and local school boards and municipalities, except as exempted pursuant to  
the Procurement Code."

Section 2. Section 13-1-111 NMSA 1978 (being Laws 1984, Chapter 65,  
Section 84, as amended) is amended to read:

"13-1-111. COMPETITIVE SEALED PROPOSALS--CONDITIONS FOR USE.--

A. Except as provided in Subsection G of

Section 13-1-119.1 NMSA 1978, when a state agency or a local public body is  
procuring professional services or a design and build project delivery system, or when  
the state purchasing agent, a central purchasing office or a designee of either officer  
makes a written determination that the use of competitive sealed bidding for items of  
tangible personal property or services is either not practicable or not advantageous to  
the state agency or a local public body, a procurement shall be effected by competitive  
sealed proposals. Competitive, sealed proposals may also be used for contracts for

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construction and facility maintenance, service and repairs. Competitive qualifications-based proposals shall be used for procurement of professional services of architects, engineers, landscape architects, construction managers and surveyors who submit proposals pursuant to Sections 13-1-120 through 13-1-124 NMSA 1978.

B. The governor shall appoint an advisory committee to provide assistance in development of rules for the implementation of this section. The advisory committee shall include one representative from the New Mexico building and construction trades council, American federation of labor - congress for industrial organizations, and a representative of:

- (1) the associated general contractors - New Mexico building branch;
- (2) the New Mexico chapter of the national electrical contractors association;
- (3) the New Mexico sheet metal contractors' association;
- (4) the mechanical contractors association of New Mexico;
- (5) the New Mexico association of counties;
- (6) the New Mexico municipal league;
- (7) the state board of education;
- (8) the construction industries commission;
- (9) the Rio Grande underground contractors association;
- (10) the American subcontractors association of New Mexico;
- (11) the higher education community; and
- (12) the general public, who is not associated with the

construction industry and who will serve as chair of the committee."

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