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HOUSE BILL 573

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Rick Miera

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:

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

3 A. Except as provided in Subsection G of Section  
4 13-1-119.1 NMSA 1978, when a state agency or a local public  
5 body is procuring professional services or a design and build  
6 project delivery system, or when the state purchasing agent, a  
7 central purchasing office or a designee of either officer makes  
8 a written determination that the use of competitive sealed  
9 bidding for items of tangible personal property or services is  
10 either not practicable or not advantageous to the state agency  
11 or a local public body, a procurement shall be effected by  
12 competitive sealed proposals. Competitive, sealed proposals  
13 shall also be used for contracts for construction and facility  
14 maintenance, service and repairs. Competitive qualifications-  
15 based proposals shall be used for procurement of professional  
16 services of architects, engineers, landscape architects,  
17 construction managers and surveyors who submit proposals  
18 pursuant to Sections 13-1-120 through 13-1-124 NMSA 1978.

19 B. The governor shall appoint an advisory committee  
20 to provide assistance in development of rules for the  
21 implementation of this section, including rules for  
22 apprenticeship training and employee family health care. The  
23 advisory committee shall include three representatives from the  
24 New Mexico building and construction trades council, American  
25 federation of labor - congress for industrial organizations,

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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 municipal league of New Mexico;

(7) the state board of education;

(8) the construction industries commission;

(9) the New Mexico underground contractors association; and

(10) the general public, who is not associated with the construction industry and who will serve as chair of the committee."