HOUSE JOINT MEMORIAL 69

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

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE PURCHASING DIVISION OF THE GENERAL SERVICES
DEPARTMENT TO CONVENE A TASK FORCE TO REVIEW AND RECOMMEND
CHANGES TO THE DESIGN AND BUILD PROVISIONS OF THE PROCUREMENT
CODE.

WHEREAS, the state of New Mexico and its leaders are
committed to growing the state's existing businesses and
building the economy from within by providing best business
practices and tools that will provide opportunities to the
private and public sector alike; and

WHEREAS, New Mexico limits itself and lags behind
neighboring states and the national trend by relying on an
outdated procurement methodology for construction projects; and

WHEREAS, public managers are frustrated with their lack of
options and are seeking alternatives to ensure projects are

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1   completed on time, within budget and without the problems and

2   costs of litigation that are inherent in New Mexico's outdated

3   procurement system; and

4   WHEREAS, there have been attempts to update New Mexico's

5   "design and build law" since it was enacted in 1997 and to give

6   public managers the options that are commonly used in other

7   public sectors; and

8   WHEREAS, numerous attempts by public managers to

9   circumvent the design and build procurement options frustrate

10   the design, engineering, construction and construction

11   management professionals who challenge the law; and

12   WHEREAS, improvements could be made by allowing new

13   project delivery options and practices that are not permitted

14   under the provisions of the Procurement Code; and

15   WHEREAS, the continuing nature of these issues from

16   specific needs and problems within the public procurement

17   sector serve as a call for a comprehensive revision to the

18   state's current statutes; and

19   WHEREAS, an updated Procurement Code would significantly

20   increase the availability of project delivery options and

21   practices, decrease procurement costs, ensure fair and

22   equitable business practices for the design, engineering,

23   construction and construction management professionals and

24   improve the quality of service provided to the taxpayers of New

25   Mexico;

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NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the purchasing division of the general services department be requested to convene a task force to review the provisions of the Procurement Code that relate to design, engineering, construction and construction management services; and

BE IT FURTHER RESOLVED that the purchasing division be requested to invite the following organizations to appoint members to the task force:

A.   the state highway and transportation department;

B.   the state board of education;

C.   the commission on higher education;

D.   the New Mexico municipal league;

E.   the New Mexico association of counties;

F.   the associated general contractors-New Mexico building branch;

G.   the American institute of architects-New Mexico or Albuquerque chapter;

H.   the American consulting engineers council-New Mexico chapter;

I.   the New Mexico sheet metal contractors association;

J.   the mechanical contractors association of New Mexico;

K.   the New Mexico chapter of the national

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1   electrical contractors association; and

2   L.   the New Mexico building trades council; and

3   BE IT FURTHER RESOLVED that the purchasing division's task

4   force be requested to report its findings and recommendations,

5   if any, to the governor and members of the legislature by

6   October 31, 2003; and

7   BE IT FURTHER RESOLVED a copy of this memorial be

8   transmitted to the director of the purchasing division of the

9   general services department.

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