

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 265

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO PUBLIC WORKS; AMENDING THE PROCUREMENT CODE TO PERMIT STATE AND LOCAL PUBLIC BODIES TO ENTER INTO CONSTRUCTION MANAGEMENT SERVICES CONTRACTS WITH CONSTRUCTION MANAGERS AT RISK.

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

Section 1. Section 13-1-40.1 NMSA 1978 (being Laws 1997, Chapter 171, Section 1) is amended to read:

"~~Section~~ 13-1-40.1. ~~[DEFINITION]~~ DEFINITIONS- - CONSTRUCTION MANAGEMENT, ~~[AND]~~ CONSTRUCTION MANAGER AND CONSTRUCTION MANAGER AT RISK. - -

A. "Construction management" means consulting services related to the process of management applied to a public works project for any duration from conception to completion of the project for the purpose of controlling time,

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 cost and quality of the project.

2 B. "Construction manager" means a person who acts
3 as an agent of the state agency or local public body for
4 construction management of a public works project, for whom the
5 state agency or local public body shall assume all the risks
6 and responsibilities.

7 C. "Construction manager at risk" means a person
8 who:

9 (1) acts as an agent of the state agency or
10 local public body for construction management of a public works
11 project;

12 (2) cooperatively develops the project with
13 the state or local public body and an architect;

14 (3) guarantees a maximum price for the project
15 and other costs and time schedules associated with the project
16 to the state agency or local public body;

17 (4) provides a performance bond or other
18 surety satisfactory to the state agency or local public body to
19 ensure that the guarantees are met; and

20 (5) obtains bids from qualified subcontractors
21 for services and materials not provided by that person."

22 Section 2. Section 13-1-100.1 NMSA 1978 (being Laws 1997,
23 Chapter 171, Section 3) is amended to read:

24 "13-1-100.1. CONSTRUCTION CONTRACTS-- CONSTRUCTION
25 MANAGEMENT SERVICES. --

. 152825. 1

underscored material = new
[bracketed material] = delete

1 A. A construction management services contract may
2 be entered into with a construction manager or a construction
3 manager at risk for any construction or state or local public
4 works project when a state agency or local public body makes a
5 determination that it is in the public's interest to utilize
6 construction management services. Construction management
7 services shall not duplicate and are in addition to the normal
8 scope of separate architect or engineer contracts, the need for
9 which may arise due to the complexity or unusual requirements
10 of a project as requested by a state agency or local public
11 body.

12 B. To [~~insure~~] ensure fair, uniform, clear and
13 effective procedures that will strive for the delivery of a
14 quality project, on time and within budget, the secretary, in
15 conjunction with the appropriate and affected professional
16 associations and contractors, shall promulgate [~~regulations~~]
17 rules, which shall be adopted by the governing bodies of all
18 using agencies and shall be followed by all using agencies when
19 procuring construction management services as authorized in
20 Subsection A of this section.

21 C. A state agency shall make the decision on a
22 construction management services contract for a state public
23 works project, and a local public body shall make that decision
24 for a local public works project. A state agency shall not
25 make the decision on a construction management services

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

contract for a local public works project. "

- 4 -