

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1147

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO PROCUREMENT; REVISING DEFINITIONS FOR "LOCAL PUBLIC WORKS PROJECT" AND "STATE PUBLIC WORKS PROJECT"; RAISING THE SMALL PURCHASE PROCUREMENT LIMITS FOR PROFESSIONAL SERVICES AND CONSTRUCTION SERVICES.

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

Section 1. Section 13-1-66.1 NMSA 1978 (being Laws 1989, Chapter 69, Section 4, as amended) is amended to read:

"13-1-66.1. DEFINITION--LOCAL PUBLIC WORKS PROJECT.--
"Local public works project" means a project of a local public body ~~[which]~~ that uses architectural, ~~[or]~~ engineering or surveying services requiring professional services costing ~~[twenty-five thousand dollars (\$25,000)]~~ fifty thousand dollars (\$50,000) or more ~~[or landscape architectural or surveying services requiring professional services costing five thousand~~

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underscored material = new
[bracketed material] = delete

1 ~~dollars (\$5,000) or more~~], excluding applicable state and local
2 gross receipts taxes."

3 Section 2. Section 13-1-91 NMSA 1978 (being Laws 1984,
4 Chapter 65, Section 64, as amended) is amended to read:

5 "13-1-91. DEFINITION--STATE PUBLIC WORKS PROJECT.--"State
6 public works project" means a project of a state agency, not
7 including projects of the state educational institutions, the
8 supreme court building commission, the legislature or local
9 public bodies, ~~[which]~~ that uses architectural or engineering
10 services requiring professional services costing [~~twenty-five~~
11 ~~thousand dollars (\$25,000)] fifty thousand dollars (\$50,000) or
12 more or landscape architectural or surveying services requiring
13 professional services costing [~~five thousand dollars (\$5,000)]
14 ten thousand dollars (\$10,000) or more, excluding applicable
15 state and local gross receipts taxes."~~~~

16 Section 3. Section 13-1-125 NMSA 1978 (being Laws 1984,
17 Chapter 65, Section 98, as amended) is amended to read:

18 "13-1-125. SMALL PURCHASES.--

19 A. A central purchasing office shall procure
20 services, construction or items of tangible personal property
21 having a value not exceeding twenty thousand dollars (\$20,000)
22 in accordance with the applicable small purchase regulations
23 adopted by the secretary, a local public body or a central
24 purchasing office that has the authority to issue regulations.

25 B. Notwithstanding the requirements of Subsection A

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1 of this section, a central purchasing office may procure
2 professional services having a value not exceeding [~~thirty~~
3 ~~thousand dollars (\$30,000)~~] fifty thousand dollars (\$50,000),
4 excluding applicable state and local gross receipts taxes,
5 except for the services of architects, landscape architects,
6 engineers or surveyors for state public works projects or local
7 public works projects, in accordance with professional services
8 procurement regulations promulgated by the department of
9 finance and administration, the general services department or
10 a central purchasing office with the authority to issue
11 regulations.

12 C. Notwithstanding the requirements of Subsection A
13 of this section, a state agency or a local public body may
14 procure services, construction or items of tangible personal
15 property having a value not exceeding [~~five thousand dollars~~
16 ~~(\$5,000)~~] ten thousand dollars (\$10,000) by issuing a direct
17 purchase order to a contractor based upon the best obtainable
18 price.

19 D. Procurement requirements shall not be
20 artificially divided so as to constitute a small purchase under
21 this section."