

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 555

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

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO PROCUREMENT; PROVIDING FOR THE USE OF MULTIPLE
SOURCE CONTRACTS FOR CERTAIN PROJECTS; CHANGING THE DEFINITION
OF "STATE PUBLIC WORKS PROJECTS"; CHANGING THE APPROVAL PROCESS
FOR PROPERTY CONTROL DIVISION CONTRACTS OF LESS THAN FIVE
HUNDRED THOUSAND DOLLARS (\$500,000).

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

Section 1. A new section of the Procurement Code is
enacted to read:

"NEW MATERIAL MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL
AND DESIGN SERVICE CONTRACTS--INDEFINITE QUANTITY CONSTRUCTION
CONTRACTS.--

A. A central purchasing office may procure multiple
architectural or engineering design service contracts for
multiple projects under a single qualifications-based request

underscoring material = new
[bracketed material] = delete

1 for proposals, provided the total amount of a contract and all
2 renewals does not exceed two hundred thousand dollars
3 (\$200,000) over four years.

4 B. A central purchasing office may procure multiple
5 indefinite quantity construction contracts pursuant to a price
6 agreement for multiple projects under a single request for
7 proposals, provided the total amount of a contract and all
8 renewals does not exceed two million dollars (\$2,000,000) over
9 four years and the contract provides that any one purchase
10 order under the contract may not exceed five hundred thousand
11 dollars (\$500,000).

12 C. A central purchasing office may make
13 procurements in accordance with the provision of Subsection A
14 or B of this section if:

15 (1) the advertisement and request for
16 proposals states that multiple contracts may or will be
17 awarded, states the number of contracts that may or will be
18 awarded and describes the services or construction to be
19 performed under each contract;

20 (2) there is a single selection process for
21 all of the multiple contracts, except that for each contract
22 there may be a separate final list and a separate negotiation
23 of contract terms;

24 (3) each of the multiple contracts for
25 professional design services or construction shall have a term

.163680.3

underscored material = new
[bracketed material] = delete

1 not exceeding four years, including all extensions and
2 renewals;

3 (4) a contract shall not be awarded pursuant
4 to this section to a firm that is currently performing under a
5 contract issued pursuant to this section if the total amount of
6 all contracts issued pursuant to this section to that firm
7 would exceed:

8 (a) two hundred thousand dollars
9 (\$200,000) in any four-year period, for architectural or
10 engineering design services; or

11 (b) two million dollars (\$2,000,000) in
12 any four-year period, for construction services; and

13 (5) the procurement is subject to the
14 limitations of Sections 13-1-150 through 13-1-154 NMSA 1978."

15 Section 2. Section 15-3B-6 NMSA 1978 (being Laws 1968,
16 Chapter 43, Section 5, as amended) is amended to read:

17 "15-3B-6. BUILDING AND REMODELING.--The division may do
18 all acts necessary and proper for the redesigning, major
19 renovation and remodeling of present state buildings and the
20 erection of additional state buildings when needed. The
21 division may let contracts for these purposes in accordance
22 with the provisions of the Procurement Code. All such
23 remodeling, major renovation and construction must [~~first~~] be
24 approved by the state board of finance. Contracts costing more
25 than five hundred thousand dollars (\$500,000), not including

.163680.3

underscored material = new
[bracketed material] = delete

1 gross receipts tax, must first be approved by the state board
2 of finance. All other contracts shall be reported to the state
3 board of finance at its next regularly scheduled meeting after
4 the contract is fully executed. This section applies only to
5 state buildings under the division's jurisdiction."

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

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

19 Section 4. Section 13-1-153 NMSA 1978 (being Laws 1984,
20 Chapter 65, Section 126) is amended to read:

21 "13-1-153. MULTIPLE SOURCE AWARD--LIMITATIONS ON USE.--A
22 multiple source award may be made pursuant to Section ~~[83 of~~
23 ~~the Procurement Code]~~ 13-1-110 NMSA 1978 or Section 1 of this
24 2007 act when awards to two or more bidders or offerors are
25 necessary for adequate delivery or service. Multiple source

.163680.3

underscored material = new
[bracketed material] = delete

1 awards shall not be made when a single award will meet the
2 needs of the state agency or a local public body without
3 sacrifice of economy or service. Awards shall be limited to
4 the least number of suppliers in one geographical area
5 necessary to meet the requirements of the state agency or a
6 local public body. A multiple source award shall be based upon
7 the lowest responsible bid or proposal received in each
8 geographical area unless the award is made in response to a
9 qualifications-based proposal."

10 Section 5. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2007.

12 - 5 -
13
14
15
16
17
18
19
20
21
22
23
24
25

.163680.3