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AN ACT
RELATING TO PROCUREMENT; PROVIDING FOR THE USE OF MULTIPLE
SOURCE CONTRACTS FOR CERTAIN PROJECTS; PROVIDING FOR SEPARATE
PRICING OF CERTAIN COMPONENTS IN CERTAIN CIRCUMSTANCES;
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:

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

A. A state agency may procure multiple
architectural or engineering design service contracts for
multiple projects under a single qualifications-based request
for proposals, provided the total amount of a contract and
all renewals does not exceed two hundred thousand dollars
(\$200,000) over four years.

B. A state agency may procure multiple indefinite
quantity construction contracts pursuant to a price agreement
for multiple projects under a single request for proposals,
provided the total amount of a contract and all renewals does

1 not exceed two million dollars (\$2,000,000) over four years
2 and the contract provides that any one purchase order under
3 the contract may not exceed five hundred thousand dollars
4 (\$500,000).

5 C. A state agency may make procurements in
6 accordance with the provision of Subsection A or B of this
7 section if:

8 (1) the advertisement and request for
9 proposals states that multiple contracts may or will be
10 awarded, states the number of contracts that may or will be
11 awarded and describes the services or construction to be
12 performed under each contract;

13 (2) there is a single selection process for
14 all of the multiple contracts, except that for each contract
15 there may be a separate final list and a separate negotiation
16 of contract terms;

17 (3) each of the multiple contracts for
18 professional design services or construction shall have a
19 term not exceeding four years, including all extensions and
20 renewals;

21 (4) a contract shall not be awarded pursuant
22 to this section to a firm that is currently performing under
23 a contract issued pursuant to this section if the total
24 amount of all contracts issued pursuant to this section to
25 that firm would exceed:

1 (a) two hundred thousand dollars
2 (\$200,000) in any four-year period, for architectural or
3 engineering design services; or

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

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

8 Section 2. A new section of the Procurement Code is
9 enacted to read:

10 "SPECIFICATION OF CERTAIN COMPONENTS--SEPARATE PRICING
11 REQUIRED.--Prior to submitting a bid or proposal for a state
12 public works project, if the state purchasing agent, or a
13 responsible bidder or responsible offeror determines that
14 there is only one source for a specific service, construction
15 or item of tangible personal property that is required in the
16 specifications, the state purchasing agent, responsible
17 bidder or responsible offeror may require any bid or offer
18 submitted by a subcontractor or supplier to price separately
19 the specific service, construction or item of tangible
20 personal property."

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

23 "15-3B-6. BUILDING AND REMODELING.--The division may do
24 all acts necessary and proper for the redesigning, major
25 renovation and remodeling of present state buildings and the

1 erection of additional state buildings when needed. The
2 division may let contracts for these purposes in accordance
3 with the provisions of the Procurement Code. All such
4 remodeling, major renovation and construction must be
5 approved by the state board of finance. Contracts costing
6 more than five hundred thousand dollars (\$500,000), not
7 including gross receipts tax, must first be approved by the
8 state board of finance. All other contracts shall be
9 reported to the state board of finance at its next regularly
10 scheduled meeting after the contract is fully executed. This
11 section applies only to state buildings under the division's
12 jurisdiction."

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

15 "13-1-91. DEFINITION--STATE PUBLIC WORKS PROJECT.--
16 "State public works project" means a project of a state
17 agency, not including projects of the state educational
18 institutions, the supreme court building commission, the
19 legislature or local public bodies, that uses architectural
20 or engineering services requiring professional services
21 costing fifty thousand dollars (\$50,000) or more or landscape
22 architectural or surveying services requiring professional
23 services costing five thousand dollars (\$5,000) or more,
24 excluding applicable state and local gross receipts taxes."

25 Section 5. Section 13-1-153 NMSA 1978 (being Laws 1984, SB 555
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1 Chapter 65, Section 126) is amended to read:

2 "13-1-153. MULTIPLE SOURCE AWARD--LIMITATIONS ON USE.--

3 A multiple source award may be made pursuant to Section
4 13-1-110 NMSA 1978 or Section 1 of this 2007 act when awards
5 to two or more bidders or offerors are necessary for adequate
6 delivery or service. Multiple source awards shall not be
7 made when a single award will meet the needs of the state
8 agency or a local public body without sacrifice of economy or
9 service. Awards shall be limited to the least number of
10 suppliers in one geographical area necessary to meet the
11 requirements of the state agency or a local public body. A
12 multiple source award shall be based upon the lowest
13 responsible bid or proposal received in each geographical
14 area unless the award is made in response to a
15 qualifications-based proposal."

16 Section 6. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2007. _____

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