

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

HOUSE BILL 787

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO PROCUREMENT; AMENDING THE PROCUREMENT CODE TO ALLOW  
THE USE OF INDEFINITE QUANTITY CONTRACTS BY STATE AGENCIES;  
ADDING AN EXCLUSION TO THE SEALED BID REQUIREMENT; INCREASING  
THE DOLLAR LIMITATIONS ON USE; DECLARING AN EMERGENCY.

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

Section 1. Section 13-1-102 NMSA 1978 (being Laws 1984,  
Chapter 65, Section 75, as amended) is amended to read:

"13-1-102. COMPETITIVE SEALED BIDS REQUIRED.--All  
procurement shall be achieved by competitive sealed bid  
pursuant to Sections 13-1-103 through 13-1-110 NMSA 1978,  
except procurement achieved pursuant to the following sections  
of the Procurement Code:

A. Sections 13-1-111 through 13-1-122 NMSA 1978,  
competitive sealed proposals;

.177161.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

- 1           B. Section 13-1-125 NMSA 1978, small purchases;  
2           C. Section 13-1-126 NMSA 1978, sole source  
3 procurement;  
4           D. Section 13-1-127 NMSA 1978, emergency  
5 procurements;  
6           E. Section 13-1-129 NMSA 1978, existing contracts;  
7           F. Section 13-1-130 NMSA 1978, purchases from  
8 antipoverty program businesses; ~~and~~  
9           G. the Educational Facility Construction Manager At  
10 Risk Act; and  
11           H. Section 13-1-154.1 NMSA 1978, multiple source  
12 contracts; architectural and design service contracts; and  
13 indefinite quantity construction contracts."

14           Section 2. Section 13-1-154.1 NMSA 1978 (being Laws 2007,  
15 Chapter 312, Section 1) is amended to read:

16           "13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND  
17 DESIGN SERVICE CONTRACTS--INDEFINITE QUANTITY CONSTRUCTION  
18 CONTRACTS.--

19           A. A state agency may procure multiple  
20 architectural or engineering design service contracts for  
21 multiple projects under a single qualifications-based request  
22 for proposals, provided the total amount of a contract and all  
23 renewals does not exceed two hundred thousand dollars  
24 (\$200,000) over four years.

25           B. A state agency may procure multiple indefinite

.177161.1

underscored material = new  
[bracketed material] = delete

1 quantity construction contracts pursuant to a price agreement  
2 for multiple projects under a single request for proposals,  
3 provided the total amount of a contract and all renewals does  
4 not exceed two million dollars (\$2,000,000) [~~over four years~~]  
5 annually and the contract provides that any one purchase order  
6 under the contract may not exceed five hundred thousand dollars  
7 (\$500,000).

8 C. A state agency may make procurements in  
9 accordance with the provision of Subsection A or B of this  
10 section if:

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

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

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

24 (4) a contract shall not be awarded pursuant  
25 to this section to a firm that is currently performing under a

.177161.1

underscored material = new  
[bracketed material] = delete

1 contract issued pursuant to this section if the total amount of  
2 all contracts issued by a single state agency pursuant to this  
3 section to that firm would exceed:

4 (a) two hundred thousand dollars  
5 (\$200,000) in any four-year period, for architectural or  
6 engineering design services; or

7 (b) [~~two million dollars (\$2,000,000)]~~  
8 eight million dollars (\$8,000,000) in any four-year period, for  
9 construction services; and

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

12 Section 3. EMERGENCY.--It is necessary for the public  
13 peace, health and safety that this act take effect immediately.

14 - 4 -  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.177161.1