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SENATE BILL 363

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

INTRODUCED BY

Vernon D. Asbill

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE

AN ACT

RELATING TO PROCUREMENT; PROVIDING CERTAIN EXCEPTIONS TO THE
BONDING REQUIREMENT FOR SUBCONTRACTORS.

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

Section 1. Section 13-1-148.1 NMSA 1978 (being Laws 2005,
Chapter 99, Section 1, as amended) is amended to read:

"13-1-148.1. BONDING OF SUBCONTRACTORS.--

A. Except as provided in Subsection B of this section, a subcontractor shall provide a performance and payment bond on a public works building project if the subcontractor's contract for work to be performed on a project is one hundred twenty-five thousand dollars (\$125,000) or more.

B. The bonding requirement of Subsection A of this section does not apply to a subcontractor on a public works project:

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(1) that is a design and build project delivery system selected by the use of competitive sealed proposals;

(2) in which the prime contractor is a construction manager at risk selected pursuant to the Educational Facility Construction Manager At Risk Act; or

(3) in which the prime contractor was selected by the use of competitive qualifications-based proposals."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2009.