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AN ACT

RELATING TO PROCUREMENT; EXEMPTING CERTAIN AGENCIES THAT
PROVIDE SERVICES RELATED TO EARLY CHILDHOOD DEVELOPMENT FROM
THE PROVISIONS OF THE PROCUREMENT CODE.

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

SECTION 1. Section 13-1-98 NMSA 1978 (being Laws 1984,
Chapter 65, Section 71, as amended) is amended to read:

"13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
provisions of the Procurement Code shall not apply to:

A. procurement of items of tangible personal
property or services by a state agency or a local public body
from a state agency, a local public body or external
procurement unit except as otherwise provided in Sections
13-1-135 through 13-1-137 NMSA 1978;

B. procurement of tangible personal property or
services for the governor's mansion and grounds;

C. printing and duplicating contracts involving
materials that are required to be filed in connection with
proceedings before administrative agencies or state or
federal courts;

D. purchases of publicly provided or publicly
regulated gas, electricity, water, sewer and refuse
collection services;

E. purchases of books and periodicals from the

1 publishers or copyright holders thereof;

2 F. travel or shipping by common carrier or by
3 private conveyance or to meals and lodging;

4 G. purchase of livestock at auction rings or to
5 the procurement of animals to be used for research and
6 experimentation or exhibit;

7 H. contracts with businesses for public school
8 transportation services;

9 I. procurement of tangible personal property or
10 services, as defined by Sections 13-1-87 and 13-1-93 NMSA
11 1978, by the corrections industries division of the
12 corrections department pursuant to rules adopted by the
13 corrections industries commission, which shall be reviewed by
14 the purchasing division of the general services department
15 prior to adoption;

16 J. minor purchases not exceeding five thousand
17 dollars (\$5,000) consisting of magazine subscriptions,
18 conference registration fees and other similar purchases
19 where prepayments are required;

20 K. municipalities having adopted home rule
21 charters and having enacted their own purchasing ordinances;

22 L. the issuance, sale and delivery of public
23 securities pursuant to the applicable authorizing statute,
24 with the exception of bond attorneys and general financial
25 consultants;

1 M. contracts entered into by a local public body
2 with a private independent contractor for the operation, or
3 provision and operation, of a jail pursuant to Sections
4 33-3-26 and 33-3-27 NMSA 1978;

5 N. contracts for maintenance of grounds and
6 facilities at highway rest stops and other employment
7 opportunities, excluding those intended for the direct care
8 and support of persons with handicaps, entered into by state
9 agencies with private, nonprofit, independent contractors who
10 provide services to persons with handicaps;

11 O. contracts and expenditures for services or
12 items of tangible personal property to be paid or compensated
13 by money or other property transferred to New Mexico law
14 enforcement agencies by the United States department of
15 justice drug enforcement administration;

16 P. contracts for retirement and other benefits
17 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

18 Q. contracts with professional entertainers;

19 R. contracts and expenditures for litigation
20 expenses in connection with proceedings before administrative
21 agencies or state or federal courts, including experts,
22 mediators, court reporters, process servers and witness fees,
23 but not including attorney contracts;

24 S. contracts for service relating to the design,
25 engineering, financing, construction and acquisition of

1 public improvements undertaken in improvement districts
2 pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and
3 in county improvement districts pursuant to Subsection L of
4 Section 4-55A-12.1 NMSA 1978;

5 T. works of art for museums or for display in
6 public buildings or places;

7 U. contracts entered into by a local public body
8 with a person, firm, organization, corporation or association
9 or a state educational institution named in Article 12,
10 Section 11 of the constitution of New Mexico for the
11 operation and maintenance of a hospital pursuant to Chapter
12 3, Article 44 NMSA 1978, lease or operation of a county
13 hospital pursuant to the Hospital Funding Act or operation
14 and maintenance of a hospital pursuant to the Special
15 Hospital District Act;

16 V. purchases of advertising in all media,
17 including radio, television, print and electronic;

18 W. purchases of promotional goods intended for
19 resale by the tourism department;

20 X. procurement of printing services for materials
21 produced and intended for resale by the cultural affairs
22 department;

23 Y. procurement by or through the public education
24 department from the federal department of education relating
25 to parent training and information centers designed to

1 increase parent participation, projects and initiatives
2 designed to improve outcomes for students with disabilities
3 and other projects and initiatives relating to the
4 administration of improvement strategy programs pursuant to
5 the federal Individuals with Disabilities Education Act;
6 provided that the exemption applies only to procurement of
7 services not to exceed two hundred thousand dollars
8 (\$200,000);

9 Z. procurement of services from community
10 rehabilitation programs or qualified individuals pursuant to
11 the State Use Act;

12 AA. purchases of products or services for eligible
13 persons with disabilities pursuant to the federal
14 Rehabilitation Act of 1973;

15 BB. procurement, by either the department of
16 health or Grant county or both, of tangible personal
17 property, services or construction that are exempt from the
18 Procurement Code pursuant to Section 9-7-6.5 NMSA 1978;

19 CC. contracts for investment advisory services,
20 investment management services or other investment-related
21 services entered into by the educational retirement board,
22 the state investment officer or the retirement board created
23 pursuant to the Public Employees Retirement Act;

24 DD. the purchase for resale by the state fair
25 commission of feed and other items necessary for the upkeep

1 of livestock;

2 EE. contracts entered into by the crime victims
3 reparation commission to distribute federal grants to assist
4 victims of crime, including grants from the federal Victims
5 of Crime Act of 1984 and the federal Violence Against Women
6 Act; and

7 FF. procurement by or through the children, youth
8 and families department of pre-kindergarten services purchased
9 pursuant to the Pre-Kindergarten Act." _____

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