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SENATE BILL 239

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO PROCUREMENT; AMENDING THE PROCUREMENT CODE TO  
PROVIDE ALTERNATIVE PROJECT DELIVERY METHODS FOR CERTAIN  
DEPARTMENT OF TRANSPORTATION PROJECTS; ENACTING THE  
TRANSPORTATION PROCUREMENT ACT.

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] SHORT TITLE.--Sections 1 through 11 of  
this act may be cited as the "Transportation Procurement Act"."

**SECTION 2.** A new section of the Procurement Code is  
enacted to read:

"[NEW MATERIAL] FINDINGS AND PURPOSE.--The Transportation  
Procurement Act shall be liberally construed in conformity with  
its declarations and proposes to promote the public interest.

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1 The legislature finds that construction of modern highways is  
2 necessary to promote public safety, facilitate the movement of  
3 motor traffic, both interstate and intrastate in character, and  
4 to promote the national defense. In the construction of such  
5 highways, it is also in the public interest to provide for  
6 efficient, economical procurement of the necessary design and  
7 construction services. The design-bid-build delivery method is  
8 the preferred project procurement delivery method for the  
9 department's transportation program and shall be used for the  
10 majority of highway program project procurement, unless the  
11 department determines that an alternative project delivery  
12 method is appropriate and in the best interests of the state  
13 for that project. The purpose of the Transportation  
14 Procurement Act is to authorize alternate project delivery  
15 methods for highway project procurement. The department shall  
16 strive to include outside stakeholders, including stakeholders  
17 from within the industry who are familiar with, and engaged in,  
18 the classification of work to be performed and in the  
19 development of policies and procedures implementing the  
20 Transportation Procurement Act."

21 SECTION 3. A new section of the Procurement Code is  
22 enacted to read:

23 "[NEW MATERIAL] DEFINITIONS.--Notwithstanding any other  
24 definition in the Procurement Code, and as used in the  
25 Transportation Procurement Act:

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1           A. "commission" means the state transportation  
2 commission as defined in Section 67-3-2 NMSA 1978;

3           B. "construction manager general contractor" means  
4 a person who, pursuant to a contract with the department,  
5 provides the preconstruction services, construction management  
6 and construction services required in a construction manager  
7 general contractor delivery method;

8           C. "construction manager general contractor  
9 delivery method" means a project delivery method in which:

10                   (1) there is a contract for construction  
11 services that is separate from the contract for design  
12 services;

13                   (2) design services are performed under a  
14 separate procurement for professional design services or with  
15 department employees or are performed with a combination of the  
16 two;

17                   (3) the contractor is engaged through a  
18 construction services contract to participate in project design  
19 efforts with the intent of awarding a construction contract  
20 should the guaranteed maximum price proposed by the contractor  
21 meet the department's expectations;

22                   (4) the contractor assumes the risk for  
23 construction at a contracted guaranteed maximum price and  
24 provides consultation and collaboration regarding the  
25 construction during and after design of the project;

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1 (5) a contract for construction services is  
2 entered into at the same time as the design services are  
3 commenced or at a later time;

4 (6) the contractor is required to self-perform  
5 with its own organization a minimum percentage of work as  
6 required and defined in the New Mexico department of  
7 transportation standard specifications, current edition,  
8 pursuant to Section 18.27.2 NMAC;

9 (7) design and construction of the project is  
10 in sequential phases or concurrent phases; and

11 (8) finance services, maintenance services,  
12 warranty services, preconstruction services other than design  
13 services and other related services may be included;

14 D. "construction services" means:

15 (1) "construction", as defined in Section  
16 13-1-40 NMSA 1978; or

17 (2) a combination of construction and one or  
18 more related preconstruction and construction management  
19 services, such as finance services, maintenance services,  
20 warranty services, construction management, third-party  
21 coordination, constructability reviews, cost engineering  
22 reviews, cost estimating, value engineering, scheduling,  
23 contract package development, planning and design services and  
24 preconstruction services, as those services are authorized by  
25 the construction manager general contractor;

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1           E. "contractor" means any individual, partnership,  
2 joint venture, corporation or other legal entity as defined in  
3 Section 13-1-43 NMSA 1978 that has a contract with the  
4 department;

5           F. "department" means the department of  
6 transportation as defined in Section 67-3-6 NMSA 1978;

7           G. "design-bid-build delivery method" means a  
8 project delivery method in which:

9                   (1) there is a contract for construction  
10 services that is separate from the contract for design  
11 services;

12                   (2) design services are performed under a  
13 separate procurement for professional services or with  
14 department employees or are performed with a combination of the  
15 two; and

16                   (3) the contractor is engaged through a  
17 construction services contract that is determined through a  
18 competitive sealed bids process, initiated after design  
19 services are complete;

20           H. "design-build delivery method" means the process  
21 of procuring and managing a lump-sum contract between the  
22 department and a contractor in which the contractor agrees to  
23 both design and construct a highway, a structure, a facility or  
24 any other project specified in the contract;

25           I. "design-build offeror" means a contractor that

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1 offers to furnish the necessary design services, in addition to  
2 construction of the work, whether by itself or through  
3 subcontracts, including subcontracts for architectural and  
4 engineering services;

5 J. "design services" means engineering services,  
6 surveying services or landscape architectural services;

7 K. "engineering services" means those professional  
8 engineering services defined in Section 13-1-55 NMSA 1978;

9 L. "finance services" means financing for a  
10 construction services project;

11 M. "guaranteed maximum price" means the maximum  
12 amount to be paid by the department for construction, including  
13 the cost of the work, the general conditions and the fees  
14 charged by the construction manager general contractor;

15 N. "landscape architectural services" means those  
16 professional landscape architect services as defined in Section  
17 13-1-66 NMSA 1978;

18 O. "maintenance services" means routine  
19 maintenance, repair and replacement of existing facilities,  
20 structures, buildings or real property;

21 P. "offeror" means any individual, partnership,  
22 joint venture, corporation or other legal entity that submits a  
23 response to a request for qualifications or request for  
24 proposal;

25 Q. "preconstruction services" means consulting

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1 services related to construction management and construction  
2 during the design phase;

3 R. "secretary" means the secretary of  
4 transportation as defined in Section 67-3-7 NMSA 1978;

5 S. "stipend" means a fee paid to design-build  
6 offerors that are selected by the department to submit a  
7 proposal and that submit proposals that are responsive to the  
8 criteria set forth in the request for proposals but that are  
9 not awarded the design-build contract;

10 T. "subcontractor" means a person that contracts to  
11 perform work or render service to a contractor or to another  
12 subcontractor as a part of a contract with the department;

13 U. "surveying services" means those professional  
14 survey services as defined in Section 13-1-65 NMSA 1978; and

15 V. "warranty services" means a contract requirement  
16 for the contractor to fix or repair specific items of  
17 workmanship or material contained in the roadway prism that are  
18 detailed in the warranty terms."

19 SECTION 4. A new section of the Procurement Code is  
20 enacted to read:

21 "[NEW MATERIAL] DESIGN-BUILD DELIVERY METHOD.--

22 A. Notwithstanding any prohibition on road and  
23 highway construction projects in Section 13-1-119.1 NMSA 1978,  
24 the department may use the design-build delivery method on a  
25 project pursuant to the Transportation Procurement Act if the

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1 department makes a determination in writing that the method is  
2 appropriate and in the best interests of the state for that  
3 project, except that the department shall not utilize the  
4 design-build delivery method to operate any structure, facility  
5 or other item.

6 B. The secretary shall adopt or establish a  
7 procedure for solicitation and award of design-build delivery  
8 method contracts, which shall be designed to ensure fair,  
9 uniform, clear and effective delivery of a quality project on  
10 time and within budget. The procedure shall establish criteria  
11 for determining the amount of the stipend to be awarded and  
12 which criteria shall include the amount of information to be  
13 supplied by the department, the complexity of the project and  
14 the estimated cost of design and construction."

15 SECTION 5. A new section of the Procurement Code is  
16 enacted to read:

17 "[NEW MATERIAL] DESIGN-BUILD DELIVERY METHOD CRITERIA.--  
18 The department shall use the following criteria as the minimum  
19 basis for determining when to use the design-build delivery  
20 method instead of the design-bid-build delivery method:

21 A. the extent to which the department can  
22 adequately define the project requirements;

23 B. the extent to which the department has special  
24 funding that justifies the use of the design-build delivery  
25 method;

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- 1 C. the time constraints for delivery of the
- 2 project;
- 3 D. the capability and experience of potential
- 4 teams;
- 5 E. the suitability of the project for use of the
- 6 design-build delivery method in the areas of safety, time,
- 7 schedule, costs and quality;
- 8 F. the capability of the department to manage and
- 9 oversee the project, including the employment of experienced
- 10 personnel or outside consultants; and
- 11 G. any other criteria that the department deems
- 12 relevant."

13 SECTION 6. A new section of the Procurement Code is  
14 enacted to read:

15 "[NEW MATERIAL] DESIGN-BUILD DELIVERY METHOD--TWO-PHASE  
16 PROCEDURE.--If the department determines that the design-build  
17 delivery method is appropriate for a specific, eligible  
18 project, the department shall implement a two-phase procedure  
19 for awarding the design-build contract, which shall be as  
20 follows:

- 21 A. during phase one, and before solicitation:
  - 22 (1) the secretary shall appoint a selection
  - 23 committee pursuant to Section 13-1-121 NMSA 1978 that shall
  - 24 include, as needed, a New Mexico registered engineer or
  - 25 architect and a qualifying party from a contractor properly

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1 licensed in New Mexico for the type of work required as  
2 consulting committee members. The department shall attempt to  
3 include engineering or architect consultants and licensed  
4 contractors from within the industry who are familiar with and  
5 engaged in the classification of work to be performed. A  
6 consultant or contractor who is serving on the selection team  
7 and who is not a department employee shall not be otherwise  
8 involved in the project as part of any offeror's team;

9 (2) the department shall prepare a request for  
10 qualifications, which shall include:

11 (a) the minimum qualifications of the  
12 design-build offeror;

13 (b) a scope-of-work statement and  
14 schedule;

15 (c) documents defining the project  
16 requirements;

17 (d) a description of the form of  
18 contract to be awarded;

19 (e) the selection criteria for compiling  
20 a short list of no more than five offerors;

21 (f) the amount of the stipend;

22 (g) a description of the phase-two  
23 evaluation factors and selection process;

24 (h) the maximum time allowable for  
25 design and construction; and

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1 (i) the department's estimated budget  
2 for design and construction;

3 (3) the selection team shall evaluate the  
4 qualifications of responding offerors and shall compile a short  
5 list of offerors in accordance with the request for  
6 qualifications criteria; and

7 (4) in evaluating offerors' statements of  
8 qualifications, the selection committee shall consider:

9 (a) the qualifications and experience of  
10 the offerors' personnel, subcontractors and consultants and the  
11 role of each in the project;

12 (b) the plan for management actions to  
13 be undertaken on the project, including services to be rendered  
14 in connection with safety and the safety plan for the project;  
15 and

16 (c) all other selection criteria, as  
17 stated in the request for qualifications; and

18 B. during phase two:

19 (1) the department shall issue a request for  
20 proposals to the design-build offerors on the short list. The  
21 request for proposals shall request submission of detailed,  
22 specific technical concepts or solutions, costs and scheduling  
23 data and shall include:

24 (a) the scope of work, including  
25 programmatic, performance and technical requirements,

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1 conceptual design, specifications and functional and  
2 operational elements for the delivery of the completed project,  
3 which shall all be prepared by an architect or engineer, as  
4 appropriate, who is registered pursuant to Chapter 61, Article  
5 23 NMSA 1978 or Chapter 61, Article 15 NMSA 1978, respectively;

6 (b) a description of selection criteria;

7 (c) copies of the contract documents

8 that the successful offeror will be expected to sign;

9 (d) the maximum time allowable for  
10 design and construction;

11 (e) the department's estimated budget  
12 for design and construction;

13 (f) the requirement that a proposal be  
14 segmented into two parts, a technical proposal and a price  
15 proposal, which shall each be in a separately sealed, clearly  
16 identified package and shall include the date and time of the  
17 submittal deadline;

18 (g) the amount of the stipend to be paid  
19 to unsuccessful responsive offerors; and

20 (h) any other information relevant to  
21 the project;

22 (2) if stated in the request for proposals,  
23 the department may enter into a separate confidential  
24 discussion with each offeror on the short list to discuss  
25 alternative technical concepts that the offeror may propose in

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1 order to inform each offeror whether the offeror's concept is  
2 responsive to the request for proposals; and

3 (3) the department:

4 (a) shall award the contract to the  
5 highest-ranked responsive design-build offeror; or

6 (b) may cancel the procurement or reject  
7 all proposals."

8 SECTION 7. A new section of the Procurement Code is  
9 enacted to read:

10 "[NEW MATERIAL] STIPEND.--In consideration for paying a  
11 stipend to an unsuccessful offeror under the Transportation  
12 Procurement Act, the department may use any ideas or  
13 information contained in a proposal provided by that offeror."

14 SECTION 8. A new section of the Procurement Code is  
15 enacted to read:

16 "[NEW MATERIAL] CONSTRUCTION MANAGER GENERAL CONTRACTOR  
17 DELIVERY METHOD.--

18 A. The department may use the construction manager  
19 general contractor delivery method on a project, pursuant to  
20 the Transportation Procurement Act, if the department makes a  
21 determination that it is in the best interests of the  
22 department to use this method of project delivery on a  
23 specific, eligible construction project, except that the  
24 department shall not enter into a contract to operate any  
25 structure, facility or other item.

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1           B. The secretary shall adopt or establish a  
2 procedure for solicitation and award of construction manager  
3 general contractor delivery method contracts. The procedures  
4 shall establish criteria for selecting, procuring and  
5 contracting a project using the construction manager general  
6 contractor delivery method."

7           **SECTION 9.** A new section of the Procurement Code is  
8 enacted to read:

9           "[NEW MATERIAL] CONSTRUCTION MANAGER GENERAL CONTRACTOR  
10 METHOD CRITERIA.--The department shall use the following  
11 criteria as a minimum in establishing the basis for determining  
12 when to use the construction manager general contractor  
13 delivery method instead of the design-bid-build delivery  
14 method:

15           A. the extent to which the method can adequately  
16 define the project requirements;

17           B. the extent to which the department has special  
18 funding that justifies the use of the construction manager  
19 general contractor delivery method;

20           C. the time constraints for delivery of the  
21 project;

22           D. the capability and experience of potential  
23 teams;

24           E. the suitability of the project for use of the  
25 method in the areas of safety, time, schedule, costs and

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1 quality;

2 F. the capability of the department to manage and  
3 oversee the project, including the employment of experienced  
4 personnel or outside consultants; and

5 G. any other criteria the department deems  
6 relevant."

7 SECTION 10. A new section of the Procurement Code is  
8 enacted to read:

9 "[NEW MATERIAL] CONSTRUCTION MANAGER GENERAL CONTRACTOR  
10 DELIVERY METHOD--PROCEDURE.--

11 A. If the department determines that the  
12 construction manager general contractor delivery method is  
13 appropriate for a specific, eligible project, the department  
14 shall establish a construction manager general contractor  
15 project team to include the department; the design services  
16 contractor or department design staff; and the construction  
17 manager general contractor after the contract award.

18 B. The department may use a design firm for design  
19 and preconstruction services or may perform the design and  
20 preconstruction services with department employees or may use a  
21 combination of the two. If the department elects to use a  
22 design firm to perform all or a portion of the design and  
23 preconstruction services, the department shall enter into a  
24 professional services agreement with the design firm using a  
25 qualifications-based selection process pursuant to Section

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1 13-1-111 NMSA 1978.

2 C. The department shall enter into a separate  
3 agreement with a construction manager general contractor for  
4 construction manager general contractor services. The  
5 construction manager general contractor services shall consist  
6 of a two-phase contract with the contractor. Phase one of the  
7 contract shall consist of design consultation or  
8 preconstruction services. Phase two shall consist of  
9 construction services to build the project.

10 D. The construction manager general contractor  
11 services may be procured using either a two-step or three-step  
12 procedure. A two-step procedure shall include a request for  
13 qualifications and an interview. A three-step procedure shall  
14 include a request for qualifications, a request for proposals  
15 and an interview.

16 E. Before solicitation of the construction manager  
17 general contractor contract, the secretary shall appoint a  
18 selection committee pursuant to Section 13-1-121 NMSA 1978 and  
19 additionally shall include, as needed, a New Mexico registered  
20 engineer or architect and a qualifying party from a contractor  
21 properly licensed in New Mexico for the type of work required  
22 as consulting committee members. The department shall attempt  
23 to include engineering or architect consultants and licensed  
24 contractors from within the industry who are familiar with, and  
25 engaged in, the classification of work to be performed. Any

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1 consultant or contractor who is serving on the selection  
2 committee and who is not a department employee shall not be  
3 otherwise involved in the project as part of any offeror's  
4 team.

5 F. The department shall specify either a two-step  
6 or three-step selection procedure prior to solicitation.

7 G. To initiate either a two-step or three-step  
8 selection procedure, a request for qualifications shall be  
9 published in accordance with Section 13-1-104 NMSA 1978 and  
10 shall include at a minimum the following:

11 (1) a statement of the minimum qualifications  
12 for the construction manager general contractor, including the  
13 requirements for:

14 (a) a contractor's license for the type  
15 of work to be performed, issued pursuant to the Construction  
16 Industries Licensing Act;

17 (b) registration pursuant to Section  
18 13-4-13.1 NMSA 1978;

19 (c) a minimum bond capacity;

20 (d) the ability to self-perform, with  
21 its own organization, a minimum percentage of construction work  
22 as required and defined in the New Mexico department of  
23 transportation standard specifications, current edition,  
24 pursuant to Section 18.27.2 NMAC 1978; and

25 (e) a commitment that a minimum of

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1 twenty-five percent of the total construction contract value  
2 shall be subcontracted to qualified firms;

3 (2) a statement of the scope of work to be  
4 performed, including:

5 (a) the location of the project and the  
6 total amount of money available for the project;

7 (b) a proposed schedule, including a  
8 deadline for submission of the statements of qualification;

9 (c) specific project requirements and  
10 deliverables;

11 (d) the composition of the selection  
12 committee;

13 (e) a description of the process that  
14 the selection committee shall use to evaluate qualifications  
15 and develop a short list of no more than five offerors;

16 (f) a description of the proposed  
17 contract; and

18 (g) a detailed statement of the  
19 relationships and obligations of all parties, including the  
20 construction manager general contractor and agents of the  
21 department, such as the design engineer and the department;

22 (3) a description of the multiphase selection  
23 process and selection criteria; and

24 (4) a request for proposal bond pursuant to  
25 Section 13-1-146 NMSA 1978 and performance and payment bonds

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1 pursuant to Section 13-4-18 NMSA 1978.

2 H. The selection committee shall evaluate the  
3 statements of qualifications submitted by the offerors and  
4 shall determine the offerors that qualify for construction  
5 manager general contractor and shall compile a short list in  
6 accordance with the request for qualifications criteria.

7 I. If the department has selected a two-step  
8 procedure, the committee shall interview the short-listed  
9 offerors. The selection committee shall rank the offerors  
10 interviewed and shall recommend to the department the offeror  
11 determined to be the most qualified based on the highest  
12 ranking.

13 J. If the department has selected a three-step  
14 procedure, the selection committee shall recommend that the  
15 secretary issue a request for proposals to the short list of  
16 qualified offerors and shall evaluate the proposals pursuant to  
17 Sections 13-1-112 through 13-1-117 NMSA 1978, except that:

18 (1) the request for proposals shall be sent  
19 only to those determined to be qualified and short-listed  
20 pursuant to this section;

21 (2) the selection committee shall evaluate the  
22 proposals, rank the responsive proposals and conduct interviews  
23 with responsive offerors; and

24 (3) the selection committee shall rank the  
25 offerors interviewed and shall recommend to the department the

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1 offeror determined to be the most qualified based on the  
2 highest ranking.

3 K. In evaluating and ranking offerors' statements  
4 of qualifications, proposals and results of interviews and in  
5 the final recommendation of a construction manager general  
6 contractor, the selection committee shall consider:

7 (1) the qualifications and experience of the  
8 offeror's personnel, subcontractors and consultants and the  
9 role of each in the project;

10 (2) the plan for management actions to be  
11 undertaken on the project, including services to be rendered in  
12 connection with safety and the safety plan for the project; and

13 (3) all other selection criteria, as stated in  
14 the request for qualifications and the request for proposals.

15 L. The department shall negotiate the construction  
16 manager general contractor contract with the highest-ranked  
17 offeror pursuant to Section 13-1-122 NMSA 1978. The first  
18 phase of the construction manager general contractor contract  
19 shall consist of design consultation or preconstruction  
20 services.

21 M. Should the department or designee be unable to  
22 negotiate a contract with any of the short-listed offerors, the  
23 department or designee shall formally terminate negotiations  
24 and reserves the right to terminate the procurement process.

25 N. Nothing in this section precludes the selection

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1 committee from recommending the termination of the selection  
2 procedure pursuant to Section 13-1-131 NMSA 1978 and repeating  
3 the selection process pursuant to this section. Any material  
4 received by the selection committee in response to a  
5 solicitation that is terminated shall not be disclosed so as to  
6 be available to competing offerors.

7 O. After a construction manager general contractor  
8 contract is awarded, the selection committee shall make the  
9 names of all offerors and the names of all offerors on the  
10 short list and selected for interview available for public  
11 inspection along with the selection committee's final ranking  
12 and evaluation scores. Offerors who were interviewed but not  
13 selected for contract award shall be notified in writing within  
14 fifteen days of the award."

15 SECTION 11. A new section of the Procurement Code is  
16 enacted to read:

17 "[NEW MATERIAL] RESPONSIBILITIES OF CONSTRUCTION MANAGER  
18 GENERAL CONTRACTOR FOLLOWING AWARD OF CONTRACT.--

19 A. As the design becomes finalized, the department  
20 and the construction manager general contractor shall enter  
21 into negotiations concerning the guaranteed maximum price for  
22 the second phase of the construction manager general contractor  
23 contract, which consists of construction services to build the  
24 project. The department shall prepare an independent estimate  
25 to assist in validating the construction manager general

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1 contractor proposed guaranteed maximum price and the  
2 department's engineering estimate. The construction manager  
3 general contractor, at a minimum, shall submit a guaranteed  
4 maximum price proposal, the percentage of work to be performed  
5 by its own forces for consideration by the department and a  
6 listing of its subcontractors. Upon successful negotiations by  
7 the department and construction manager general contractor, the  
8 second phase of the construction contract shall be executed  
9 specifying the guaranteed maximum price and the percentage of  
10 work to be performed by its own forces.

11 B. Should the department or designee be unable to  
12 negotiate a satisfactory guaranteed maximum price with the  
13 construction manager general contractor, negotiations shall be  
14 terminated. The department shall have the option to  
15 competitively bid the construction phase of the project by the  
16 design-bid-build delivery method. The construction manager  
17 general contractor shall not be eligible to bid on the project  
18 or serve as a subcontractor, pursuant to Section 10-16-13 NMSA  
19 1978.

20 C. The construction manager general contractor,  
21 following award of phase one, shall assist with project  
22 development, which may include:

- 23 (1) constructability reviews;
- 24 (2) value engineering;
- 25 (3) risk assessments;

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1 (4) feedback on costs;

2 (5) third-party coordination, including  
3 utilities, railroads and tribal consultation; and

4 (6) assisting the design architect and  
5 engineer in optimizing the cost and efficiency of the project.

6 D. The construction manager general contractor, in  
7 cooperation with the department, shall seek to develop  
8 subcontractor interest in the project and shall furnish to the  
9 department and any architect or engineer representing the  
10 department a list of subcontractors who state in writing that  
11 they are a responsible bidder or a responsible offeror,  
12 including suppliers who are to furnish materials or equipment  
13 fabricated to a special design and from whom proposals or bids  
14 will be requested for each principal portion of the project.  
15 The department and its architect or engineer shall promptly  
16 reply in writing to the construction manager general contractor  
17 if the department, architect or engineer knows of any objection  
18 to a listed subcontractor or supplier; provided that the  
19 receipt of the list shall not require the department, architect  
20 or engineer to investigate the qualifications of proposed  
21 subcontractors or suppliers, nor shall it waive the right of  
22 the department, architect or engineer later to object to or  
23 reject any proposed subcontractor or supplier.

24 E. The construction manager general contractor  
25 shall construct the project in accordance with the contract

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[bracketed material] = delete

1 documents."

2 SECTION 12. Section 13-1-102 NMSA 1978 (being Laws 1984,  
3 Chapter 65, Section 75, as amended) is amended to read:

4 "13-1-102. COMPETITIVE SEALED BIDS REQUIRED.--All  
5 procurement shall be achieved by competitive sealed bid  
6 pursuant to Sections 13-1-103 through 13-1-110 NMSA 1978,  
7 except procurement achieved pursuant to the following sections  
8 of the Procurement Code:

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

11 B. Section 13-1-125 NMSA 1978, small purchases;

12 C. Section 13-1-126 NMSA 1978, sole source  
13 procurement;

14 D. Section 13-1-127 NMSA 1978, emergency  
15 procurements;

16 E. Section 13-1-129 NMSA 1978, existing contracts;

17 F. Section 13-1-130 NMSA 1978, purchases from  
18 antipoverty program businesses; ~~and~~

19 G. the Educational Facility Construction Manager At  
20 Risk Act; and

21 H. the Transportation Procurement Act."

22 SECTION 13. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2015.

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