

HOUSE BILL 319

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PROCUREMENT; HLLC→~~REMOVING~~←HLLC
HLLC→**INCREASING**←HLLC THE TOTAL AMOUNT LIMIT ON MULTIPLE SOURCE
CONTRACTS FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING
SERVICES AND CONSTRUCTION THAT HLLC→**STATE AGENCIES AND**←HLLC
LOCAL PUBLIC BODIES MAY ENTER INTO AND FOR PURCHASE ORDERS
UNDER THOSE CONTRACTS; REQUIRING REPORTING; DECLARING AN
EMERGENCY.

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

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

.216930.3AIC February 11, 2020 (3:44pm)

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Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

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"13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND
ENGINEERING SERVICES CONTRACTS--INDEFINITE QUANTITY
CONSTRUCTION CONTRACTS.--

A. A state agency or local public body may procure multiple architectural or engineering services contracts for multiple projects under a single qualifications-based request for proposals; provided that HLLC→~~for a state agency~~←HLLC the total amount of multiple contracts and all renewals for a single contractor does not exceed HLLC→~~six million dollars (\$6,000,000)~~←HLLC HLLC→~~seven million five hundred thousand dollars (\$7,500,000)~~←HLLC over four years and that a single contract, including any renewals, does not exceed HLLC→~~five hundred thousand dollars (\$500,000)~~←HLLC HLLC→~~six hundred fifty thousand dollars (\$650,000)~~←HLLC.

B. A state agency or local public body may procure multiple indefinite quantity construction contracts Hfl→,
~~giving consideration to qualified local contractors,~~←Hfl
pursuant to a price agreement for multiple projects under a single request for proposals; provided that HLLC→~~for a state agency~~←HLLC the total amount of a contract and all renewals does not exceed HLLC→~~ten million dollars (\$10,000,000)~~←HLLC HLLC→~~twelve million five hundred thousand dollars (\$12,500,000)~~←HLLC over three years and the contract provides that any one purchase order under the contract may not exceed HLLC→~~one million dollars (\$1,000,000)~~←HLLC HLLC→~~four million~~

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dollars (\$4,000,000)←HLLC.

C. A state agency or local public body may make procurements in accordance with the provisions of Subsection A or B of this section if:

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

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

(3) each of the multiple contracts for architectural or engineering services has a term not exceeding four years, or for construction, has a term not exceeding three years, each including all extensions and renewals.

[←4→] D. A HLLC→~~state agency may make procurements in accordance with the provisions of Subsection A or B of this section if a~~←HLLC contract to be awarded pursuant to this section to a firm that is currently performing under a contract issued pursuant to this section HLLC→~~will~~←HLLC HLLC→~~shall~~←HLLC not cause the total amount of all contracts issued pursuant to this section to that firm to exceed:

[←a→] (1) HLLC→~~six million dollars~~

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~~(\$6,000,000)~~ HLLC HLLC → seven million five hundred thousand dollars (\$7,500,000) HLLC in any four-year period for architectural or engineering services; or

[~~(b)~~] (2) HLLC → ~~ten million dollars~~

~~(\$10,000,000)~~ HLLC HLLC → twelve million five hundred thousand dollars (\$12,500,000) HLLC in any three-year period for construction. [and

(5) — The] E. Procurement pursuant to this section is subject to the limitations of Sections 13-1-150 through 13-1-154 NMSA 1978.

F. A state agency HLLC → or HLLC HLLC → and HLLC a local public body, not including an agency of the legislative or judicial branch of state government, shall report to the legislative finance committee on an annual basis and to the purchasing division of the general services department on, at minimum, a quarterly basis the aggregate amount of contracts for each contractor and the corresponding amounts to be spent under each multiple source contract pursuant to this section. The general services department may promulgate rules regarding reporting to the department pursuant to this subsection."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.