

1 HOUSE BILL 128

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 David M. Gallegos and Sheryl Williams Stapleton

5
6
7
8
9
10 AN ACT

11 RELATING TO PROCUREMENT; STRIKING LOCAL PUBLIC BODIES FROM
12 PROVISIONS RELATING TO MULTIPLE SOURCE CONTRACTS.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

17 "13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND
18 ENGINEERING SERVICES CONTRACTS--INDEFINITE QUANTITY
19 CONSTRUCTION CONTRACTS.--

20 A. A state agency [~~or local public body~~] may
21 procure multiple architectural or engineering services
22 contracts for multiple projects under a single qualifications-
23 based request for proposals; provided that the total amount of
24 multiple contracts and all renewals for a single contractor
25 does not exceed six million dollars (\$6,000,000) over four

.215757.1

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 years and that a single contract, including any renewals, does
2 not exceed five hundred thousand dollars (\$500,000).

3 B. A state agency [~~or local public body~~] may
4 procure multiple indefinite quantity construction contracts
5 pursuant to a price agreement for multiple projects under a
6 single request for proposals; provided that the total amount of
7 a contract and all renewals does not exceed ten million dollars
8 (\$10,000,000) over three years and the contract provides that
9 any one purchase order under the contract may not exceed one
10 million dollars (\$1,000,000).

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

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

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

23 (3) each of the multiple contracts for
24 architectural or engineering services has a term not exceeding
25 four years, or for construction, has a term not exceeding three

.215757.1

underscoring material = new
~~[bracketed material] = delete~~

1 years, each including all extensions and renewals;

2 (4) a contract to be awarded pursuant to this
3 section to a firm that is currently performing under a contract
4 issued pursuant to this section will not cause the total amount
5 of all contracts issued pursuant to this section to that firm
6 to exceed:

7 (a) six million dollars (\$6,000,000) in
8 any four-year period for architectural or engineering services;
9 or

10 (b) ten million dollars (\$10,000,000) in
11 any three-year period for construction; and

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

14 SECTION 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2020.

16 - 3 -

17
18
19
20
21
22
23
24
25