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SENATE BILL 279

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Joseph A. Fidel

AN ACT

RELATING TO PUBLIC WORKS PROJECTS; INCREASING THE LISTING THRESHOLD FOR BIDS ON PUBLIC WORKS PROJECTS; PROVIDING FOR THE SUBMISSION OF SUBCONTRACTOR LISTS; AMENDING A SECTION OF THE SUBCONTRACTORS FAIR PRACTICES ACT.

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

Section 1. Section 13-4-34 NMSA 1978 (being Laws 1988, Chapter 18, Section 4, as amended) is amended to read:

"13-4-34. LISTING OF SUBCONTRACTORS--REQUIREMENTS.--

A. Any using agency taking bids for any public works construction project shall provide in the bidding documents prepared for that project a listing threshold which shall be [~~five thousand dollars (\$5,000)~~] twenty-five thousand dollars (\$25,000) or one-half of one percent of the architect's or engineer's estimate of the total project cost,

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1 not including alternates, whichever is greater. If the
2 bidding documents do not include a listing threshold, [~~then~~]
3 the using agency shall supply the listing threshold. If the
4 listing threshold has not been included, the bid opening shall
5 be postponed until the using agency has complied with this
6 section. Any contractor or subcontractor interested in
7 bidding may apply to the district court in the county in which
8 the project will be located for an injunction preventing the
9 bid opening until the using agency has complied with this
10 section. Any person submitting a bid shall in his bid set
11 forth:

12 (1) the name and the city or county of the
13 place of business of each subcontractor under subcontract to
14 the contractor who will perform work or labor or render
15 service to the contractor in or about the construction of the
16 public works construction project in an amount in excess of
17 the listing threshold; and

18 (2) the category of the work that will be
19 done by each subcontractor. The contractor shall list only
20 one subcontractor for each category as defined by the
21 contractor in his bid. The contractor shall submit his
22 subcontractor list to the using agency not less than two hours
23 prior to the deadline for bid submission.

24 B. A bid submitted by a contractor who fails to
25 comply with the provisions of Subsection A of this section is

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1 a nonresponsive bid [~~which~~] that shall not be accepted by a
2 using agency. "

3 Section 2. EFFECTIVE DATE. --The effective date of the
4 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 10, 1999

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

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13 SENATE BILL 279

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 CORPORATIONS & TRANSPORTATION COMMITTEE.

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19 Respectfully submitted,

Shannon Robinson, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Feldman, Ingle, Smith

Absent: None

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