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HOUSE BILL 96

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PROCUREMENT; ALLOWING CERTAIN MULTI-TERM EDUCATION-RELATED TESTING SERVICES CONTRACTS TO EXTEND BEYOND FOUR YEARS.

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

SECTION 1. Section 13-1-150 NMSA 1978 (being Laws 1984, Chapter 65, Section 123, as amended) is amended to read:

"13-1-150. MULTI-TERM CONTRACTS--SPECIFIED PERIOD.--

A. A multi-term contract for items of tangible personal property, construction or services except for professional services, in an amount under twenty-five thousand dollars (\$25,000), may be entered into for any period of time deemed to be in the best interests of the state agency or a local public body not to exceed four years; provided that the term of the contract and conditions of renewal or extension, if any, are included in the specifications and funds are available

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1 for the first fiscal period at the time of contracting. If the  
2 amount of the contract is twenty-five thousand dollars  
3 (\$25,000) or more, the term shall not exceed eight years,  
4 including all extensions and renewals, except that for a  
5 contract entered into pursuant to the Public Facility Energy  
6 Efficiency and Water Conservation Act, the term shall not  
7 exceed twenty-five years, including all extensions and  
8 renewals. Payment and performance obligations for succeeding  
9 fiscal periods shall be subject to the availability and  
10 appropriation of funds therefor.

11 B. A contract for professional services may not  
12 exceed four years, including all extensions and renewals,  
13 except for the following:

14 (1) services required to support or operate  
15 federally certified medicaid, financial assistance and child  
16 support enforcement management information or payment systems;

17 (2) services to design, develop or implement  
18 the taxation and revenue information management systems project  
19 authorized by Laws 1997, Chapter 125;

20 (3) a multi-term contract for the services of  
21 trustees, escrow agents, registrars, paying agents, letter of  
22 credit issuers and other forms of credit enhancement and other  
23 similar services, excluding bond attorneys, underwriters and  
24 financial advisors with regard to the issuance, sale and  
25 delivery of public securities, may be for the life of the

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1 securities or as long as the securities remain outstanding;

2 (4) services relating to the implementation,  
3 operation and administration of the Education Trust Act; ~~and~~

4 (5) services relating to measurement and  
5 verification of conservation-related cost savings and utility  
6 cost savings pursuant to the Public Facility Energy Efficiency  
7 and Water Conservation Act; and

8 (6) services relating to the development and  
9 implementation of standardized tests for students in  
10 kindergarten through twelfth grade and services relating to the  
11 development and implementation of teacher tests required to  
12 obtain professional licensure, which contracts may be for  
13 periods of up to twelve years."

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