

1 HOUSE BILL 319

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

3 INTRODUCED BY

4 David M. Gallegos and Sheryl Williams Stapleton and Pete Campos  
5 and William H. Payne and Joseph L. Sanchez  
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10 AN ACT

11 RELATING TO PROCUREMENT; REMOVING THE TOTAL AMOUNT LIMIT ON  
12 MULTIPLE SOURCE CONTRACTS FOR PROCUREMENT OF ARCHITECTURAL AND  
13 ENGINEERING SERVICES AND CONSTRUCTION THAT LOCAL PUBLIC BODIES  
14 MAY ENTER INTO AND FOR PURCHASE ORDERS UNDER THOSE CONTRACTS;  
15 REQUIRING REPORTING; DECLARING AN EMERGENCY.  
16

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

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

20 "13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND  
21 ENGINEERING SERVICES CONTRACTS--INDEFINITE QUANTITY  
22 CONSTRUCTION CONTRACTS.--

23 A. A state agency or local public body may procure  
24 multiple architectural or engineering services contracts for  
25 multiple projects under a single qualifications-based request

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1 for proposals; provided that for a state agency the total  
2 amount of multiple contracts and all renewals for a single  
3 contractor does not exceed six million dollars (\$6,000,000)  
4 over four years and that a single contract, including any  
5 renewals, does not exceed five hundred thousand dollars  
6 (\$500,000).

7 B. A state agency or local public body may procure  
8 multiple indefinite quantity construction contracts, giving  
9 consideration to qualified local contractors, pursuant to a  
10 price agreement for multiple projects under a single request  
11 for proposals; provided that for a state agency the total  
12 amount of a contract and all renewals does not exceed ten  
13 million dollars (\$10,000,000) over three years and the contract  
14 provides that any one purchase order under the contract may not  
15 exceed one million dollars (\$1,000,000).

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

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

24 (2) there is a single selection process for  
25 all of the multiple contracts, except that for each contract

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1 there may be a separate final list and a separate negotiation  
2 of contract terms; and

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

7 [~~(4)~~] D. A state agency may make procurements in  
8 accordance with the provisions of Subsection A or B of this  
9 section if a contract to be awarded pursuant to this section to  
10 a firm that is currently performing under a contract issued  
11 pursuant to this section will not cause the total amount of all  
12 contracts issued pursuant to this section to that firm to  
13 exceed:

14 [~~(a)~~] (1) six million dollars (\$6,000,000) in  
15 any four-year period for architectural or engineering services;  
16 or

17 [~~(b)~~] (2) ten million dollars (\$10,000,000) in  
18 any three-year period for construction. [~~and~~

19 ~~(5) — The~~] E. Procurement pursuant to this section  
20 is subject to the limitations of Sections 13-1-150 through  
21 13-1-154 NMSA 1978.

22 F. A state agency or a local public body, not  
23 including an agency of the legislative or judicial branch of  
24 state government, shall report to the legislative finance  
25 committee on an annual basis and to the purchasing division of

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1 the general services department on, at minimum, a quarterly  
2 basis the aggregate amount of contracts for each contractor and  
3 the corresponding amounts to be spent under each multiple  
4 source contract pursuant to this section. The general services  
5 department may promulgate rules regarding reporting to the  
6 department pursuant to this subsection."

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

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