

1 SENATE BILL 297

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Martin Hickey and Mimi Stewart

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10 AN ACT

11 RELATING TO PROCUREMENT; ALLOWING AGENCIES TO ENTER INTO
12 CONTRACTS TO PURCHASE RENEWABLE ENERGY FOR A TERM NOT TO EXCEED
13 THE USEFUL LIFE OF THE FACILITIES USED TO SUPPLY THE ENERGY.

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

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

18 "13-1-150. MULTI-TERM CONTRACTS--SPECIFIED PERIOD.--

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

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

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

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

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

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

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1 delivery of public securities, may be for the life of the
2 securities or as long as the securities remain outstanding;

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

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

9 (6) services relating to the design and
10 engineering of a state public works project:

11 (a) for a period not to exceed the
12 requisite time for project completion and a subsequent warranty
13 period; and

14 (b) upon approval of the secretary of
15 finance and administration.

16 C. Notwithstanding the contract term limits of
17 Subsection A of this section, a multi-term contract for the
18 purchase of electricity produced from solar, wind, landfill gas
19 or anaerobically digested waste biogas resources, with or
20 without storage, may be entered into for any period of time
21 deemed to be in the best interests of the state agency or a
22 local public body not to exceed the useful life of the
23 facilities used to supply the electricity; provided that the
24 term of the contract and conditions of renewal or extension, if
25 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.
2 Payment and performance obligations for succeeding fiscal
3 periods shall be subject to the availability and appropriation
4 of funds."