

<b>LFC Requester:</b>	<b>Simon</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** January 24, 2024  
**Bill No:** SB133

**Sponsor:** Carrie Hamblen  
**Short Title:** Disadvantaged Business Enterprise Program

**Agency Name and Code Number:** General Services Department (35000)  
**Person Writing:** Dorothy Mendonca  
**Phone:** 505-819-7055 **Email:** Dorothy.mendonca@gsd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
	Undetermined		Agency operating budgets

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Transportation Department shall administer disadvantaged business enterprise program provided by federal law and shall expend no less than thirty percent of federally assisted contract funds eligible for disadvantaged businesses

**FISCAL IMPLICATIONS**

Federally assisted contract in which thirty percent assisted contract funds are eligible for the disadvantaged business. Appropriation in the agency would be impacted for seventy percent of allocated state budget with thirty percent of federal funds of contract funds.

**SIGNIFICANT ISSUES**

The contractor must provide information related to being qualified under a federally assisted disadvantaged business. Agencies would need to follow the Procurement Code for any issued contract with a disadvantage preference. Currently, there is no definition of a disadvantaged business enterprise or preference within the New Mexico Procurement Code. §13-1-30(B) states that if there an agency must comply with “mandatory applicable federal law and regulations.” If the agency’s federal funding required application of federal programs, such as disadvantaged businesses, et. al., the agency would need to comply with that requirement. In doing so, it would still be in compliance with the Procurement Code.

**PERFORMANCE IMPLICATIONS**

None

**ADMINISTRATIVE IMPLICATIONS**

The New Mexico Procurement Code.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Unknown

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Transportation would be required to procure services through an RFP or an ITB with a disadvantaged preference. Currently disadvantaged preference is not included in the NM Procurement Code.

## **AMENDMENTS**