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SENATE BILL 5

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2017

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO PROCUREMENT; REMOVING THE AUTHORITY OF LOCAL PUBLIC BODIES TO ENTER INTO MULTIPLE SOURCE CONTRACTS FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION AND FOR PURCHASE ORDERS UNDER THOSE CONTRACTS; DECLARING AN EMERGENCY.

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

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

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

A. A state agency [~~or local public body~~] may procure multiple architectural or engineering services contracts for multiple projects under a single qualifications-

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

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

14 C. A state agency [~~or local public body~~] may make
15 procurements in accordance with the provisions of Subsection A
16 or B of this section if:

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

22 (2) there is a single selection process for
23 all of the multiple contracts, except that for each contract
24 there may be a separate final list and a separate negotiation
25 of contract terms;

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

5 (4) a contract to be awarded pursuant to this
6 section to a firm that is currently performing under a contract
7 issued pursuant to this section will not cause the total amount
8 of all contracts issued pursuant to this section to that firm
9 to exceed:

10 (a) six million dollars (\$6,000,000) in
11 any four-year period for architectural or engineering services;
12 or

13 (b) ten million dollars (\$10,000,000) in
14 any three-year period for construction; and

15 (5) the procurement is subject to the
16 limitations of Sections 13-1-150 through 13-1-154 NMSA 1978."

17 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
18 provisions of this act is July 1, 2017.

19 **SECTION 3. EMERGENCY.**--It is necessary for the public
20 peace, health and safety that this act take effect immediately.