

SENATE FLOOR SUBSTITUTE FOR
SENATE BILL 93

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO MUNICIPAL PROCUREMENT; ENACTING A NEW SECTION OF
THE PROCUREMENT CODE THAT AUTHORIZES MUNICIPALITIES TO CONTRACT
DIRECTLY WITH WATER STORAGE TANK SERVICE PROVIDERS.

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

SECTION 1. A new section of the Procurement Code is
enacted to read:

"~~[NEW MATERIAL]~~ WATER STORAGE TANK SERVICE CONTRACTS.--A
municipality may, by direct negotiation subsequent to receiving
responses to requests for proposals, enter into a multiyear
service contract for the engineering, repair and maintenance of
a water storage tank and the appurtenant facilities owned,
controlled or operated by the municipality; provided that the
contract for services includes provisions that:

A. provide that the municipality is not required to

1 make total payments in a single year that exceed the water
2 utility charges received by the municipality for that year;

3 B. require that the work be performed under the
4 review of a professional engineer licensed in New Mexico who
5 certifies that the work will be performed in compliance with
6 all applicable codes and engineering standards; and

7 C. provide that if, on the date of commencement of
8 the contract, the water storage tank or appurtenant facilities
9 require engineering, repair or service in order to bring the
10 tank or facilities into compliance with federal, state or local
11 requirements, the party contracting with the municipality shall
12 provide the engineering, repair or service and that the cost of
13 the work necessary to ensure such compliance shall be itemized
14 separately and charged to the municipality in payments spread
15 over a period of not less than three years from the date of
16 commencement of the contract."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2013.