SENATE BILL 120
55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
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AN ACT
RELATING TO PROCUREMENT; EXEMPTING YOUTH CONSERVATION CORPS
CONTRACTS AND SERVICE AGREEMENTS FROM THE PROCUREMENT CODE.

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

SECTION 1. Section 13-1-98 NMSA 1978 (being Laws 1984,
Chapter 65, Section 71, as amended by Laws 2019, Chapter 48,
Section 13 and by Laws 2019, Chapter 63, Section 1) is amended
to read:

"13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
provisions of the Procurement Code shall not apply to:

A. procurement of items of tangible personal
property or services by a state agency or a local public body
from a state agency, a local public body or external
procurement unit except as otherwise provided in Sections
13-1-135 through 13-1-137 NMSA 1978;"
B. procurement of tangible personal property or services for the governor's mansion and grounds;

C. printing and duplicating contracts involving materials that are required to be filed in connection with proceedings before administrative agencies or state or federal courts;

D. purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;

E. purchases of books, periodicals and training materials in printed or electronic format from the publishers or copyright holders thereof and purchases of print, digital or electronic format library materials by public, school and state libraries for access by the public;

F. travel or shipping by common carrier or by private conveyance or to meals and lodging;

G. purchase of livestock at auction rings or to the procurement of animals to be used for research and experimentation or exhibit;

H. contracts with businesses for public school transportation services;

I. procurement of tangible personal property or services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978, by the corrections industries division of the corrections department pursuant to rules adopted by the corrections...
industries commission, which shall be reviewed by the
purchasing division of the general services department prior to
adoption;

J. purchases not exceeding ten thousand dollars
($10,000) consisting of magazine subscriptions, web-based or
electronic subscriptions, conference registration fees and
other similar purchases where prepayments are required;

K. municipalities having adopted home rule charters
and having enacted their own purchasing ordinances;

L. the issuance, sale and delivery of public
securities pursuant to the applicable authorizing statute, with
the exception of bond attorneys and general financial
consultants;

M. contracts entered into by a local public body
with a private independent contractor for the operation, or
provision and operation, of a jail pursuant to Sections 33-3-26
and 33-3-27 NMSA 1978;

N. contracts for maintenance of grounds and
facilities at highway rest stops and other employment
opportunities, excluding those intended for the direct care and
support of persons with handicaps, entered into by state
agencies with private, nonprofit, independent contractors who
provide services to persons with handicaps;

O. contracts and expenditures for services or items
of tangible personal property to be paid or compensated by

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money or other property transferred to New Mexico law
enforcement agencies by the United States department of justice
drug enforcement administration;

P. contracts for retirement and other benefits
pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

Q. contracts with professional entertainers;

R. contracts and expenditures for legal
subscription and research services and litigation expenses in
connection with proceedings before administrative agencies or
state or federal courts, including experts, mediators, court
reporters, process servers and witness fees, but not including
attorney contracts;

S. contracts for service relating to the design,
ing engineering, financing, construction and acquisition of public
improvements undertaken in improvement districts pursuant to
Subsection L of Section 3-33-14.1 NMSA 1978 and in county
improvement districts pursuant to Subsection L of Section
4-55A-12.1 NMSA 1978;

T. works of art for museums or for display in
public buildings or places;

U. contracts entered into by a local public body
with a person, firm, organization, corporation or association
or a state educational institution named in Article 12, Section
11 of the constitution of New Mexico for the operation and
maintenance of a hospital pursuant to Chapter 3, Article 44
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NMSA 1978, lease or operation of a county hospital pursuant to
the Hospital Funding Act or operation and maintenance of a
hospital pursuant to the Special Hospital District Act;
V. purchases of advertising in all media, including
radio, television, print and electronic;
W. purchases of promotional goods intended for
resale by the tourism department;
X. procurement of printing, publishing and
distribution services for materials produced and intended for
resale by the cultural affairs department;
Y. procurement by or through the public education
department from the federal department of education relating to
parent training and information centers designed to increase
parent participation, projects and initiatives designed to
improve outcomes for students with disabilities and other
projects and initiatives relating to the administration of
improvement strategy programs pursuant to the federal
Individuals with Disabilities Education Act; provided that the
exemption applies only to procurement of services not to exceed
two hundred thousand dollars ($200,000);
Z. procurement of services from community
rehabilitation programs or qualified individuals pursuant to
the State Use Act;
AA. purchases of products or services for eligible
persons with disabilities pursuant to the federal
Rehabilitation Act of 1973;

   BB. procurement, by either the department of health
or Grant county or both, of tangible personal property,
services or construction that are exempt from the Procurement
Code pursuant to Section 9-7-6.5 NMSA 1978;

   CC. contracts for investment advisory services,
investment management services or other investment-related
services entered into by the educational retirement board, the
state investment officer or the retirement board created
pursuant to the Public Employees Retirement Act;

   DD. the purchase for resale by the state fair
commission of feed and other items necessary for the upkeep of
livestock;

   EE. contracts entered into by the crime victims
reparation commission to distribute federal grants to assist
victims of crime, including grants from the federal Victims of
Crime Act of 1984 and the federal Violence Against Women Act of
1994;

   FF. procurement by or through the early childhood
education and care department of early pre-kindergarten and
pre-kindergarten services purchased pursuant to the Pre-
Kindergarten Act;

   GG. procurement of services of commissioned
advertising sales representatives for New Mexico magazine;
HH. contracts and the procurement of services for projects entered into by the New Mexico youth conservation corps commission pursuant to the New Mexico Youth Conservation Corps Act; and

[HH.] II. procurements exempt from the Procurement Code as otherwise provided by law."