AN ACT

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

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

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

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

A. A multi-term contract for items of tangible
personal property, construction or services, except for
professional services in an amount under twenty-five thousand
dollars ($25,000), may be entered into for any period of time
deemed to be in the best interests of the state agency or a
local public body not to exceed four years; provided that the
term of the contract and conditions of renewal or extension, if
any, are included in the specifications and funds are available for the first fiscal period at the time of contracting. If the amount of the contract is twenty-five thousand dollars ($25,000) or more, the term shall not exceed ten years, including all extensions and renewals, except that for a contract entered into pursuant to the Public Facility Energy Efficiency and Water Conservation Act, the term shall not exceed twenty-five years, including all extensions and renewals. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.

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

   (1) services required to support or operate federally certified medicaid, financial assistance and child support enforcement management information or payment systems;
   (2) services to design, develop or implement the taxation and revenue information management systems project authorized by Laws 1997, Chapter 125;
   (3) a multi-term contract for the services of trustees, escrow agents, registrars, paying agents, letter of credit issuers and other forms of credit enhancement and other similar services, excluding bond attorneys, underwriters and financial advisors with regard to the issuance, sale and
delivery of public securities, may be for the life of the
securities or as long as the securities remain outstanding;

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

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

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

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

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

C. Notwithstanding the contract term limits of
Subsection A of this section, a multi-term contract for the
purchase of electricity produced from solar, wind, landfill gas
or anaerobically digested waste biogas resources, with or
without storage, may be entered into for any period of time
deemed to be in the best interests of the state agency or a
local public body not to exceed the useful life of the
facilities used to supply the electricity; provided that the
term of the contract and conditions of renewal or extension, if
any, are included in the specifications and funds are available

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for the first fiscal period at the time of contracting.
Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds."