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SENATE BILL 80

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Ben D. Altamarano

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO THE STATE HIGHWAY AND TRANSPORTATION DEPARTMENT;
REQUIRING THE DEPARTMENT TO HAVE CONTRACTS REVIEWED;
ELIMINATING THE DEPARTMENT'S EXEMPTION FROM CENTRAL
PURCHASING.

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

Section 1. [NEW MATERIAL] STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT--CONTRACT REVIEW.--The state
highway and transportation department shall have its
contracts reviewed by the department of finance and
administration.

Section 2. Section 13-1-99 NMSA 1978 (being Laws 1984,
Chapter 65, Section 72, as amended) is amended to read:

"13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE
STATE PURCHASING AGENT.--Excluded from the requirement of
procurement through the state purchasing agent but not from

underscored material = new
[bracketed material] = delete

1 the requirements of the Procurement Code are the following:

2 A. procurement of professional services;

3 B. small purchases having a value not exceeding
4 two hundred fifty dollars (\$250);

5 C. emergency procurement;

6 ~~[D. procurement of highway construction or~~
7 ~~reconstruction by the state highway and transportation~~
8 ~~department;~~

9 ~~E.]~~ D. procurement by the judicial branch of state
10 government;

11 ~~[F.]~~ E. procurement by the legislative branch of
12 state government;

13 ~~[G.]~~ F. procurement by the boards of regents of
14 state educational institutions named in Article 12, Section
15 11 of the constitution of New Mexico;

16 ~~[H.]~~ G. procurement by the state fair commission
17 of tangible personal property, services and construction
18 under five thousand dollars (\$5,000);

19 ~~[I.]~~ H. purchases from the instructional material
20 fund;

21 ~~[J.]~~ I. procurement by all local public bodies;

22 ~~[K.]~~ J. procurement by regional education
23 cooperatives;

24 ~~[L.]~~ K. procurement by charter schools; and

25 ~~[M.]~~ L. procurement by each state health care
institution that provides direct patient care and that is, or
a part of which is, medicaid certified and participating in

.130771.1

underscored material = new
[bracketed material] = delete

1 the New Mexico medicaid program."

2 Section 3. Section 67-3-43 NMSA 1978 (being Laws 1917,
3 Chapter 38, Section 9, as amended) is amended to read:

4 "67-3-43. ROAD WORK--~~[BID ADVERTISING RESTRICTIONS--~~
5 ~~REJECTION--BOND]~~ BIDS--STATE PURCHASING AGENT.--The state
6 highway and transportation department may construct,
7 reconstruct and maintain all state highways by work done with
8 its own forces or let the work on contract [~~after advertising~~
9 ~~for bids subject to the approval of the state highway~~
10 ~~commission. Such advertisement for bids shall be in~~
11 ~~accordance with the rules and regulations adopted therefor by~~
12 ~~the commission, and bids shall be received at such places and~~
13 ~~shall be made on such forms and in such manner and~~
14 ~~accompanied by such guarantee as may be prescribed by the~~
15 ~~commission. The chief highway administrator may reject any~~
16 ~~or all bids if they are unbalanced or for any other good~~
17 ~~reason, but otherwise he shall award the contract to the~~
18 ~~lowest responsible bidder allowing for such preferences as~~
19 ~~may be provided by law. The successful bidder is required to~~
20 ~~furnish satisfactory bond in such amount as may be determined~~
21 ~~by the commission. The commission may adopt rules and~~
22 ~~regulations for providing for the exclusion of contractors~~
23 ~~from bidding and for the determination of a responsible~~
24 ~~bidder pursuant to the provisions of the Public Purchases~~
25 ~~Act]~~ through the state purchasing agent pursuant to the
Procurement Code."

Section 4. Section 67-3-46 NMSA 1978 (being Laws 1939,

underscoring material = new
[bracketed material] = delete

1 Chapter 91, Section 1) is amended to read:

2 "67-3-46. RENTAL OF EQUIPMENT--BIDS NOT REQUIRED IN
3 EMERGENCIES--BID PROCEDURE--RESTRICTIONS.--In cases of
4 emergency where a state highway is rendered impassable for
5 vehicular traffic by reason of fire, flood, storm or any
6 other unusual condition and when it is necessary to take
7 emergency action to reestablish the highway to a condition to
8 render [~~same~~] it passable to traffic, and equipment owned by
9 the state highway commission suitable for such purpose is not
10 immediately available, the state highway engineer, subject to
11 approval of the state highway commission, may rent equipment
12 for such purpose at a reasonable rental rate without
13 advertising for bids. In all other cases, the state [~~highway~~
14 ~~engineer~~] purchasing agent shall advertise for bids before
15 renting equipment and shall rent such equipment from the
16 party submitting the lowest satisfactory bid. Such
17 advertisement for bids shall be in accordance with such rules
18 [~~and regulations~~] as may be adopted therefor by the state
19 [~~highway commission~~] purchasing agent, and bids shall be on
20 such forms and in such manner and accompanied by such
21 guarantee as may be prescribed by [~~such commission~~] the state
22 purchasing agent."

23 Section 5. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2000.