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HOUSE BILL 383

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Robert M Burpo

AN ACT

RELATING TO PROCUREMENT; PROVIDING A RIGHT OF ACTION TO
ENFORCE THE PROVISIONS OF THE PROCUREMENT CODE; PROVIDING
REMEDIES; DECLARING AN EMERGENCY.

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

Section 1. Section 13-1-28 NMSA 1978 (being Laws 1984,
Chapter 65, Section 1) is amended to read:

"13-1-28. SHORT TITLE. -- Sections [~~1 through 172 of this
act]~~ 13-1-28 through 13-1-200 NMSA 1978 may be cited as the
"Procurement Code". "

Section 2. A new section of the Procurement Code,
Section 13-1-200 NMSA 1978, is enacted to read:

"13-1-200. [NEW MATERIAL] RIGHT OF ACTION TO ENFORCE
PROCUREMENT CODE. --

A. A person may bring an action to enjoin a state

1 agency or local public body from violating provisions of the
2 Procurement Code pertaining to public notice; invitations for
3 bid; requests for proposals; decisions of the central
4 purchasing office related to sole source contracting,
5 emergency procurement, multi-term contracts, procurement under
6 existing contracts and substantive contract amendments that
7 are outside the scope of the contract or the underlying
8 invitation for bid or request for proposal; or other
9 substantive provision of that act. As used in this
10 subsection, "person" does not include a bidder or offeror who
11 is protesting the award of a contract as provided in Section
12 13-1-172 NMSA 1978.

13 B. The action may be filed in the district court
14 in Santa Fe county or in the county in which the state agency
15 or local public body is located or in which the person resides
16 or does business.

17 C. In addition to any other available remedy, the
18 court may void the state agency's or local public body's
19 procurement and request the state purchasing agent or another
20 central purchasing office to procure the services,
21 construction or items of tangible personal property that were
22 the subject of the action.

23 D. The judge may award attorney fees and court
24 costs to the prevailing party.

25 Section 3. EMERGENCY.--It is necessary for the public

underscored material = new
~~[bracketed material] = delete~~

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peace, health and safety that this act take effect
immediately.