

1 SENATE BILL 200

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PROCUREMENT; PROVIDING AN EXCEPTION FROM THE
12 PROCUREMENT CODE FOR MULTI-TERM CONTRACTS FOR PROFESSIONAL
13 SERVICES THAT INVOLVE A REGIONAL WATER PROJECT WITH AN
14 ESTIMATED COST OF MORE THAN FIVE HUNDRED MILLION DOLLARS
15 (\$500,000,000).

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

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

20 "13-1-150. MULTI-TERM CONTRACTS--SPECIFIED PERIOD.--

21 A. A multi-term contract for items of tangible
22 personal property, construction or services except for
23 professional services, in an amount under twenty-five thousand
24 dollars (\$25,000), may be entered into for any period of time
25 deemed to be in the best interests of the state agency or a

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1 local public body not to exceed four years; provided that the
2 term of the contract and conditions of renewal or extension, if
3 any, are included in the specifications and funds are available
4 for the first fiscal period at the time of contracting. If the
5 amount of the contract is twenty-five thousand dollars
6 (\$25,000) or more, the term shall not exceed ten years,
7 including all extensions and renewals, except that for a
8 contract entered into pursuant to the Public Facility Energy
9 Efficiency and Water Conservation Act, the term shall not
10 exceed twenty-five years, including all extensions and
11 renewals. Payment and performance obligations for succeeding
12 fiscal periods shall be subject to the availability and
13 appropriation of funds therefor.

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

17 (1) services required to support or operate
18 federally certified medicaid, financial assistance and child
19 support enforcement management information or payment systems;

20 (2) services to design, develop or implement
21 the taxation and revenue information management systems project
22 authorized by Laws 1997, Chapter 125;

23 (3) a multi-term contract for the services of
24 trustees, escrow agents, registrars, paying agents, letter of
25 credit issuers and other forms of credit enhancement and other

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1 similar services, excluding bond attorneys, underwriters and
2 financial advisors with regard to the issuance, sale and
3 delivery of public securities, may be for the life of the
4 securities or as long as the securities remain outstanding;

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

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

11 (6) services relating to the design and
12 engineering of a state public works project or a regional water
13 project with an estimated cost of more than five hundred
14 million dollars (\$500,000,000):

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

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