

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
2 SENATE BILL 497

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

4  
5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO PROCUREMENT; INCREASING THE TOTAL AMOUNT LIMIT ON  
12 CONTRACTS FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING  
13 SERVICES AND CONSTRUCTION THAT STATE AGENCIES AND LOCAL PUBLIC  
14 BODIES MAY ENTER INTO AND FOR PURCHASE ORDERS UNDER THOSE  
15 CONTRACTS.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 13-1-154.1 NMSA 1978 (being Laws 2007,  
19 Chapter 312, Section 1, as amended) is amended to read:

20 "13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND  
21 ENGINEERING SERVICES CONTRACTS--INDEFINITE QUANTITY  
22 CONSTRUCTION CONTRACTS.--

23 A. A state agency or local public body may procure  
24 multiple architectural or engineering services contracts for  
25 multiple projects under a single qualifications-based request

.226103.1

underscored material = new  
[bracketed material] = delete

1 for proposals; provided that the total amount of multiple  
2 contracts and all renewals for a single contractor does not  
3 exceed [~~seven million five hundred thousand dollars~~  
4 ~~(\$7,500,000)~~] ten million dollars (\$10,000,000) over four years  
5 and that a single contract, including any renewals, does not  
6 exceed [~~six hundred fifty thousand dollars (\$650,000)~~] one  
7 million three hundred thousand dollars (\$1,300,000).

8 B. A state agency or local public body may procure  
9 multiple indefinite quantity construction contracts pursuant to  
10 a price agreement for multiple projects under a single request  
11 for proposals; provided that the total amount of a contract and  
12 all renewals does not exceed [~~twelve million five hundred~~  
13 ~~thousand dollars (\$12,500,000)~~] twenty million dollars  
14 (\$20,000,000) over three years and the contract provides that  
15 any one purchase order under the contract may not exceed [~~four~~  
16 ~~million dollars (\$4,000,000)~~] five million dollars  
17 (\$5,000,000).

18 C. A state agency or local public body may make  
19 procurements in accordance with the provisions of Subsection A  
20 or B of this section if:

21 (1) the advertisement and request for  
22 proposals states that multiple contracts may or will be  
23 awarded, states the number of contracts that may or will be  
24 awarded and describes the services or construction to be  
25 performed under each contract;

1 (2) there is a single selection process for  
 2 all of the multiple contracts, except that for each contract  
 3 there may be a separate final list and a separate negotiation  
 4 of contract terms; and

5 (3) each of the multiple contracts for  
 6 architectural or engineering services has a term not exceeding  
 7 four years, or for construction, has a term not exceeding three  
 8 years, each including all extensions and renewals.

9 D. A contract to be awarded pursuant to this  
 10 section to a firm that is currently performing under a contract  
 11 issued pursuant to this section shall not cause the total  
 12 amount of all contracts issued pursuant to this section to that  
 13 firm to exceed:

14 (1) [~~seven million five hundred thousand~~  
 15 ~~dollars (\$7,500,000)~~] ten million dollars (\$10,000,000) in any  
 16 four-year period for architectural or engineering services; or

17 (2) [~~twelve million five hundred thousand~~  
 18 ~~dollars (\$12,500,000)~~] twenty million dollars (\$20,000,000) in  
 19 any three-year period for construction.

20 E. Procurement pursuant to this section is subject  
 21 to the limitations of Sections 13-1-150 through 13-1-154 NMSA  
 22 1978.

23 F. A state agency and a local public body, not  
 24 including an agency of the legislative or judicial branch of  
 25 state government, shall report to the legislative finance

underscored material = new  
 [bracketed material] = delete

1 committee on an annual basis and to the purchasing division of  
2 the general services department on, at minimum, a quarterly  
3 basis the aggregate amount of contracts for each contractor and  
4 the corresponding amounts to be spent under each multiple  
5 source contract pursuant to this section. The general services  
6 department may promulgate rules regarding reporting to the  
7 department pursuant to this subsection."

8 SECTION 2. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2023.