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HOUSE BILL 40

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

INTRODUCED BY

Luciano "Lucky" Varela

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO PROCUREMENT; REQUIRING REVIEW AND ANALYSIS OF
PROFESSIONAL SERVICES CONTRACTS.

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

Section 1. Section 13-1-118 NMSA 1978 (being Laws 1984,
Chapter 65, Section 91) is amended to read:

"13-1-118. COMPETITIVE SEALED PROPOSALS--PROFESSIONAL
SERVICES CONTRACTS--CONTRACT REVIEW.--

A. All contracts for professional services with
state agencies shall be reviewed as to form, legal
sufficiency and budget requirements by the general services
department or the department of finance and administration if
required by the [~~regulations~~] rules of either or both of the
departments. This section shall not apply to contracts
entered into by the legislative branch of state government,
the judicial branch of state government or the boards of

.130766.1

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

underscoring material = new
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1 regents of state educational institutions named in Article
2 12, Section 11 of the constitution of New Mexico.

3 B. The state budget division and the management
4 and contracts review division of the department of finance
5 and administration shall review all proposed requests for
6 proposals and all proposed professional services contracts
7 that may supplant state employees in the performance of a
8 state agency's duties or delivery of services. The review
9 and analysis shall include:

10 (1) documentation that the state agency does
11 not have the funding and the full-time-equivalent positions
12 to carry out the duty or deliver the service;

13 (2) documentation that the duty or delivery
14 requires skills or knowledge not possessed by state agency
15 staff and that the state agency has been unable to employ
16 persons with the required skills or knowledge, including
17 efforts made by the state agency to train current staff or
18 employ skilled or knowledgeable persons;

19 (3) a cost-benefit analysis that uses a
20 methodology similar to the federal office of management and
21 budget's cost-benefit evaluation for the performance of
22 commercial activities and that includes an objective
23 evaluation of state and private resources; and

24 (4) contract provisions that specify how the
25 state agency will monitor the contractor and ensure
accountability and maintenance of state agency standards."