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HOUSE BILL 382

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

INTRODUCED BY

Daniel Foley

AN ACT

**RELATING TO PROCUREMENT; PROHIBITING PUBLIC SCHOOL DISTRICTS
FROM PARTICIPATING IN A COOPERATIVE PROCUREMENT AGREEMENT THAT
AUTHORIZES A JOINT AGENT TO ENGAGE IN OR PROCURE CONSTRUCTION
FOR THE PUBLIC SCHOOL DISTRICTS.**

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

**Section 1. Section 13-1-135 NMSA 1978 (being Laws 1984,
Chapter 65, Section 108, as amended) is amended to read:**

"13-1-135. COOPERATIVE PROCUREMENT AUTHORIZED. - -

**A. ~~[Any]~~ A state agency or local public body may
either participate in, sponsor or administer a cooperative
procurement agreement for the procurement of any services,
construction or items of tangible personal property with any
other state agency, local public body or external procurement
unit in accordance with an agreement entered into and approved**

underscored material = new
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1 by the governing authority of each of the state agencies,
2 local public bodies or external procurement units involved.
3 The cooperative procurement agreement shall clearly specify
4 the purpose of the agreement and the method by which the
5 purpose will be accomplished. Any power exercised [~~under~~] in
6 accordance with a cooperative procurement agreement entered
7 into pursuant to this subsection shall be limited to the
8 central purchasing authority common to the contracting
9 parties, even though one or more of the contracting parties
10 may be located outside this state. An approved and signed
11 copy of all cooperative procurement agreements entered into
12 pursuant to this subsection shall be filed with the state
13 purchasing agent. A cooperative procurement agreement entered
14 into pursuant to this subsection is limited to the procurement
15 of items of tangible personal property, services or
16 construction.

17 B. Notwithstanding the provisions of Subsection A
18 of this section, a cooperative procurement agreement providing
19 for mutually held funds or for other terms and conditions
20 involving public funds or property included in Section 11-1-4
21 NMSA 1978 shall be entered into pursuant to the provisions of
22 the Joint Powers Agreements Act.

23 C. Notwithstanding the provisions of Subsection A
24 of this section, public school districts shall not participate
25 in, sponsor or administer a cooperative procurement agreement

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1 that authorizes a joint procurement agent to engage in or
2 procure construction for the public school districts.

3 [E-] D. Central purchasing offices other than the
4 state purchasing agent may cooperate by agreement with the
5 state purchasing agent in obtaining contracts or price
6 agreements, and such contract or agreed prices shall apply to
7 purchase orders subsequently issued under the agreement. "

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