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HOUSE BILL 115

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Eric A. Youngberg

AN ACT

RELATING TO BUSINESS; AMENDING THE PROCUREMENT CODE; CHANGING  
LIMITS FOR PROFESSIONAL SERVICES AND APPLICATION OF SMALL  
PURCHASE REGULATIONS.

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

Section 1. Section 13-1-66.1 NMSA 1978 (being Laws 1989,  
Chapter 69, Section 4, as amended) is amended to read:

"13-1-66.1. DEFINITION--LOCAL PUBLIC WORKS PROJECT.--  
"Local public works project" means a project of a local public  
body ~~[which]~~ that uses architectural, ~~[or]~~ landscape  
architectural, engineering or surveying services requiring  
professional services costing ~~[twenty-five thousand dollars~~  
~~(\$25,000)]~~ thirty thousand dollars (\$30,000) or more ~~[or~~  
~~landscape architectural or surveying services requiring~~  
~~professional services costing five thousand dollars (\$5,000) or~~

.160160.1

underscored material = new  
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1 ~~more~~], excluding applicable state and local gross receipts  
2 taxes."

3 Section 2. Section 13-1-91 NMSA 1978 (being Laws 1984,  
4 Chapter 65, Section 64, as amended) is amended to read:

5 "13-1-91. DEFINITION--STATE PUBLIC WORKS PROJECT.--"State  
6 public works project" means a project of a state agency, not  
7 including projects of the state educational institutions, the  
8 supreme court building commission, the legislature or local  
9 public bodies, ~~[which]~~ that uses architectural, ~~[or]~~ landscape  
10 architectural, engineering or surveying services requiring  
11 professional services costing ~~[twenty-five thousand dollars~~  
12 ~~(\$25,000)]~~ thirty thousand dollars (\$30,000) or more ~~[or~~  
13 ~~landscape architectural or surveying services requiring~~  
14 ~~professional services costing five thousand dollars (\$5,000) or~~  
15 ~~more]~~, excluding applicable state and local gross receipts."

16 Section 3. Section 13-1-125 NMSA 1978 (being Laws 1984,  
17 Chapter 65, Section 98, as amended) is amended to read:

18 "13-1-125. SMALL PURCHASES.--

19 A. A central purchasing office shall procure  
20 services, construction or items of tangible personal property  
21 having a value not exceeding twenty thousand dollars (\$20,000)  
22 in accordance with the applicable small purchase regulations  
23 adopted by the secretary, a local public body or a central  
24 purchasing office that has the authority to issue regulations.

25 B. Notwithstanding the requirements of Subsection A

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underscored material = new  
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1 of this section, a central purchasing office may procure  
2 professional services having a value not exceeding thirty  
3 thousand dollars (\$30,000), excluding applicable state and  
4 local gross receipts taxes, [~~except for the services of~~  
5 ~~architects, landscape architects, engineers or surveyors for~~  
6 ~~state public works projects or local public works projects~~] in  
7 accordance with professional services procurement regulations  
8 promulgated by the department of finance and administration,  
9 the general services department or a central purchasing office  
10 with the authority to issue regulations.

11 C. Notwithstanding the requirements of Subsection A  
12 of this section, a state agency or a local public body may  
13 procure services, construction or items of tangible personal  
14 property having a value not exceeding five thousand dollars  
15 (\$5,000) by issuing a direct purchase order to a contractor  
16 based upon the best obtainable price.

17 D. Procurement requirements shall not be  
18 artificially divided so as to constitute a small purchase under  
19 this section."