

1 SENATE BILL 344

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 Dede Feldman

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10 AN ACT

11 RELATING TO PROCUREMENT; REQUIRING DISCLOSURE OF CAMPAIGN  
12 CONTRIBUTIONS BY PROSPECTIVE CONTRACTORS FOR CERTAIN CONTRACTS  
13 ENTERED INTO PURSUANT TO THE PROCUREMENT CODE; PROHIBITING  
14 CAMPAIGN CONTRIBUTIONS OR GIVING OTHER THINGS OF VALUE DURING  
15 THE PROCUREMENT PROCESS FOR CERTAIN CONTRACTS; DECLARING AN  
16 EMERGENCY.

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

19 Section 1. A new section of the Procurement Code is  
20 enacted to read:

21 "[NEW MATERIAL] CAMPAIGN CONTRIBUTION DISCLOSURE AND  
22 PROHIBITION.--

23 A. This section applies to prospective contractors  
24 with the state or a local public body.

25 B. A prospective contractor subject to this section

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1 shall disclose all campaign contributions given to an  
2 applicable public official of the state or a local public body  
3 during the two years prior to the date on which a proposal is  
4 submitted or, in the case of a sole source or small purchase  
5 contract, the two years prior to the date on which the  
6 contractor signs the contract, if the aggregate total of  
7 contributions to the public official exceeds two hundred fifty  
8 dollars (\$250) over the two-year period.

9 C. The disclosure shall indicate the date, the  
10 amount, the nature and the purpose of the contribution. The  
11 disclosure statement shall be on a form developed and made  
12 available electronically by the department of finance and  
13 administration to all state agencies and local public bodies.  
14 The form shall be filed with the state agency or local public  
15 body as part of the competitive sealed proposal, or in the case  
16 of a sole source or small purchase contract, on the date on  
17 which the contractor signs the contract.

18 D. A prospective contractor submitting a disclosure  
19 statement pursuant to this section who has not contributed to  
20 an applicable public official shall make a statement that no  
21 contribution was made.

22 E. No campaign contribution or other thing of value  
23 shall be given by a potential contractor to an applicable  
24 public official or the applicable public official's employees  
25 during the pendency of the procurement process, including

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1 during the pendency of negotiations for a sole source or small  
2 purchase contract.

3 F. A solicitation or proposed award for a proposed  
4 contract shall be canceled or a contract that is executed is  
5 void if a prospective contractor:

6 (1) fails to submit a fully completed  
7 disclosure statement pursuant to this section; or

8 (2) gives a campaign contribution or other  
9 thing of value to an applicable public official or the  
10 applicable public official's employees during the pendency of  
11 the procurement process.

12 G. As used in this section:

13 (1) "applicable public official" means a  
14 person elected to an office or a person appointed to complete a  
15 term of an elected office, who has the authority to award or  
16 influence the award of the contract for which the prospective  
17 contractor is submitting a competitive sealed proposal or who  
18 has the authority to negotiate a sole source or small purchase  
19 contract that may be awarded without submission of a sealed  
20 competitive proposal; and

21 (2) "prospective contractor" means a person  
22 who is subject to the competitive sealed proposal process set  
23 forth in the Procurement Code or is not required to submit a  
24 competitive sealed proposal because that person qualifies for a  
25 sole source or small purchase contract."

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Section 2. EMERGENCY.--It is necessary for the public  
peace, health and safety that this act take effect immediately.