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AN ACT

RELATING TO PROCUREMENT; REQUIRING DISCLOSURE OF CAMPAIGN
CONTRIBUTIONS BY PROSPECTIVE CONTRACTORS FOR CERTAIN
CONTRACTS ENTERED INTO PURSUANT TO THE PROCUREMENT CODE;
PROHIBITING CAMPAIGN CONTRIBUTIONS OR GIVING OTHER THINGS OF
VALUE DURING THE PROCUREMENT PROCESS FOR CERTAIN CONTRACTS.

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

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

"CAMPAIGN CONTRIBUTION DISCLOSURE AND PROHIBITION.--

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

B. A prospective contractor subject to this
section shall disclose all campaign contributions given by
the prospective contractor or a family member or
representative of the prospective contractor to an applicable
public official of the state or a local public body during
the two years prior to the date on which a proposal is
submitted or, in the case of a sole source or small purchase
contract, the two years prior to the date on which the
contractor signs the contract, if the aggregate total of
contributions given by the prospective contractor or a family
member or representative of the prospective contractor to the
public official exceeds two hundred fifty dollars (\$250) over

1 the two-year period.

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

11 D. A prospective contractor submitting a
12 disclosure statement pursuant to this section who has not
13 contributed to an applicable public official, whose family
14 members have not contributed to an applicable public official
15 or whose representatives have not contributed to an
16 applicable public official shall make a statement that no
17 contribution was made.

18 E. No campaign contribution or other thing of
19 value shall be given by a prospective contractor or a family
20 member or representative of the prospective contractor to an
21 applicable public official or the applicable public
22 official's employees during the pendency of the procurement
23 process or during the pendency of negotiations for a sole
24 source or small purchase contract.

25 F. A solicitation or proposed award for a proposed SB 344
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1 contract shall be canceled or a contract that is executed is
2 void if:

3 (1) a prospective contractor fails to submit
4 a fully completed disclosure statement pursuant to this
5 section; or

6 (2) a prospective contractor or family
7 member or representative of the prospective contractor gives
8 a campaign contribution or other thing of value to an
9 applicable public official or the applicable public
10 official's employees during the pendency of the procurement
11 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
15 a term of an elected office, who has the authority to award
16 or influence the award of the contract for which the
17 prospective contractor is submitting a competitive sealed
18 proposal or who has the authority to negotiate a sole source
19 or small purchase contract that may be awarded without
20 submission of a sealed competitive proposal;

21 (2) "family member" means spouse, father,
22 mother, child, father-in-law, mother-in-law, daughter-in-law
23 or son-in-law;

24 (3) "pendency of the procurement process"
25 means the time period commencing with the public notice of

1 the request for proposals and ending with the award of the
2 contract or the cancellation of the request for proposals;

3 (4) "prospective contractor" means a person
4 who is subject to the competitive sealed proposal process set
5 forth in the Procurement Code or is not required to submit a
6 competitive sealed proposal because that person qualifies for
7 a sole source or small purchase contract; and

8 (5) "representative of the prospective
9 contractor" means an officer or director of a corporation, a
10 member or manager of a limited liability corporation, a
11 partner of a partnership or a trustee of a trust of the
12 prospective contractor."

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