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HOUSE BILL 1014

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO PROCUREMENT; CONFORMING THE LAW ON MONETARY LIMITS
FOR PROFESSIONAL SERVICES.

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]~~ 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 more]~~, excluding applicable state
and local gross receipts taxes."

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

3 "13-1-91. DEFINITION--STATE PUBLIC WORKS PROJECT.--"State
4 public works project" means a project of a state agency, not
5 including projects of the state educational institutions, the
6 supreme court building commission, the legislature or local
7 public bodies, ~~[which]~~ that uses architectural, ~~[or]~~
8 engineering or surveying services requiring professional
9 services costing ~~[twenty-five thousand dollars (\$25,000)]~~
10 thirty thousand dollars (\$30,000) or more ~~[or landscape~~
11 ~~architectural or surveying services requiring professional~~
12 ~~services costing five thousand dollars (\$5,000) or more]~~,
13 excluding applicable state and local gross receipts taxes."

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

16 "13-1-125. SMALL PURCHASES.--

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

23 B. Notwithstanding the requirements of Subsection A
24 of this section, a central purchasing office may procure
25 professional services having a value not exceeding thirty

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1 thousand dollars (\$30,000), excluding applicable state and
2 local gross receipts taxes, [~~except for the services of~~
3 ~~architects, landscape architects, engineers or surveyors for~~
4 ~~state public works projects or local public works projects~~] in
5 accordance with professional services procurement regulations
6 promulgated by the department of finance and administration,
7 the general services department or a central purchasing office
8 with the authority to issue regulations.

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

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