

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

RELATING TO PROCUREMENT; EXEMPTING THE CULTURAL AFFAIRS  
DEPARTMENT FROM THE PROCUREMENT CODE FOR PROCUREMENT OF  
PRINTING SERVICES FOR MATERIALS PRODUCED AND INTENDED FOR  
RESALE BY THE DEPARTMENT; RECONCILING MULTIPLE AMENDMENTS TO  
THE SAME SECTION OF LAW IN LAWS 2005.

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

Section 1. Section 13-1-98 NMSA 1978 (being Laws 1984,  
Chapter 65, Section 71, as amended by Laws 2005, Chapter 23,  
Section 2 and by Laws 2005, Chapter 317, Section 2 and by  
Laws 2005, Chapter 318, Section 1 and also by Laws 2005,  
Chapter 334, Section 8) is amended to read:

"13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The  
provisions of the Procurement Code shall not apply to:

A. procurement of items of tangible personal  
property or services by a state agency or a local public body  
from a state agency, a local public body or external  
procurement unit except as otherwise provided in Sections  
13-1-135 through 13-1-137 NMSA 1978;

B. procurement of tangible personal property or  
services for the governor's mansion and grounds;

C. printing and duplicating contracts involving  
materials that are required to be filed in connection with  
proceedings before administrative agencies or state or

1 federal courts;

2 D. purchases of publicly provided or publicly  
3 regulated gas, electricity, water, sewer and refuse  
4 collection services;

5 E. purchases of books and periodicals from the  
6 publishers or copyright holders thereof;

7 F. travel or shipping by common carrier or by  
8 private conveyance or to meals and lodging;

9 G. purchase of livestock at auction rings or to  
10 the procurement of animals to be used for research and  
11 experimentation or exhibit;

12 H. contracts with businesses for public school  
13 transportation services;

14 I. procurement of tangible personal property or  
15 services, as defined by Sections 13-1-87 and 13-1-93 NMSA  
16 1978, by the corrections industries division of the  
17 corrections department pursuant to rules adopted by the  
18 corrections industries commission, which shall be reviewed by  
19 the purchasing division of the general services department  
20 prior to adoption;

21 J. minor purchases not exceeding five thousand  
22 dollars (\$5,000) consisting of magazine subscriptions,  
23 conference registration fees and other similar purchases  
24 where prepayments are required;

25 K. municipalities having adopted home rule

1 charters and having enacted their own purchasing ordinances;

2 L. the issuance, sale and delivery of public  
3 securities pursuant to the applicable authorizing statute,  
4 with the exception of bond attorneys and general financial  
5 consultants;

6 M. contracts entered into by a local public body  
7 with a private independent contractor for the operation, or  
8 provision and operation, of a jail pursuant to Sections  
9 33-3-26 and 33-3-27 NMSA 1978;

10 N. contracts for maintenance of grounds and  
11 facilities at highway rest stops and other employment  
12 opportunities, excluding those intended for the direct care  
13 and support of persons with handicaps, entered into by state  
14 agencies with private, nonprofit, independent contractors who  
15 provide services to persons with handicaps;

16 O. contracts and expenditures for services or  
17 items of tangible personal property to be paid or compensated  
18 by money or other property transferred to New Mexico law  
19 enforcement agencies by the United States department of  
20 justice drug enforcement administration;

21 P. contracts for retirement and other benefits  
22 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

23 Q. contracts with professional entertainers;

24 R. contracts and expenditures for litigation  
25 expenses in connection with proceedings before administrative

1 agencies or state or federal courts, including experts,  
2 mediators, court reporters, process servers and witness fees,  
3 but not including attorney contracts;

4 S. contracts for service relating to the design,  
5 engineering, financing, construction and acquisition of  
6 public improvements undertaken in improvement districts  
7 pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and  
8 in county improvement districts pursuant to Subsection L of  
9 Section 4-55A-12.1 NMSA 1978;

10 T. works of art for museums or for display in  
11 public buildings or places;

12 U. contracts entered into by a local public body  
13 with a person, firm, organization, corporation or association  
14 or a state educational institution named in Article 12,  
15 Section 11 of the constitution of New Mexico for the  
16 operation and maintenance of a hospital pursuant to Chapter  
17 3, Article 44-5 NMSA 1978, lease or operation of a county  
18 hospital pursuant to the Hospital Funding Act or operation  
19 and maintenance of a hospital pursuant to the Special  
20 Hospital District Act;

21 V. purchases of advertising in all media,  
22 including radio, television, print and electronic;

23 W. purchases of promotional goods intended for  
24 resale by the tourism department;

25 X. procurement of printing services for materials

1 produced and intended for resale by the cultural affairs  
2 department;

3 Y. procurement by or through the public education  
4 department from the federal department of education relating  
5 to parent training and information centers designed to  
6 increase parent participation, projects and initiatives  
7 designed to improve outcomes for students with disabilities  
8 and other projects and initiatives relating to the  
9 administration of improvement strategy programs pursuant to  
10 the federal Individuals with Disabilities Education Act;  
11 provided that the exemption applies only to procurement of  
12 services not to exceed two hundred thousand dollars  
13 (\$200,000);

14 Z. procurement of services from community  
15 rehabilitation programs or qualified individuals pursuant to  
16 the State Use Act;

17 AA. purchases of products or services for eligible  
18 persons with disabilities pursuant to the federal  
19 Rehabilitation Act of 1973;

20 BB. procurement of an agreement, pursuant to  
21 Section 9-7-6.5 NMSA 1978, to operate Fort Bayard medical  
22 center or to provide and operate in Grant county a  
23 replacement facility for Fort Bayard medical center; and

24 CC. contracts for investment advisory services,  
25 investment management services or other investment-related

1 services entered into by the educational retirement board, the  
2 state investment officer or the retirement board created  
3 pursuant to the Public Employees Retirement Act."                     

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25