RELATING TO MUNICIPAL PROCUREMENT; ENACTING A NEW SECTION OF THE PROCUREMENT CODE THAT AUTHORIZES MUNICIPALITIES TO CONTRACT DIRECTLY WITH WATER STORAGE TANK SERVICE PROVIDERS.

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:

"WATER STORAGE TANK SERVICE CONTRACTS.--A municipality may, by direct negotiation subsequent to receiving responses to requests for proposals, enter into a multiyear service contract for the engineering, repair and maintenance of a water storage tank and the appurtenant facilities owned, controlled or operated by the municipality; provided that the contract for services includes provisions that:

- A. provide that the municipality is not required to make total payments in a single year that exceed the water utility charges received by the municipality for that year;
- B. require that the work be performed under the review of a professional engineer licensed in New Mexico who certifies that the work will be performed in compliance with all applicable codes and engineering standards; and
- C. provide that if, on the date of commencement of the contract, the water storage tank or appurtenant facilities require engineering, repair or service in order to

1	bring the tank or facilities into compliance with federal,	
2	state or local requirements, the party contracting with the	
3	municipality shall provide the engineering, repair or service	
4	and that the cost of the work necessary to ensure such	
5	compliance shall be itemized separately and charged to the	
6	municipality in payments spread over a period of not less	
7	than three years from the date of commencement of the	
8	contract."	
9	SECTION 2. EFFECTIVE DATEThe effective date of the	
10	provisions of this act is July 1, 2013	
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